

Appendix G

Programmatic Agreement

The attached agreement was received during the course of the SIU 6 Second Tier Environmental Study. Following is the Programmatic Agreement between the Federal Highway Administration and the Missouri State Historic Preservation Officer, and the Advisory Council On Historic Preservation submitted pursuant to 36 CFR 800.14(b)(2), regarding Interstate 70 Corridor, SIU6, from Route 54 at Kingdom City to Route 19 but not including the interchange near Montgomery City, in Callaway and Montgomery Counties, Missouri Department of Transportation Job Nos. J4I1341J.

**PROGRAMMATIC AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER, AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
SUBMITTED PURSUANT TO 36 CFR 800.14(b)(2)**

**Regarding Interstate 70 Corridor, SIU6,
from Route 54 at Kingdom City to
Route 19 near Montgomery City/New Florence
Callaway and Montgomery Counties**

Missouri Department of Transportation Job Nos. J4I1341J

Whereas, the Federal Highway Administration (FHWA) has determined that the improvements to Interstate 70 between Route 54 to Route 19 may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (NRHP), and has consulted with the Advisory Council on Historic Preservation (Council), and the Missouri State Historic Preservation Office (SHPO), pursuant to Section 800.13 of the regulations (36 CFR 800) implementing Section 106 of the National Historic Preservation Act (NHPA); and Section 110 of the same act, and

Whereas, the Missouri Department of Transportation (MoDOT) has participated in consultation and has been invited to concur in this Programmatic Agreement, and

Whereas, the full impacts of this project on cultural resources cannot be determined until the final design has been completed,

Now therefore, the FHWA, the Council, the SHPO and the MoDOT agree that the project shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual aspects of the project.

Stipulations

The FHWA shall insure the following measures are carried out:

- I. A historic and architectural investigation was conducted to identify all historical, architectural, and bridge resources within this section of the I-70 Corridor. Based on the results of the investigations MoDOT concluded that the proposed project may impact four architectural resources: 6CY10.1 a Southwestern Bell Repeater Station and 6MT0314.1 Danville Female Academy under Criteria C and A, 6CY0031.1 a slab rock commercial building for Criteria C and 6MT0223/6MT0224 Graham Farm as a district under Criteria A and C. The State Historic Preservation Office concurred that these resources were significant on February 9, 2004. Concerning these cultural resources:

- A. MoDOT shall consult with the SHPO to determine the effect of the project on the eligible resource(s) following the guidance found in 36 CFR 800.5.
 - B. If the project will have an adverse effect on any of these four properties, then MoDOT shall consult with the SHPO to determine appropriate mitigation measures and levels of documentation.
 - C. MoDOT will complete the mitigation measures and allow the SHPO a thirty (30) day comment period. If the SHPO has comments they shall be satisfactorily addressed prior to the demolition of any NRHP eligible resources.
 - D. MoDOT shall provide copies of the mitigation documentation to SHPO.
- II. Pursuant to 36CFR800.4, the MoDOT has taken steps to identify archaeological sites that may be affected by the proposed project. A Phase I archaeological survey was conducted and it was determined that a total of 14 sites have potential for intact subsurface deposits. These sites are 6MTA39-a prehistoric site, 6CYA41-prehistoric and historic site, 6CYA46-Wodland site, 6MTA48-Early Archaic site, 6CYA50-prehistoric site, 6MTA54-prehistoric and historic site, 6CYA73-prehistoric site, 6MTA77 prehistoric site, 6MTA79-prehistoric site, 6CYA82-Early Archaic site, 6CYA90-prehistoric and historic site, 6MTA95-prehistoric site, 6CYA103-historic site, and 6MTA116- historic site.
- A. MoDOT shall consult with the SHPO to determine the effect of the project on the eligible resource(s) following the guidance found in 36 CFR 800.5.
 - B. For those sites adversely effected, FHWA shall ensure that prior to construction a Phase II archaeological testing investigations to determine their eligibility for listing on the NRHP.
 - C. Archaeological Data Recovery Plan(s) to mitigate adverse effects on NRHP eligible archaeological sites that cannot be avoided. Mitigation will include recovery of significant archeological information by means of controlled excavation and other scientific recording methods.
 - D. The FHWA shall ensure that a report on the archaeological investigations carried out pursuant to this agreement is provided to the SHPO, and upon request, to other interested parties.
 - E. The FHWA shall ensure that procedures to be used for the processing, analysis, and curation of collected materials are in accordance with the Advisory Council's Handbook *Treatment of Archaeological Properties, Part III* of the Secretary of Interior's Guidelines and currently accepted standards for the analysis and curation of archaeological remains.
 - F. The FHWA shall ensure that a determination, finding, or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis.

III. The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

IV. Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories with Council participation if requested.

V. Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such an amendment.

VI. Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to the termination. In the event of termination the FHWA will comply with 36 CFR 800.4 through 800.6 with regard to this project.

VII. This Programmatic Agreement shall expire ten (10) years after its execution. The Agreement can be extended for two (2) five (5)-year periods if all parties agree in writing.

Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for improvements to Interstate 70 between from Route 54 to Route 19, Callaway and Montgomery Counties, Missouri.

Advisory Council on Historic Preservation:

By: _____ **Date:** _____

Federal Highway Administration

By: _____ **Date:** _____

Missouri State Historic Preservation Officer:

By: _____ **Date:** _____

Concur:

Missouri Department of Transportation

By: _____ **Date:** _____