Memorandum of Agreement
among the
National Park Service,
Jefferson National Expansion Memorial
the
Advisory Council on Historic Preservation
the
Illinois State Historic Preservation Officer
the
Missouri State Historic Preservation Officer
and
CityArchRiver2015 Foundation
for the
***Framing a Modern Masterpiece* International Design Competition**

WHEREAS, the National Park Service (NPS) is responsible for meeting the requirements of Section 106 of the National Historic Preservation Act (NHPA), as amended, and has recommended undertaking an international design competition in the preferred alternative of the October 2009 General Management Plan/Environmental Impact Statement (GMP/EIS) for Jefferson National Expansion Memorial (JNEM); and

WHEREAS, the CityArchRiver2015 Foundation (Sponsor) is sponsoring such an undertaking in the form of an international design competition focusing on the Memorial, a National Historic Landmark, to result in the selection of a design "to integrate the park, the east and west sides of the Mississippi River, the surrounding attractions and the downtown into a single and vibrant dynamic destination;" and

WHEREAS, the nature and details of the design to be implemented will not be known until the selection of the winning design at the end of the competition on September 24, 2010; and

WHEREAS, the undertaking has the potential to have an adverse effect on historic properties that are National Historic Landmarks (Gateway Arch and Eads Bridge), and are on the National Register of Historic Places (Eads Bridge and the Jefferson National Expansion Memorial Historic District, including the Gateway Arch, Old Courthouse, and Old Cathedral); and

WHEREAS, the NPS has determined that the Area of Potential Effect (APE) for the project will include National Historic Landmarks and National Register Historic Properties (see APE map and list attached), and is entering into this agreement with the parties listed above to ensure that future actions have appropriate review and comply with Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic Properties," (36 CFR Part 800); and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) has been afforded the opportunity to comment and has chosen to participate; and

WHEREAS, the project may have an effect on properties of significance to American Indian Tribes, therefore the federally recognized Osage Nation and Peoria Tribe of Indians of Oklahoma have been invited to participate; and

WHEREAS, the City of St. Louis, Federal Highway Administration, Illinois Department of Transportation, Metro, Metro East Parks & Recreation Department, Missouri Department of Transportation, Missouri Preservation, National Trust for Historic Preservation, Roman Catholic Archdiocese of St. Louis, U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service have been invited to participate as concurring parties; and

WHEREAS, the ACHP regulations encourage federal agencies to use to the extent possible existing agency procedures and mechanisms, including mechanisms under the National Environmental Policy Act (NEPA), to fulfill their consultation requirements; and

WHEREAS, the NEPA compliance process enables public participation at a very early stage in the planning process for undertakings that may have an adverse effect under the NEPA, and public comment on the Draft GMP/EIS containing the preferred alternative was solicited between January 16, 2009 and March 16, 2009, via a Federal Register notice of intent, a press release, website postings, two public meetings, an informal open house information session, and brownbag sessions at various locations;

NOW, THEREFORE the NPS, ACHP, Missouri SHPO, Illinois SHPO, and Sponsor as full signatory parties, and the Osage Nation, the Peoria Tribe of Indians of Oklahoma, the National Trust for Historic Preservation, and Missouri Preservation as concurring parties, agree that the *Framing a Modern Masterpiece* International Design Competition shall be administered in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

I. Applicability

This Memorandum of Agreement (MOA) applies to all activities associated with the design competition under the direct or indirect jurisdiction of the NPS. This MOA does not apply to NPS undertakings within the boundaries of JNEM not associated with the design competition. A separate Programmatic Agreement will define the Section 106 process for the implementation of the successful design.

II. Initiate Section 106 during Stage I of the competition process

A. The NPS, Missouri and Illinois SHPOs, and the ACHP participate in January 25, 2010 meetings organized by Donald Stastny, the Design Competition Manager, to discuss Section 106 and NEPA compliance.

B. JNEM sends letters to the ACHP, SHPOs, and federally recognized Tribal Governments initiating Section 106 and recommending an Area of Potential Effect.

C. The NPS contributes language on the federal government's responsibilities for Section 106 of the NHPA and NEPA compliance in the Design Competition Manager's memorandum to the nine design teams selected to compete in Stage II of the competition process.

III. Identification of historic properties in the APE, informing the design competitors of the historic properties in the APE, the preservation mission of the NPS, and JNEM's Section 106 responsibilities and consultation during Stage II of the competition process.

A. On February 18, 2010, Don Stevens, Chief History and National Register Program, Midwest Region, National Park Service, presents an overview of the NPS preservation mission and responsibilities under Sections 106 and 110 of the NHPA and NEPA as it pertains to the competition at the Networking Session for the nine design teams and prospective team members. The NPS provides a copy of the power point presentation to the signatories and consulting parties.

B. On March 9, 2010, the Technical Advisory Group, composed of representatives of the signatories, invited signatories and organizations invited to participate as concurring parties, is formed and meets to discuss the regulatory process, issues, and concerns regarding the competition.

C. On March 30, 2010, the Technical Advisory Group meets for further discussion of the regulatory process, issues, and concerns regarding the competition. These will be presented to the designers on April 28, 2010.

D. On March 31, 2010, before team interviews and evaluations begin, the NPS, SHPOs, and ACHP brief the jury regarding Section 106 compliance.

E. Prior to April 7, 2010, the NPS, SHPOs, and ACHP consult and agree upon information regarding Section 106 compliance and provide it to the Sponsor for inclusion in the Stage III result notification letters sent to teams by the Competition Manager.

IV. Assessment of Effect during Stage III of the competition process.

A. On April 28-29, 2010, as part of the Design Competition Briefing, the NPS leads a Section 106 workshop with input from the SHPOs and the ACHP to present information on the 106 process, the historic resources in the project area, and the application of the Secretary of the Interior's Standards on the Treatment of Historic Properties with Guidance on Rehabilitation.

B. On April 28-29, 2010, the Technical Advisory Group briefs designers regarding compliance issues and regulations.

C. On April 28, 2010, the Sponsor hosts a "Meet Your Designers Night" public event at which teams present previous work and members of the public are invited to submit written comments and input regarding the competition. The NPS compiles a summary of the public comments and distributes the summary to the SHPOs, ACHP, Tribal Governments, consulting parties, and jury.

D. From May 24-28, 2010, during the mid-course review for teams, the Technical Advisory Group provides comments regarding Section 106 compliance, effects on historic properties, appropriate alternatives to comply with Department of the Interior (DOI) standards, and possible mitigation for adverse effects to teams.

E. From June 26-28, 2010, during the second round of mid-course reviews, the Technical Advisory Group meets again with each team to provide Section 106 advice regarding effects, alternatives, and mitigation.

F. During the week of August 16, 2010, the designs submitted are on public display at the park, and consulting parties and the public are invited to attend and observe team presentations to the jury and are given an opportunity to submit comments in written form. The NPS and the Sponsor compile the comments and provide them to the jury, SHPOs, ACHP, and consulting parties.

G. Prior to the final selection by the jury, the NPS, SHPOs, and ACHP analyze final submittals, consult with each other, and provide a report to the jury summarizing Section 106 issues and concerns and making recommendations relative to effects on historic properties. Copies of the report are provided to consulting parties.

H. After the final selection, a NEPA/Section 106 review with public comment will take place with an assessment of effect and impacts on historic properties and other environmental resources. The NPS, SHPOs, ACHP and Tribal Governments will complete Section 106 consultation on the design competition and a Programmatic Agreement (PA) on the implementation of the final design will be executed.

I. The PA will be developed concurrently with the progress of the design competition. The signatory parties will continue to monitor the progress of the competition and consult regarding the development of the PA as the entry designs become more developed. The public will be given opportunities to review and comment on the PA as it develops via public notices and PEPC. A link to PEPC will be placed on the design competition website. The final PA will be executed as close as possible to October 1, 2010.

V. Dispute Resolution

Any party to this agreement may terminate it by providing thirty (30) days written notice to each of the other parties, provided that the parties will consult during the period prior to termination to reach agreement on amendments and other actions that would avoid termination. In the event of termination, the NPS will comply with 36 CFR 800.13 with regard to the undertaking.

VI. Execution and Implementation

Execution and implementation of this MOA evidences that the NPS has satisfied its Section 106 responsibilities for all undertakings covered by this MOA. Execution and implementation of this MOA also evidences that the NPS has afforded the ACHP a reasonable opportunity to comment on the undertakings and their effects on historic properties, and that the NPS has taken into account the effects of the undertakings on historic properties.

VII. Duration

This MOA shall become effective upon execution, and shall remain in effect until replaced by a fully executed PA filed with the ACHP.

NATIONAL PARK SERVICE

By: Tom Bradley Date: 4/20/13

Thomas A. Bradley
Superintendent, Jefferson National Expansion Memorial

MISSOURI STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Mark Templeton
Director, Department of Natural Resources and State Historic Preservation Officer

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 5-13-10

Jan Grimes
State Historic Preservation Officer

CITYARCHRIVER2015 FOUNDATION

By: _____ Date: _____

Walter L. Metcalfe, Jr.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

John M. Fowler
Executive Director

Concur:

OSAGE NATION

By: _____ Date: _____

James Gray
Principal Chief

Concur:

PEORIA TRIBE OF INDIANS OF OKLAHOMA

By: _____ Date: _____

John P. Froman
Chief

Concur:

MISSOURI PRESERVATION

By: _____ Date: _____

Barbara L. Fitzgerald
Executive Director

Concur:

NATIONAL TRUST FOR HISTORIC PRESERVATION

By: _____ Date: _____

Royce A.Yeater, AIA
Midwest Director, Midwest Office

Area of Potential Effects

As illustrated in Figure 3.4, the Area of Potential Effects (APE) includes areas that are bounded by Broadway south of Market to Interstate 64, east on I-64 to Interstate 55, south on I-55 and Third Street to Chouteau Avenue, north along the west side of the river to the Poplar Street Bridge, east across the bridge following I-55/64 to the rail lines that run to the northeast crossing Trendley Avenue and continuing to the rail line that curves to the west and passes north of the Cargill grain elevator to Front Street, turning north on Front Street to Eads Bridge, west across Eads Bridge to the riverfront, north along the river to Martin Luther King Memorial Bridge, west along the bridge and its associated access drive to Convention Plaza, west on Convention Plaza to North Broadway, south on Broadway to Chestnut, west on Chestnut to Seventh, south on Seventh to Market, and east on Market to Broadway.

There are thirteen buildings, structures, and districts located outside of the bounds of the Memorial but within the APE that are listed in the National Register of Historic Places and/or the City of St. Louis Landmarks registry. The locations of these resources are identified in Figure 3.4. These resources include Eads Bridge, located directly north of the Memorial; the Laclede's Landing Historic District further to the north; the J. Kennard and Sons Carpet Company Building, the Missouri Athletic Club Association Building, the Security Building, the Laclede Building, the Mississippi Valley Trust Company Building, the International Fur Exchange, and Pet Plaza, all located west of the Memorial; and St. Mary of Victories Church and the Crunden-Martin Manufacturing Company District, located south of the Memorial.

ATTACHMENT