



APPENDIX K. SECTION 106 MEMORANDUM OF AGREEMENT

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**MEMORANDUM OF AGREEMENT BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION AND
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE REHABILITATION OF I-94 BETWEEN I-96 AND EAST OF CONNER AVENUE
CITY OF DETROIT, WAYNE COUNTY, MICHIGAN
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR PART 800.6(b)(1)**

WHEREAS, the Federal Highway Administration (FHWA) has determined that the Rehabilitation of I-94 between I-96 and east of Conner Avenue (Project) will have an adverse effect upon the following four historic properties (Historic Properties), which either are listed in the National Register of Historic Places (NRHP) or appear to meet the criteria for listing in the NRHP:

- Woodbridge Neighborhood Historic District, listed in the NRHP (Woodbridge District)
- I-94 Interchange with Michigan Route 10/John C. Lodge Freeway (I-94 Interchange)
- United Sound Systems Recording Studio located at 5840 Second Street (United Sound)
- Square D/Detroit Fuse and Manufacturing Company Building at 6060 Rivard (Square D)

WHEREAS, the FHWA has consulted with the Michigan State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (the Act); and

WHEREAS, The Michigan Department of Transportation (MDOT), owner of the I-94 Interchange, has participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

NOW, THEREFORE, the FHWA and the SHPO agree that the Project shall be implemented in accordance with the following stipulations to take into account the effect of this Project on the Historic Properties.

STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out:

I. General Recordation

MDOT will prepare photographic documentation and a historical overview of the Historic Properties according to the SHPO *Documentation Guidelines* attached hereto as **Attachment A**. MDOT shall ensure that all documentation is completed and accepted by the SHPO for deposit in the State Archives of Michigan, and any appropriate local repositories designated by the SHPO, prior to the initiation of any construction activities.

II. Landscaping

MDOT shall ensure that any vacant land within the Woodbridge District boundaries impacted by the Project will be landscaped in accordance with a landscape plan designed in consultation with and approved by the SHPO, a representative staff member from the City of Detroit Historic District Commission and the property owners. MDOT will retain a historian meeting the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44738-39) and trained in historic landscape analysis and design to assist in plan development.

III. Building Relocation

One contributing building within the Woodbridge District, the residence at 5287 Hecla Street, will be removed as a result of the Project. Relocation of the house includes only the physical structure itself and not the basement, utilities, or any other object not permanently affixed to the physical structure. MDOT will implement the following measures, contingent upon the structural condition of the building, for 5287 Hecla Street in the order below:

A. Relocation within the Woodbridge District

Subject to the availability of land within the Woodbridge District and the cooperation of the property owner, MDOT will make an effort to locate a vacant parcel within the boundaries of the Woodbridge District and move 5287 Hecla to the vacant parcel. MDOT will develop a relocation plan in conjunction with the property owner and the SHPO.

B. Marketing Plan

Should attempts to satisfy III.A fail, MDOT will prepare a marketing plan in conjunction with the SHPO to market 5287 Hecla Street for removal from its current location and relocation to another site. Should attempts to market the house fail, MDOT will demolish the building. Prior to any demolition, MDOT will record the house in accordance with Stipulation I.

IV. Resource Development and Interpretation

A. Research and Resource Development

1. MDOT will compile copies of the original plans and other materials relating to the design and construction of the I-94 Interchange in addition to the Recordation under Stipulation I. MDOT will provide the SHPO, and any other repository as directed by the SHPO, with the compiled information. MDOT will ensure that the SHPO copy will meet the requirements for housing in the State Archives of Michigan.

2. In accordance with a publication and dissemination plan generated in consultation with the SHPO, MDOT will fund the development and publication of a historical context and survey of popular music-related sites in the Detroit area.

Developed in coordination with the SHPO, the study will provide a broad historic context for the importance of Detroit in the twentieth-century American popular music industry (approximately 1900 to 1975). The study will also identify extant sites associated with popular music in Detroit (including residences of performers, composers and publishers; places where the music was performed, including theaters, bars, clubs, or any other entertainment venues; and recording studios), evaluate the significance of extant sites in terms of the NRHP criteria, and place the sites within the broader context.

- a. As part of the study, a published report shall be produced that documents the historic context and provides an inventory of extant sites.
- b. MDOT shall work with the SHPO to develop and implement a plan for the publication and distribution of the study.

3. MDOT will study the feasibility of instituting a historic preservation fund for future project mitigation. No later than a year after the executed MOA, MDOT will provide a report with its findings and recommendations to the SHPO.

B. Interpretation

1. MDOT will produce a small-scale exhibit of the I-94 Interchange and coordinate the exhibit display with the SHPO.
2. MDOT will produce a physical and/or internet-based exhibit of the events surrounding the 1954 Square D strike and will coordinate the exhibit display with the SHPO.
3. MDOT will fund the research and production of a documentary film, in cooperation with the SHPO, which will document the history of United Sound Studios and explore the role of United Sound Studios in the Detroit recording industry.

V. Amendment

Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR800.6(c)(7) to consider such an amendment.

VI. Dispute Resolution

Should the parties to this agreement object within 30 (thirty) days to any actions proposed pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 45 (forty-five) days after receipt of all pertinent documentation, the Council will either:

- A. provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
- B. notify the FHWA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

Execution and implementation of this MOA and submission to the Council evidences that FHWA has afforded the Council a reasonable opportunity to comment on the Project and that the FHWA has taken into account the effects of the project on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: *J. C. Fischehsteiner* Date: 1/10/05
for James J. Steele, Division Administrator

MICHIGAN STATE HISTORIC PRESERVATION OFFICE

By: *Brian D. Conway* Date: 12/8/04
Brian Conway, State Historic Preservation Officer

Concur:

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: *Susan B. Mortel* Date: 1/05/05
Susan Mortel, Deputy Director, Bureau of Transportation Planning

Section 106 Correspondence

May 11, 2018

Ms. Paula Carrick, Tribal Historic Preservation Officer
Bay Mills Indian Community
12140 West Lakeshore Drive
Brimley, Michigan 49715

Dear Ms. Carrick:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

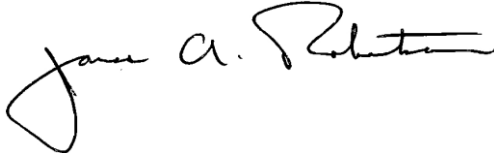
The Michigan Department of Transportation (MDOT) in cooperation with the Federal Highway Administration (FHWA) is preparing a Supplemental Environmental Impact Statement (SEIS)/Section 4(f) Evaluation for the proposed I-94 (Edsel Ford Expressway) Modernization Project (Project) located in Detroit, Wayne County, Michigan. FHWA and MDOT are joint lead agencies.

Nearly 30 years ago, MDOT recognized the need to reconstruct I-94 in Detroit. In 2004, MDOT prepared a Final Environmental Impact Statement (EIS) to analyze plans to reconstruct the facility and in 2005 FHWA issued a Record of Decision (ROD) that approved the reconstruction of a 6.7-mile segment of the freeway from just east of the I-94/I-96 interchange to east of the Conner Avenue interchange. The project included the elimination of left-hand entrance/exit ramps, lengthening and adding lanes to ramps. Three interchanges would be reconfigured including M-10, Gratiot Avenue and Conner Avenue. Other improvements would include adding a through lane, connecting the service drives, and updating several bridge crossings.

After the ROD was issued, MDOT continued to solicit more public and stakeholder comments about ways to lower the impact of the project and to create a design that fits within the context of the adjacent neighborhoods. Through an inclusive public engagement program, these modifications have been conceptualized and are now to be the subject of this Supplemental EIS. Modifications to the Project include the elimination of the continuous service drives that were proposed with the Approved Selected Alternative. Other modifications include improving local roadway system access to increase connectivity as well as converting local road bridge crossings of I-94 to “complete streets” in an effort to accommodate all transportation modes. We have attached a figure for your review of the overall project area and the areas where work construction will be undertaken that were not previously studied.

On behalf of the Federal Highway Administration, MDOT respectfully invites the Bay Mills Indian Community to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Robertson". The signature is fluid and cursive, with a large initial "J" and "R".

James A. Robertson, Ph.D.
Staff Archaeologist
Environmental Services Section

Enclosure (1)

cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Jay Sam, Tribal Historic Preservation Director
Little River Band of Ottawa Indians
2608 Government Drive
Manistee, Michigan 49660

Dear Mr. Sam:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation


The Michigan Department of Transportation (MDOT) in cooperation with the Federal Highway Administration (FHWA) is preparing a Supplemental Environmental Impact Statement (SEIS)/Section 4(f) Evaluation for the proposed I-94 (Edsel Ford Expressway) Modernization Project (Project) located in Detroit, Wayne County, Michigan. FHWA and MDOT are joint lead agencies.

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On behalf of the Federal Highway Administration, MDOT respectfully invites the Little River Band of Ottawa Indians to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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James A. Robertson, Ph.D.
Staff Archaeologist
Environmental Services Section

Enclosure (1)

cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Wesley Andrews, Tribal Historic Preservation Officer
Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, Michigan 49740

Dear Mr. Andrews:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation


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On behalf of the Federal Highway Administration, MDOT respectfully invites the Little Traverse Bay Bands of Odawa Indians to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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James A. Robertson, Ph.D.
Staff Archaeologist
Environmental Services Section

Enclosure (1)

cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Ms. Lorraine Shananaquet, Cultural Coordinator
Match-e-be-nash-she-wish Band of Pottawatomi Indians
2882 Mission Drive
Shelbyville, Michigan 49344

Dear Ms. Shananaquet:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

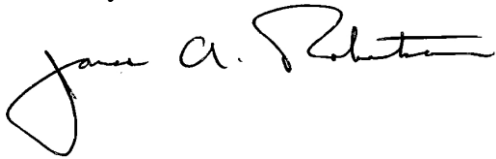
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On behalf of the Federal Highway Administration, MDOT respectfully invites the Match-e-be-nash-she-wish Band of Pottawatomi Indians to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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Staff Archaeologist
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Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Ms. Sydney Martin, MACPRA Representative
Match-e-be-nash-she-wish Band of Pottawatomí Indians
3556 26th Street
Hopkins, Michigan 49328

Dear Ms. Martin:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

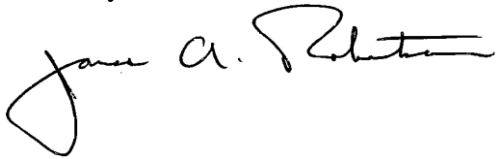
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Staff Archaeologist
Environmental Services Section

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cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Jason Wesaw, Tribal Historic Preservation Officer
Pokagon Band of Potawatomi Indians
P.O. Box 180
Dowagiac, Michigan 49047

Dear Mr. Wesaw:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation


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Environmental Services Section

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Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Willie Johnson, Tribal Historic Preservation Officer
Saginaw Chippewa Indian Tribe of Michigan
6650 East Broadway Road
Mt. Pleasant, Michigan 48858

Dear Mr. Johnson:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

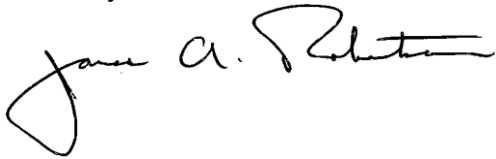
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On behalf of the Federal Highway Administration, MDOT respectfully invites the Saginaw Chippewa Indian Tribe of Michigan to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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Staff Archaeologist
Environmental Services Section

Enclosure (1)

cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Ms. Colleen Medicine, Cultural Repatriation Specialist
Sault Ste. Marie Tribe of Chippewa Indians of Michigan
523 Ashmun Street
Sault Ste. Marie, Michigan 49783

Dear Ms. Medicine:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

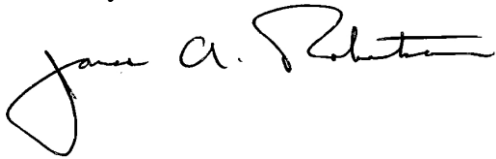
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Environmental Services Section

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cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Fred Jacko Jr., Cultural Historic Preservation Manager
Nottawaseppi Huron Band of the Potawatomi
1485 Mno-Bmadzewen Way
Fulton, Michigan 49052

Dear Mr. Jacko:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation


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After the ROD was issued, MDOT continued to solicit more public and stakeholder comments about ways to lower the impact of the project and to create a design that fits within the context of the adjacent neighborhoods. Through an inclusive public engagement program, these modifications have been conceptualized and are now to be the subject of this Supplemental EIS. Modifications to the Project include the elimination of the continuous service drives that were proposed with the Approved Selected Alternative. Other modifications include improving local roadway system access to increase connectivity as well as converting local road bridge crossings of I-94 to “complete streets” in an effort to accommodate all transportation modes. We have attached a figure for your review of the overall project area and the areas where work construction will be undertaken that were not previously studied.

On behalf of the Federal Highway Administration, MDOT respectfully invites the Nottawaseppi Huron Band of the Potawatomi to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Robertson". The signature is fluid and cursive, with a large initial "J" and "R".

James A. Robertson, Ph.D.
Staff Archaeologist
Environmental Services Section

Enclosure (1)

cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Ms. Daisy McGeshick, Tribal Historic Preservation Officer
Lac Vieux Desert Band of Lake Superior Chippewa Indians
P.O. Box 249
Watersmeet, Michigan 49969

Dear Ms. McGeshick:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

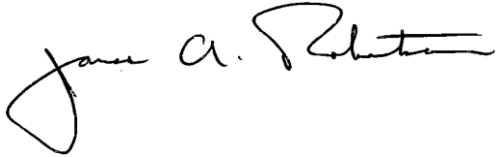
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On behalf of the Federal Highway Administration, MDOT respectfully invites the Lac Vieux Desert Band of Lake Superior Chippewa Indians to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Earl Meshigaud, MACPRA/NAGPRA Representative
Hannahville Indian Community
N-14911 Hannahville, B1 Road
Wilson, Michigan 49896-9717

Dear Mr. Meshigaud:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation


The Michigan Department of Transportation (MDOT) in cooperation with the Federal Highway Administration (FHWA) is preparing a Supplemental Environmental Impact Statement (SEIS)/Section 4(f) Evaluation for the proposed I-94 (Edsel Ford Expressway) Modernization Project (Project) located in Detroit, Wayne County, Michigan. FHWA and MDOT are joint lead agencies.

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On behalf of the Federal Highway Administration, MDOT respectfully invites the Hannahville Indian Community to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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Staff Archaeologist
Environmental Services Section

Enclosure (1)

cc: Arnita Furgason (FHWA)
Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Ms. Cindy Winslow, Museum Director/MACPRA Representative
Grand Traverse Band of Ottawa and Chippewa Indians
2605 N. West Bayshore Drive
Suttons Bay, Michigan 49682

Dear Ms. Winslow:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation

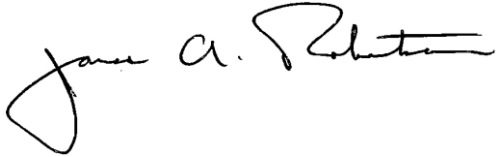
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On behalf of the Federal Highway Administration, MDOT respectfully invites the Grand Traverse Band of Ottawa and Chippewa Indians to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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Enclosure (1)

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Claire Stevens (MDOT)
Lori Noblet (MDOT)

May 11, 2018

Mr. Gary Loonsfoot, Jr., Tribal Historic Preservation Officer
Keweenaw Bay Indian Community
16429 Bear Town Road
Baraga, Michigan 49908

Dear Mr. Loonsfoot:

I-94 Modernization Project Supplemental Environmental
Impact Statement/Section 4(f) Evaluation
City of Detroit, Michigan
Section 106 Consultation


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On behalf of the Federal Highway Administration, MDOT respectfully invites the Keweenaw Bay Indian Community to consult with us about the proposed project. We want to hear from you about any concerns you have regarding the possible impacts the proposed construction may have. If you would like additional information and/or to meet with me in person, please contact me at 517-335-2637, via e-mail at robertsonj3@michigan.gov and/or by US mail.

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I-94 MODERNIZATION PROJECT

Updated 5-1-2018



Figure 1. I-94 Modernization Project with Areas Not Studied in Original EIS



Saginaw Chippewa Indian Tribe of Michigan
Tribal Historic Preservation Office

6650 EAST BROADWAY, MT. PLEASANT, MI 48858
PHONE (989) 775-4751 • FAX (989) 775-4767

May 16, 2019

MDOT
P.O. Box 30050
Lansing, MI 48909

RE: I-94 Modernization Project Detroit, MI

Dear Sir/Madam,

This letter is in response to the above referenced project.

At this time we do not have any information concerning the presence of any Indian Traditional Cultural Properties, Sacred Sites or other Significant Properties to the projected project area(s). This is not to say that such a site may not exist, just that this office does not have any available information of the area(s) at this time.

This office would be willing to assist if in the future or during the construction there is an inadvertent discovery of Native American human remains or burial objects. Feel free to call my office if you have any questions or requests at 989-775-4751.

We thank you for including this Tribe in your plans.

Sincerely,

Sarah Jones

Tribal Historic Preservation Officer
Ziibiwing Center of Anishinabe Culture & Lifeways
Saginaw Chippewa Indian Tribe of Michigan

6650 E. Broadway • Mt. Pleasant, MI 48858 • Phone (989) 775-4751 or (800) 225-8172
Fax (989) 775-4770 • www.sagchip.org/ziibiwing • www.nativedirect.com