

MEMORANDUM OF AGREEMENT

BETWEEN CITY OF SIOUX FALLS COMMUNITY DEVELOPMENT ON BEHALF OF HOUSING AND URBAN DEVELOPMENT (HUD), AND THE SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE (SHPO)

REGARDING THE ADVERSE EFFECT OF ALTERATION OF STRUCTURE ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES (NRHP)

WHEREAS, the City of Sioux Falls (Community Development) will use Federal funding to replace siding and windows on a historic property (the Undertaking); and

WHEREAS, the loss of these features will cause the property to no longer be eligible for inclusion in the National Register of Historic Places; and

WHEREAS, The SHPO has determined that this house is eligible for the NRHP, and that the planned work would constitute an adverse effect in accordance with the 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (NHPA); and

WHEREAS, Community Development has notified the Advisory Council on Historic Preservation (Council), and has invited the SHPO to participate in consultation in accordance with 36 CFR 800.6, leading to preparation of this Memorandum of Agreement (MOA) to mitigate the adverse effect;

NOW, THEREFORE, Community Development and the SHPO agree that upon decision to proceed with the Undertaking, Community Development shall ensure that the following stipulations are implemented in order to take into account the effects of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until the stipulations are met or this MOA expires.

STIPULATIONS

Community Development shall condition federal funding upon submittal and acceptance of the following documentation of 525 South Willow Ave, Sioux Falls.

- 1. Black and white photographs and negatives consistent with guidelines provided by the SHPO. Each photograph will be labeled and noted on a photo key.
2. The photographs shall be submitted for SHPO approval prior to the project. The SHPO agrees to provide comments within 10 days of receipt.
3. One complete set of documentation will be produced. The photographs and photographic negatives will be submitted to the SHPO for inclusion in the South Dakota State Archives.

Execution of this MOA by Community Development and the SHPO, and its submission to the Council in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered to be an agreement with the Council for the purposes of Section 110(1) of the NHPA. Execution and submission of this MOA, and implementation of its terms evidences that Community Development has afforded the Council an opportunity to comment on the Project and its effects on historic properties, and that Community Development has taken into account the effects of the Project on historic properties.

Failure to complete the requirement of this agreement within one (1) year of the last signature will result in the termination of this agreement. If terminated the section 106 process will not be complete and impacts to 525 South Willow Ave, Sioux Falls will need to be reassessed.

City of Sioux Falls Community Development

By: Gwendy Bastonek Date: 10-11-2001

South Dakota State Historic Preservation Officer

By: Jay D. Vogt Date: 10-22-2001