

Final MOA—Show Pool Shelter, Seney NWR

MEMORANDUM OF AGREEMENT
between
THE U.S. FISH AND WILDLIFE SERVICE and
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
regarding
THE SHOW POOL SHELTER,
SENEY NATIONAL WILDLIFE REFUGE,
SCHOOLCRAFT COUNTY, MICHIGAN

WHEREAS, the U.S. Department of the Interior, Fish and Wildlife Service (the “USFWS”) proposes improvements to the Show Pool Shelter at the Seney National Wildlife Refuge (the “NWR”) in Schoolcraft County, Michigan (the “Project”);

WHEREAS, the Show Pool Shelter (RPI#10010344) in the SE ¼ of Section 16, T45N, R13W within the Seney NWR has been determined to be eligible for listing on the National Register of Historic Places (the “NRHP”);

WHEREAS, the USFWS, in consultation with the Michigan State Historic Preservation Officer (the “SHPOfficer”) (ER22-993), has determined that the Project is an undertaking (the “Undertaking”) and that the Undertaking constitutes an Adverse Effect pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (the “NHPA”) of 1966, as amended (54 U.S.C. § 306108);

WHEREAS, the USFWS has defined the Undertaking's area of potential effects (the “APE”) as the Show Pool Shelter itself;

WHEREAS, the SHPOfficer is part of the Michigan State Historic Preservation Office (the “SHPO”);

WHEREAS, the SHPO was transferred to the Michigan Strategic Fund (the “MSF”) pursuant to Executive Order 2019-13;

WHEREAS, in conjunction with the National Environmental Policy Act Environmental Assessment process, the USFWS notified and asked for comment from all historic preservation representatives of Federally Recognized Tribes within the 1836 ceded territory on the proposed Show Pool Shelter Improvement Project. No formal comments were received. However, staff comments from the Bay Mills Indian Community and the Sault Ste. Marie Tribe of the Chippewa Indians indicated that they approved of the project's preference to remove any Native American inspired design elements from the structure;

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the USFWS has notified the Advisory Council on Historic Preservation (the “ACHP”) of its Adverse Effect determination with specified

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documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, as used in this Memorandum of Agreement (the “MOA”), the USFWS and the SHPOfficer are sometimes referred to individually as a “Signatory” and collectively as the “Signatories.”

NOW, THEREFORE, it is mutually agreed by the USFWS and the SHPOfficer that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on the historic properties.

STIPULATIONS

The USFWS shall ensure that Stipulations I and II are carried out:

I. THE RECORDATION PACKAGE.

- a. Prior to commencement of the Undertaking, an architectural professional, meeting the professional qualification standards in 36 C.F.R. Part 61, shall document the Show Pool Shelter by preparing a recordation package (the “Recordation Package”) according to the SHPO’s Recordation Standards attached hereto as Attachment A.
- b. Digital photos provided on a compact disc or digital video disc may supplement digital materials for printed photographs.
- c. The SHPO shall have thirty (30) days from its receipt of the draft Recordation Package for its review and approval. The USFWS shall revise the Recordation Package accordingly based on timely comments received from the SHPO. Once the Recordation Package has been reviewed and approved, hard copies and pdfs of the final photographs and documentation shall be provided to the USFWS, the SHPO and the ACHP.
- d. The SHPO will submit a hard copy of the Recordation Package to the Archives of Michigan.
- e. A hard copy of the Recordation Package will be provided by the USFWS to a local archive or repository.

II. THE INTERPRETIVE SIGN.

- a. The USFWS shall install onsite interpretation with a sign or panel(s) (the “Sign”) that interprets the significance of the Show Pool Shelter in the context of the Seney NWR.
- b. The Sign will be located near the Show Pool Shelter, on a site agreed upon by the USFWS and SHPO.
- c. The Sign will be constructed on a durable outdoor product.
- d. The content of the Sign, including text and images, will be developed by the USFWS in consultation with the SHPO. The USFWS will provide the SHPO with a draft of the content of the Sign and the SHPO shall have thirty (30) days from its receipt to review and provide comments to the USFWS. The USFWS will consider all timely comments made by the SHPO in developing final designs and text for the content of the Sign.
- e. The Sign may be updated by the USFWS as needed.

- III. PERFORMANCE STANDARDS.** The USFWS shall ensure that all cultural resources work carried out under Stipulation I pursuant to this MOA will be carried out by or under the direct

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supervision in the field and office of individual(s) that meet the *Secretary of the Interior's Professional Qualification Standards* for an Architectural Historian or Historic Architect.

- IV. **DURATION.** This MOA will be null and void if its terms are not carried out within five years from the date of its execution by all the Signatories. Prior to such time, the USFWS may consult with the other Signatory to reconsider the terms of the MOA and amend it in accordance with the Stipulation VI below.
- V. **DISPUTE RESOLUTION.** Should the SHPOfficer object in writing (the "Objection") to the USFWS regarding any actions taken pursuant to this MOA, the USFWS will consult with the SHPOfficer to resolve the Objection. If the USFWS determines, within thirty (30) days of receiving the Objection, that the Objection cannot be resolved, the USFWS will forward all documentation relevant to the Objection to the ACHP, including the USFWS's proposed resolution to the Objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP will:
- a. provide the USFWS with recommendations pursuant to 36 C.F.R. § 800.2(b)(2), which the USFWS will take into account in reaching a final decision regarding the Objection; or
 - b. notify the USFWS that it will comment pursuant to 36 C.F.R. § 800.7(c), and proceed to comment. Any comment provided by the ACHP will be taken into account by the USFWS in accordance with 36 C.F.R. § 800.7(c)(4) and Section 110(1) of the NHPA; or
 - c. not provide comments.

The USFWS may then render a decision regarding the Objection. In reaching its decision, the USFWS will take into account all comments regarding the Objection from the SHPOfficer and the ACHP.

Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the Objection; the responsibility of the USFWS and the SHPOfficer to carry out other actions pursuant to this MOA that are not the subject of the Objection will remain unchanged. The USFWS will notify the SHPOfficer and the ACHP of its decision in writing before implementing that portion of the Undertaking that is the subject of the Objection under this Stipulation. The USFWS' decision on the Objection will be final.

- VI. **AMENDMENTS AND NONCOMPLIANCE.** If any Signatory to this MOA determines that its terms cannot be fulfilled, or that an amendment to the terms of this MOA must be made, that Signatory shall immediately consult with the other Signatory to develop an amendment to this MOA pursuant to 36 C.F.R. § 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by both Signatories is filed with the ACHP. If the Signatories cannot agree to appropriate terms to amend the MOA, any Signatory may terminate this MOA in accordance with Stipulation VII below.
- VII. **TERMINATION.** If the MOA cannot be amended following the consultation set out in the Stipulation VI above, it may be terminated by any Signatory. Within 30 days following this MOA's termination, the USFWS shall notify the Signatories if it will initiate consultation to

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execute a new memorandum of agreement with the Signatories under 36 C.F.R. § 800.6(c)(1) or request the comments of the ACHP under 36 C.F.R. § 800.7(a) and proceed accordingly.

- VIII. **POST REVIEW DISCOVERY.** In the event that one or more historic properties—other than the Show Pool Shelter—are discovered or that unanticipated effects on historic properties are found during implementation of this MOA, the USFWS shall follow the procedure specified in 36 C.F.R. § 800.13 by stopping work in the immediate area and notifying the SHPOfficer of such unanticipated discoveries or effects within two (2) business days of the USFWS's discovery. Any necessary archaeological investigations will be conducted according to USFWS guidelines.
- IX. **EXECUTION.** Execution of this MOA by all Signatories, the submission of the documentation and filing of this MOA with the ACHP pursuant to 36 C.F.R. § 800.6(b)(iv) prior to the USFWS' approval of the Undertaking, and implementation of its terms is evidence that the USFWS has taken into account the effects of the Undertaking on the historic properties and has afforded the ACHP a reasonable and good faith opportunity to comment.

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SIGNATORY:

U.S. Fish and Wildlife Service

By: Chris Jensen

Date

Its: Acting Midwest Regional NWRS Chief

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SIGNATORY:

Michigan State Historic Preservation Office

DocuSigned by: <i>Ryan Schumaker</i> 5B352B082B2D449...	3/12/2024
By: Ryan M. Schumaker	Date
Its: State Historic Preservation Officer	

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ATTACHMENT A

SHPO Documentation Guidelines

[Follows under this cover]

The following guidelines provide instruction for producing permanent documentation of historic properties following submittal to the State Historic Preservation Office, the photos produced will be transferred to the State Archives, where they will be maintained and made available to the public for research purposes. In many cases, this documentation will constitute the only visual public record of a resource. It is therefore important that reports, drawings and photographs adequately depict the salient visual characteristics of the resource, and that they be produced using archivally stable materials and procedures.

The specifications outlined in this memorandum are intended to ensure that the material will be of high quality and remain in usable condition for many years to come. The guidelines were adapted from those used for submitting nominations to the National Register of Historic Places, as described in **National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Forms**. The complete text of this Bulletin may be found at: <https://www.nps.gov/subjects/nationalregister/upload/NRB16A-Complete.pdf>. Other National Register Bulletins may be found on the web at <https://www.nps.gov/subjects/nationalregister/publications.htm>.

I. REPORTS - GENERAL INSTRUCTIONS

Reports should be printed on archival paper and be 8½ by 11 inches in size.

II. DESCRIPTIVE AND HISTORICAL NARRATIVES

The report should contain a descriptive and historical narrative about the resource(s). The descriptive overview should concisely but thoroughly describe the resource, including discussion of its site and setting; overall design and form, dimensions, structural character, materials, decorative or other details, and alterations. The historical narrative should provide an account of the resource's history and explain its significance in terms of the national register criteria (information about the criteria for listing a resource in the national register may be found on the web at https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf). Published and unpublished sources should be used as needed to document the resource's significance. For bridges and public structures, public records and newspapers should be used for information concerning the historical background and construction of the resource and to identify those involved in its design and construction. All sources of information (including author, title, and publisher, date of publication, volume and page number) should be listed in a bibliography.

III. MAPS

Documentation for the historical narrative must include one or more maps that encompass the whole development, including:

- **USGS Map** – an original United States Geological Survey (USGS) topographical map indicating the location of the subdivision and listing its UTM coordinates.

- **Other Map(s)** - The maps must show the locations of all historic and non-historic features of districts and complexes. If more than one map is required to cover the entire district, a key map should illustrate the entire district and its boundaries.

Information District Maps Must Provide

- District or property name
- Name of community, county, and state
- Significant natural features such as lakes and rivers, with names
- All streets, railroad lines, old railroad grades, and any other transportation rights of way, labeled in bold print with their names
- Lot or property lines
- Outlines or representations for all surveyed properties
- Patterned coding of footprints or representations of all buildings to indicate whether they are contributing or non-contributing to the district's or complex's historic character and significance. The outlines or representations of contributing resources must be darkened, while they are left light for non-contributing resources.
- For districts, street addresses for all properties listed in the description's inventory section; if the properties have numbered street addresses, no other form of identification may appear on the map.
- Boundary of the property associated with the district or complex property.
- Key identifying any symbols used
- North directional arrow
- Scale bar (in case map is copied in larger or smaller format)

Do Not:

- Use color coding. Photocopying in black and white will render color coding unreadable.

Map Standards

The final copies of maps must be printed on white paper meeting the national register's standards for archival stability – 20 pound acid-free paper with a two percent alkaline reserve. Tape, staples, and adhesive labels may not be used. Maps should be in 8 ½" X 11" format, if possible. Map sheets larger than 11" X 17" are not acceptable.

The district map should show both the lot lines and the outlines of the buildings. For business districts containing buildings that occupy most of their lots, the maps must show the building outlines. Outside of business districts, surveyed buildings can be shown by square boxes if maps showing building outlines are not available. Monuments and other objects may be represented by circles or dots.

IV. DRAWINGS - GENERAL INSTRUCTIONS

Drawings should be drawn or printed on archival paper and folded to fit an archival folder approximately 8½ by 11 inches. Use coding, crosshatching, numbering, transparent overlays, or other standard graphic techniques to indicate the information. Do not use color because it cannot be reproduced by microfilming or photocopying. Drawings should be used to document the existing condition of the resource, the evolution of a resource, alterations to a building or complex of buildings, floor plans of interior spaces. Site plans should have a graphic north arrow and include locations and types of trees, shrubs and planting beds. All architectural and site plans should include dimensions indicating the overall size of buildings, sizes of major interior spaces and distances between major site features. If original drawings of the resource(s) exist, add a graphic scale the drawings and reproduce them to fit on 8½ by 11 inch archival paper. Photographic reductions are permissible provided they meet the photographic requirements specified in these guidelines.

V. PHOTOGRAPHS - GENERAL INSTRUCTIONS

Submit clear and descriptive photographs and negatives in acid-free envelopes. Photographs should provide a clear visual representation of the historic integrity and significant features of the resource. The actual number of photographic views required depends on the size and complexity of the resource and will vary according to the project and the nature of the resource. Submit as many photographs as needed to depict the current condition and significant aspects of the resource. When available, prints of historic photographs may supplement documentation. The article by David Ames, *A Primer on Architectural Photography and the Photo Documentation of Historic Structures* ([Vernacular Architecture Forum News](https://udspace.udel.edu/bitstream/handle/19716/2831/A%20primer%20on.pdf), no date) provides helpful information for photographing buildings and structures. This article is available on the web at <https://udspace.udel.edu/bitstream/handle/19716/2831/A%20primer%20on.pdf>.

GUIDELINES FOR PHOTOGRAPHIC COVERAGE

Photography should include at least two general views of each building to be demolished, each if possible showing two sides, so that all four sides are photographed, plus at least one streetscape view looking in each direction of the part of the street in which each building is located. Thus, for each building, four to six views, unless several buildings are in one short stretch of the same street. If there are any examples left of any of the same building form that retain a high state of integrity, photos should be taken of one sample building for each building form, two views of each together showing all four sides.

Buildings, Structures and Objects

- Submit one or more views to show the principal facades and the environment or setting in which the resource is located;
- Additions, alterations, intrusions, and dependencies should appear in the photographs;

- Include views of interiors, outbuildings, landscaping, or unusual details if the significance of the resource is entirely or in part based on them.

Historic and Archaeological Sites

- Submit one or more photographs to depict the condition of the site and any above-ground or surface features and disturbances;
- If they are relevant to the site's significance, include drawings or photographs that illustrate artifacts that have been removed from the site;
- At least one photograph should show the physical environment and configuration of the land making up the site.

BASIC TECHNICAL REQUIREMENTS

Photographs must be:

- At least 5 x 7 inches, preferably 8 x 10 inches, un-mounted (do not affix the photographs to paper, cards, or any other material); photographs with borders are preferred;
- Submitted in acid free envelopes; the envelopes should be labeled in pencil (see labeling instructions below).

Envelope Labeling Instructions

Neatly print the following information on the upper right corner of the envelope in soft **lead pencil**:

1. Name of the resource;
2. Street Address, township, county, and state where the resource is located;
3. Name of photographer;
4. Date of photograph;
5. Description of view indicating direction of camera;
6. Photograph number.

Do not use adhesive labels for this information.

Film Photography

- Photographs must be printed on double or medium-weight black-and-white paper having a matte, glossy, or satin finish; fiber-based papers are preferred; resin-coated papers that have been processed automatically will be accepted provided they have been properly processed and thoroughly washed; we recommend the use of a hypo-clearing or neutralizing agent, and toning in selenium or sepia to extend the useful life of the photographs; see "Printer paper & inks" for more specifics;

- The negatives must be submitted with the prints. Each strip of negatives should be submitted in acid free envelopes that have the following information submitted in soft lead pencil in the upper right corner of the envelope.
 1. Name of the resource;
 2. Name of the photographer;
 3. Date of photograph;
 4. Negative numbers

Digital Photography

Guidelines for acceptable digital photography and photographs are found in the National Park Service's National Register Bulletin 16, specifically the Photo Policy Factsheet (updated 5/15/2013) available at

https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013_05_15_508.pdf. The basic technical requirements are as follow:

Digital photographic prints must be submitted with an accompanying disk containing digital files of the photographic prints. Follow the guidance on photographs, digital photograph file renaming, and acceptable disk types/labeling provided in these guidelines.

Camera:

BEST: At Least 6 megapixel digital SLR Camera

Acceptable: Minimum 6 megapixel point-and-shoot digital camera

Acceptable: 2 – 5 megapixel SLR or point-and-shoot digital camera

Not acceptable:

- Camera phones
- Disposable or single-use digital cameras
- Digital cameras with fewer than 2 megapixels of resolution

Image format:

BEST: First generation uncompressed Tag image file format (.tif or .tiff) or raw converted to .tiff

Acceptable:

- Joint Photographic Experts Group (JPEG) converted to TIFF
- JPEG must not be altered in any way prior to conversion

After the image has been saved as a Tiff, rename the file as detailed in the National Register Photo Policy Factsheet (updated 5/15/13). The file name for each electronic image saved on the CD-R must correspond with the photo log included with the documentation package.

Capturing the Image:

BEST: Minimum 6 megapixels (2000 x 3000 pixel image) at 300 dpi

Acceptable: Minimum 2 megapixels (1200 x 1600 pixel image) at 300 dpi

Printer paper and inks¹:

BEST Inks: Manufacturer recommended pigmented ink for photograph printing

- Some examples:
 - Epson UltraChrome K3
 - Kodak No. 10 Pigmented Inks
 - HP Vivera Pigment Inks
 - Epson Claria “Hi-Definition Inks”
 - Epson DuraBrite Ultra Pigmented Inks
 - HP Vivera 95 dye-based inks

BEST Papers: Photographic Matte Paper

Not acceptable:

- Regular copy or printer papers
- Glossy photographic paper papers
- Paper or ink not equivalent to the examples listed above
- Disk only, without prints

The Disk: BEST: CD-R - with patented Phthalocyanine dye and 24 Karat gold reflective layer.

- Examples:
 - Delkin's Archival Gold™ (also referred to as eFilm® Archival Gold)
 - MAM-A Gold™ (also known as Gold-On-Gold™)
 - Verbatim UltraLife™ Gold Archival Grade CD and DVD-R

Acceptable: CD-R or DVD-R

Not acceptable: CD-RW or DVD- RW

Protecting the Disk: The CD-R disk must be stored in a “protective jewel box” container that includes a listing of the same information required on the label and the full photograph file name for each photograph (not just the photo numbers).

Labeling the Disk: The disk accompanying the digital photographic prints should contain the following information:

1. Name of the resource;
2. Name of the photographer;
3. Date of photographs;
4. Photograph numbers (i.e. *Photos 001 – 050*)

¹ *The list below includes products known at this time to meet the minimum documentation specifications established for the compilation of National Register nomination documents. The list is not intended to be restrictive or comprehensive, and does not constitute, and shall not be taken as, endorsement by the State of Michigan State Historic Preservation Office of any of the specific products or manufacturers identified.*

BEST: Labels printed directly on the disk by way of inkjet or laser printers

Acceptable: Labeled using CD/DVD safe markers,

- **Examples:**
 - Sharpies™
 - Prismacolor®

Not acceptable: Ammonia or solvent based markers

VI. ADDITIONAL ITEMS

In addition to the items described in these guidelines, the SHPO may request additional documentation, depending on the nature and significance of a particular resource.

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