

MAY 27 2008  
DEC 12 2007  
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MEMORANDUM OF AGREEMENT  
AMONG  
THE CITY OF CEDAR RAPIDS, IOWA,  
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
THE IOWA STATE HISTORIC PRESERVATION OFFICE  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
FOR  
ARCHAEOLOGICAL INVESTIGATION OF  
THE IOWA STEEL & IRON WORKS SITES  
400 & 415 12<sup>TH</sup> AVENUE SE,  
CEDAR RAPIDS, IOWA

**WHEREAS**, the City of Cedar Rapids, Department of Development (hereafter, CITY), proposes to reclaim the former Iowa Steel and Iron Works properties on the north and south sides of 12<sup>th</sup> Avenue SE between South 4<sup>th</sup> Street and South 5<sup>th</sup> Street as part of an economic redevelopment initiative project (hereinafter, UNDERTAKING) for the South-Side Neighborhood in southeast Cedar Rapids, Iowa as depicted on the maps attached hereto as Appendix A; and,

**WHEREAS**, the CITY will be receiving funds from the Department of Housing and Urban Development (hereinafter, HUD) through the Special Purpose Grant and from the Environmental Protection Agency (hereinafter EPA) through the Brownfields Grant Program; and,

**WHEREAS**, as a recipient of this grant, the CITY must comply with applicable federal authorities pursuant to the Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities (24 CFR 58) and the Small Business Liability Relief and Brownsfields Revitalization Act (Public Law No. 107-118); and,

**WHEREAS**, the CITY has accepted the responsibilities for environmental review and decision-making and actions associated with the UNDERTAKING through the terms of the grant agreement with HUD and the EPA; and,

**WHEREAS**, the CITY has been designated as lead federal agency pursuant to 36 CFR 800.2(a)(2) to serve as the agency official who shall act on behalf of the EPA in fulfilling their collective responsibilities under Section 106; and,

**WHEREAS**, Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. §§ 470 *et seq.*) requires that all federal agencies take into account the effects of their undertakings upon historic properties; and,

**WHEREAS**, the South-Side Neighborhood was from its earliest days the original Czech and Slovak community within Cedar Rapids and archival sources and previous archaeological field investigations suggest that there may be archaeological resources within the Area of Potential Effects (APE) that may be historically significant either individually or as a district; and,

**WHEREAS**, archaeological investigation of the Iowa Steel Works property at the south side of 12<sup>th</sup> Avenue SE has been completed and a recommendation for no further work has been submitted to and accepted by SHPO; and

**WHEREAS**, a cultural resource assessment of the Iowa Iron Works property on the north side of 12<sup>th</sup> Avenue SE has been completed and identified the only portion of the property on Block 19 east of the Chicago and Northwestern Railroad tracks (hereafter, the FORMER J.G. CHERRY COMPANY PROPERTY) as an APE that likely contains intact archaeological deposits, resulting in the need for this MOA to include procedures to address the potential for the discovery of historic properties in accordance with 36 CFR Section 800.4(a)(1); and,

**WHEREAS**, the Advisory Council on Historic Preservation (hereafter, ACHP) has participated in consultation, and has elected to be a party to this agreement given the procedural issues related to the identification of historic properties and the development of an MOA to address an anticipated discovery situation as set forth in 36 CFR 800.13(a)(2).

**NOW, THEREFORE**, the CITY, EPA, <sup>and ACHP</sup> and SHPO agree that the UNDERTAKING shall be implemented in accordance with the following stipulations in order to take into account the effects of the project on historic properties.

JUP  
KH  
BAM

## STIPULATIONS

The City shall insure that the following stipulations are carried out:

### I. Identification and Evaluation of Historic Properties

- A. The CITY shall implement the research plan attached as Appendix C to locate and evaluate any archaeological remains associated with the FORMER J.G. CHERRY COMPANY PROPERTY prior to initiating any project-related ground disturbing activities in the APE. The field investigations shall be conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 CFR 44720-23) and taking into account NPS publication, *The Archaeological Survey: Methods and Uses* (1978: GPO Stock #024-016-00091), and *Guidelines for Archaeological Investigations in Iowa* (1999, Iowa State Historic Preservation Office) and shall be of sufficient intensity to provide adequate coverage of the APE.
- B. The CITY shall consider all identified properties within their relevant historical context(s) when evaluating their significance and shall apply the recognized criteria of eligibility in accordance with 36 CFR 800.4(c) to determine their eligibility for listing in the National Register of Historic Places (hereinafter, NRHP).

- C. For those properties which the CITY and the SHPO agree are not eligible for listing in the NRHP, no further investigation will be required.
- D. For those properties determined eligible for inclusion in the NRHP, the CITY and the SHPO shall proceed in accordance with Section II.
- E. If the CITY and the SHPO disagree on the eligibility of a property, the City shall seek a formal determination from the Keeper of the National Register, whose determination shall be final. If the Keeper of the National Register determines that a property is not eligible or fails to respond within the time frame established in 36 CFR Part 63, then the CITY may proceed to the next step in the process.

## II. Mitigation of Adverse Effects

- A. The CITY shall apply the ACHP's criteria for assessing adverse effects as directed at 36 CFR Part 800.5.
- B. Mitigation through avoidance and preservation in place.
  - 1) Avoidance and preservation in place shall be the preferred form of mitigation. If the CITY in consultation with the SHPO determines that the UNDERTAKING will have an adverse effect on a significant archaeological property, the CITY shall devise a treatment plan (hereinafter, TP) for its avoidance and long-term protection. Properties may be avoided either through project design changes or the use of specified construction techniques so that significant deposits, features or structural remains will not be disturbed during or after project construction.

The latter may include, but are not limited to, establishing activity exclusion zones, erection of temporary or permanent fencing, limiting subsurface demolition activities, avoiding deposition of construction material or debris over eligible properties, and limiting or avoiding over-building on eligible properties. The TP must include a provision for a preservation easement to be placed on any historically significant archaeological property that is avoided by the UNDERTAKING. Any such easement shall run in perpetuity with the land. The CITY shall be responsible for drafting the easement, arranging for an easement holder, and covering any costs incurred through its maintenance.

- 2) The CITY shall submit the TP to the SHPO for review and approval.
- 3) The CITY shall implement the treatment plan upon SHPO's approval.

### C. Mitigation through Data Recovery.

The CITY will develop a data recovery plan and research design (hereinafter, DRP) for the retrieval of significant archaeological information for those NRHP-eligible archaeological properties in which avoidance through preservation in place is not practicable or desirable. The DRP will utilize information produced during the Land-Use History, and preliminary archaeological investigations, and shall pose relevant context-specific research questions to be addressed during the investigation. Through consultation with SHPO, a strategy will be devised to ensure adequate treatment, characterization and interpretation of site contexts. The approach taken will be dependent on the nature and extent of *in situ* deposits and will be closely coordinated with the SHPO.

A draft of the DRP will be submitted to the SHPO for review, comment, and approval prior to the commencement of data recovery. It is the intent of this part that the evaluation of historic properties moves seamlessly to data recovery whenever possible. Therefore, the SHPO will have a three (3) business days to review the DRP and provide editorial or substantive revisions or acceptance. If the SHPO has not responded in that time, then the CITY may proceed to implementation. Data recovery efforts will be conducted in accordance with the finalized DRP. The DRP can be modified at anytime to account for unanticipated discoveries provided that such modifications are first approved by the SHPO.

Given the urban setting of the project area and the suspected depths of fill overburden, archaeological investigations may be operationalized by mechanized removal of the fill mantle to its interface with any underlying buried soil horizon or cultural strata. The extent of use and locations shall be left to the discretion of the Principal Investigator but shall comport with the requirements of the research design. The DRP will incorporate provisions for public outreach and dissemination. This will include informational flyers for on-site distribution, and for possible on-site interpretation to school groups and the interested public. Finally, the DRP will make provision for the long-term curation of significant artifacts and samples.

## III. Reporting

- A. The Principal Investigator shall provide the CITY with interim letter reports of sufficient content and detail to allow informed decision-making at critical junctures in the identification, evaluation, and data recovery efforts. The CITY shall present copies of the interim reports along with their determination of effects to the SHPO, who will respond within five (5) business days of their receipt. If the SHPO fails to respond within that time the CITY may proceed to the next step in the process.

- B. The CITY shall present SHPO with a final comprehensive report detailing the results of the investigations and its conclusions within 90 days of the completion of the field work. The CITY will provide a copy of the final report to parties who have notified the CITY in writing and have a demonstrated interest in the UNDERTAKING. The CITY shall ensure that site location and other sensitive information that may be contained in the final report and whose public disclosure may pose a threat to the properties in question, shall be withheld pursuant to Section 304 of the National Historic Preservation Act and Section 22.7(20) of the Iowa Code.

#### **IV. Unanticipated Discoveries**

- A. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the APE, the CITY shall halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur and will consult with the SHPO regarding the need to implement the stipulations of Section I.B.
- B. All human burials in the state of Iowa are protected by law. In the event that human remains or burials are encountered during additional archaeological investigations or construction activities, the CITY or its designated representative shall cease work in the area, take appropriate steps to secure the site, and notify local law enforcement authorities and officials at the Burials Program at the University of Iowa -- Office of the State Archaeologist (hereinafter, OSA) or the Iowa Department of Health. If the remains appear to be ancient (i.e., older than 150 years), the burial would be legally protected under Chapter 263B of the Iowa Code and would fall under the jurisdiction of the OSA (319) 384-0740. If the remains appear to be less than 150 years old, the burial would be legally protected under Chapter 566 of the Iowa Code and would fall under the jurisdiction of the Iowa Department of Health.

#### **V. Professional Qualifications**

All archaeological work carried out pursuant to this agreement shall be conducted by or under the direct supervision of an archaeologist who meets, at a minimum, the Secretary of the Interior's Qualifications Standards for prehistoric and historic archaeology (48 FR 44738-9, Sept. 29, 1983).

#### **VI. Health and Safety Considerations**

The Iowa Iron Works site is located in a former industrial area, which contains appreciable quantities of demolition and midden debris. It is reasonable to expect that hazardous materials may be encountered during historic properties investigations that may pose a threat to health and safety. The CITY shall provide its consulting

archaeologist with copies of any environmental studies, HAZMAT reports, environmental assessments (EA), and environmental impact statements (EIS) documenting site hazards. If hazardous materials are present on the site, then the CITY shall require that the consulting archaeologist be certified under the Hazardous Waste Operations and Emergency Response Standards (OSHA ~ 29 CFR 1910.120) in order to safely, expeditiously, and effectively execute the terms of this agreement.

### VII. Dispute Resolution

Any signatory to this agreement may object in writing to the CITY within 30 days to any actions carried out pursuant to this agreement. Upon receiving such notice, the CITY shall consult with the objecting party to resolve the objection. If the CITY determines that the objection cannot be resolved, they shall forward all documentation relevant to the dispute to the ACHP for their review and comment. The CITY shall take the ACHP'S views into account when reaching a final decision regarding the dispute. The responsibility of the signatories to carry out all other actions pursuant to this agreement that are not the subject of the dispute shall remain unchanged.

### VIII. Amendments

Any signatory to this agreement may propose that the agreement be amended, whereupon the CITY shall consult with the other signatories to consider such an amendment. Any amendment so considered and agreed upon in writing by the signatories shall become effective. The CITY shall provide copies of the amended agreement to the other signatories ~~and shall file a copy with the ACHP.~~

*Handwritten signatures: JAW, DMH, KH, BAW*

### IX. Termination

This agreement shall be null and void if its terms are not carried out within five (5) years from the date of its execution unless the signatories agree in writing to an extension for carrying out its terms prior to its lapsing. If any signatory to this agreement determines that it cannot implement its terms or determines that its terms are not being properly implemented, then that party may propose to the other parties that the agreement be terminated. The party proposing to terminate this agreement shall so notify all other signatories in writing explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. Should consultation fail to reach resolution and the agreement is terminated, the CITY and the EPA may execute a new agreement with the ACHP or address each action that is otherwise covered by this agreement individually in accordance with 36 CFR Part 800.

### X. Execution of ~~Programmatic~~ Agreement

Execution of this agreement by the CITY, the EPA ~~and~~ SHPO, ~~its submission to~~ the ACHP, and

*and*

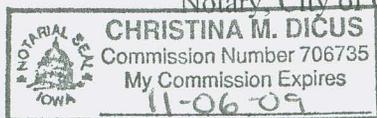
*Handwritten signatures: JAW, DMH, KH, BAW*

implementation of its terms, evidence that the CITY and EPA have afforded the ACHP an opportunity to comment on the UNDERTAKING, and that they have taken into account the effects on historic properties.

CITY OF CEDAR RAPIDS

By: Kay Halloran Date: 4 Jan 08  
Mayor, City of Cedar Rapids

By: Christina M. Dicus Date: 4 Jan 08  
Notary, City of Cedar Rapids



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: Robert W. Hargrove Date: December 3, 2007  
Robert W. Hargrove, Deputy Federal Preservation Officer

IOWA STATE HISTORIC PRESERVATION OFFICE

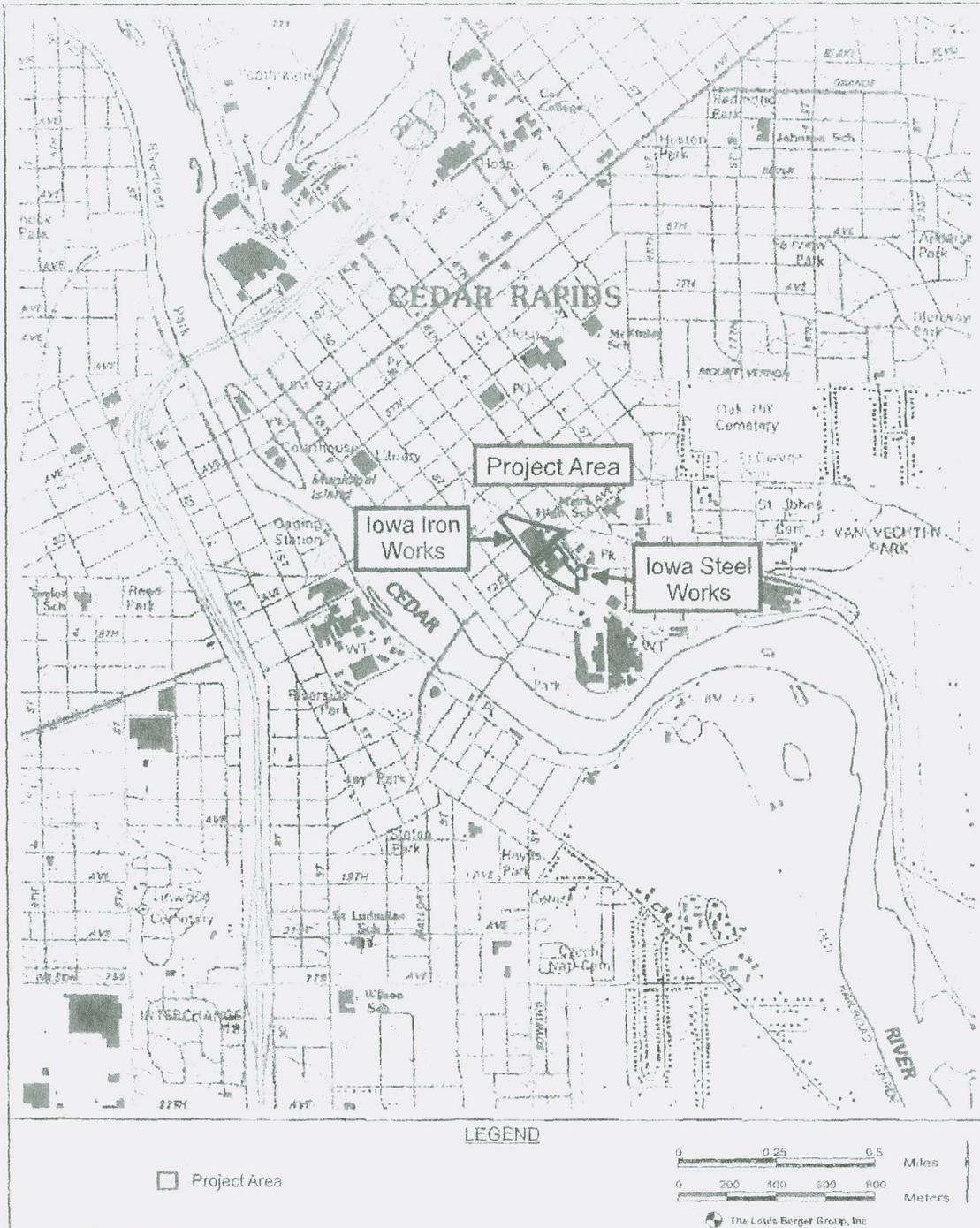
By: Lowell J. Soike Date: December 18, 2007  
Lowell Soike, Deputy State Historic Preservation Officer

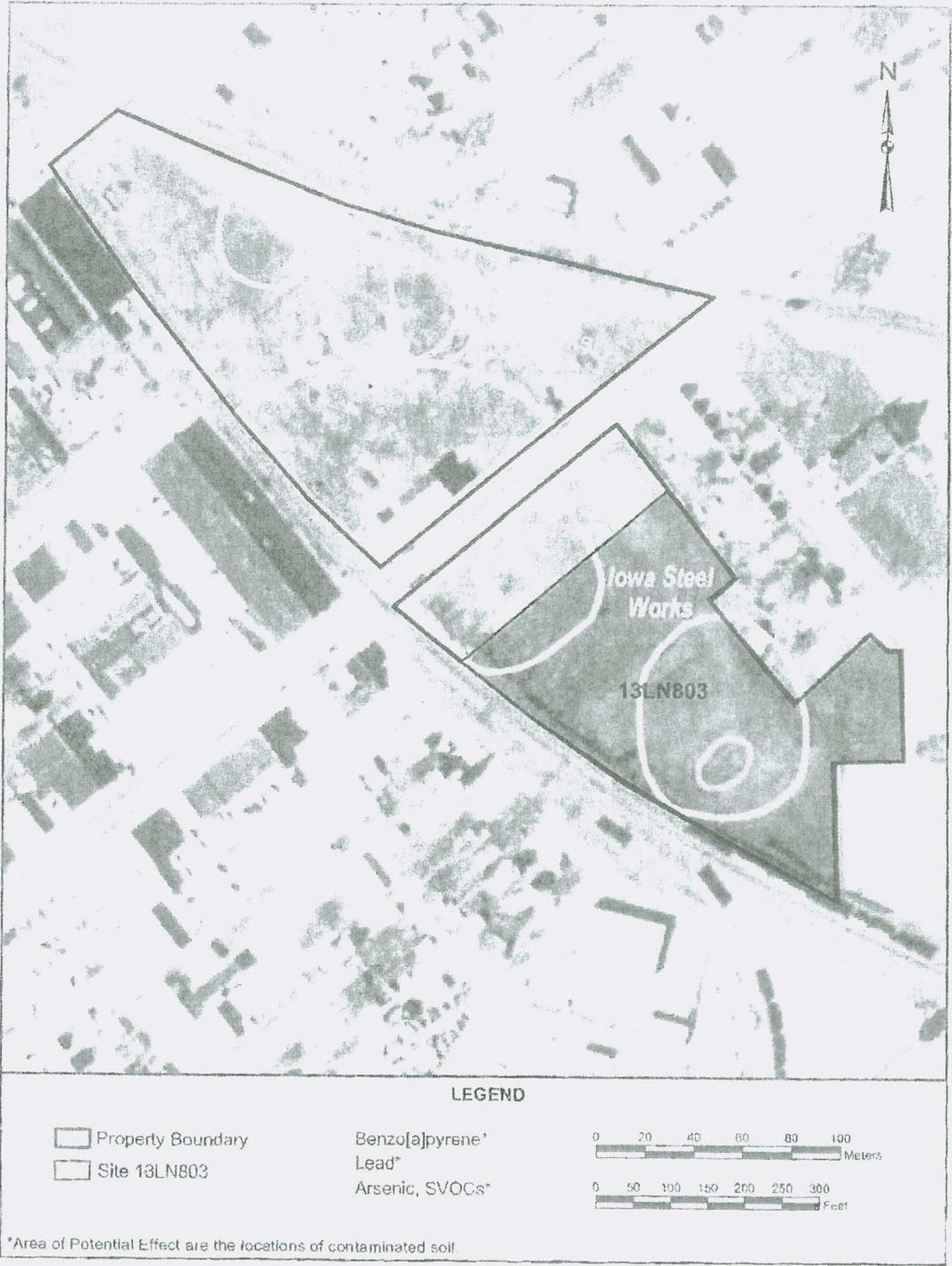
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 1/29/08  
John Fowler, Executive Director

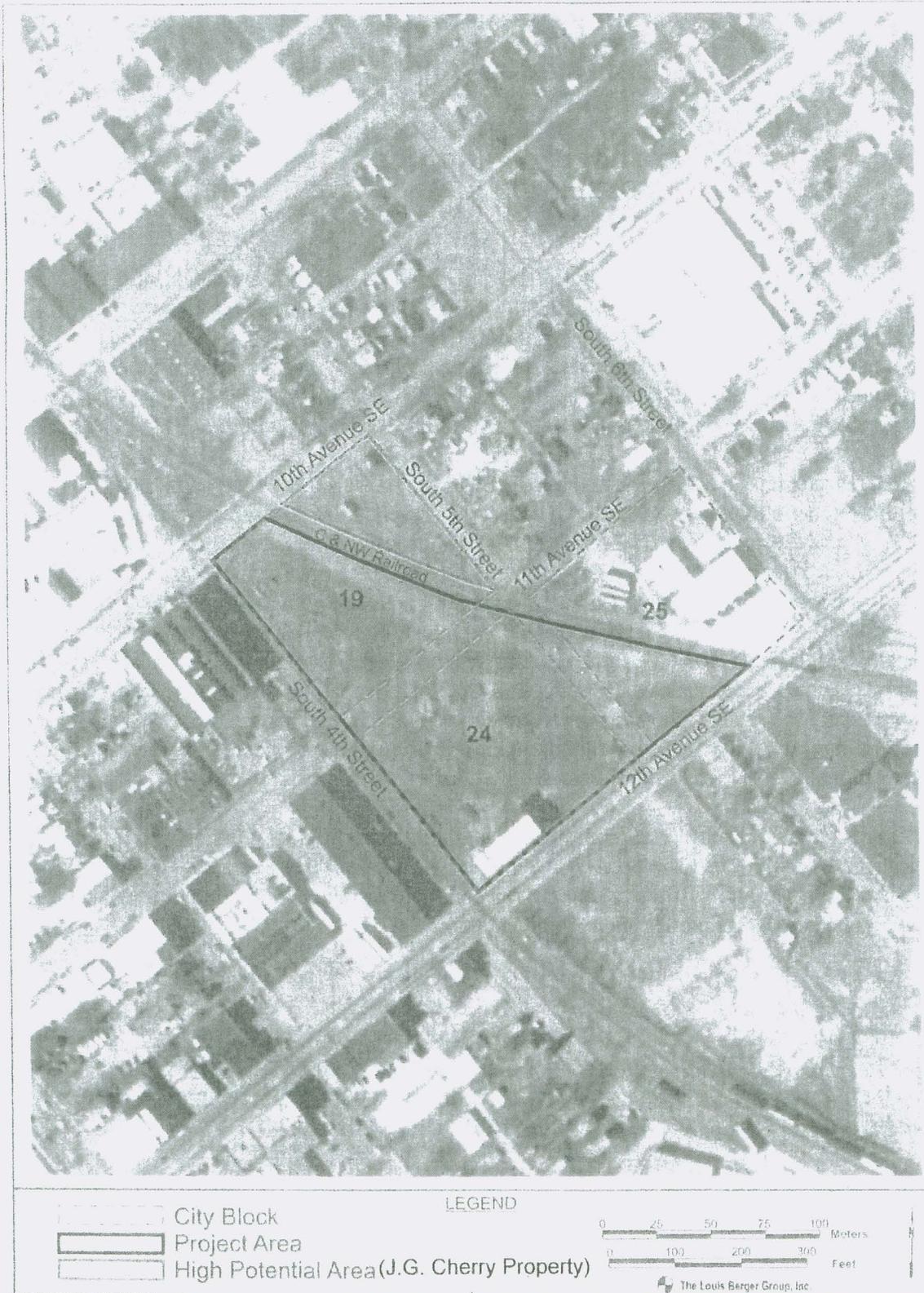
**APPENDIX A**

**MAPS OF THE IOWA IRON & STEEL WORKS BROWNFIELDS SITES  
CEDAR RAPIDS, IOWA**





**FIGURE 2: Soil Removal Locations**



SOURCE: USDA Natural Resource Conservation Service and MIT, 2002

FIGURE 1: Iowa Iron Works and J.G. Cherry-Burrell Properties

## APPENDIX B

### SUMMARY OF THE ARCHAEOLOGICAL INVESTIGATIONS AT THE IOWA STEEL WORKS BROWNFIELDS SITE NO. 415 12<sup>TH</sup> AVENUE SE CEDAR RAPIDS, IOWA

The Environmental Assessment for this UNDERTAKING resulted in the identification of the property on the south side of 12<sup>th</sup> Avenue SE (the Iowa Steel Works) at No. 415 in Block 1 (Weare's Addition) as the site of the Star Wagon Works Company (1871-1895) and the Cedar Rapids Canning Company (1898-1926) and its successors, the J. Leroy Farmer Canning Company (circa 1929-1940) and the Cedar Rapids Food Products Company (circa 1940-1970), which were important manufacturing employers for the South-Side Neighborhood.

Archaeological monitoring of demolition at the Iowa Steel Works structures resulted in the discovery of limestone foundations on the south side of 12<sup>th</sup> Avenue SE associated with the Star Wagon Company and Cedar Rapids Canning Company and its successors, subsequently recorded as Site 13LN803. Segments of the foundations at Site 13LN803 were documented during excavation and removal of fill deposits. An intensive phase I archaeological survey of Site 13LN803, completed in March 2002, concluded that no prehistoric remains are present and no intact archaeological deposits associated with the Star Wagon Works, the Cedar Rapids Canning Company and its successors, or the Cedar Rapids Construction Company, other than building foundations are likely to remain. The assessment concluded that the remains that were present lacked sufficient integrity and potential for additional information to be considered eligible for listing in the National Register of Historic Places.

A report of the results of archaeological monitoring of building demolition and intensive archaeological survey within the Iowa Steel Works property (Schoen 2003) was submitted to the Iowa State Historic Preservation Office for review and comment and the SHPO concurred with the consulting archaeologist's findings and recommendations.

#### *References Cited*

Schoen, Christopher M.

2003 *Phase I Archaeological Survey and Monitoring at the Iowa Steel Brownfields Site (13LN803), Cedar Rapids, Linn County, Iowa.* Submitted to the City of Cedar Rapids by The Louis Berger Group, Inc, Marion, Iowa.

## APPENDIX C

### RESEARCH PLAN FOR ARCHAEOLOGICAL INVESTIGATION OF THE FORMER J.G. CHERRY COMPANY PROPERTY (Block 19 east of the Chicago and Northwestern Railroad) CEDAR RAPIDS, IOWA

#### INTRODUCTION

The Iowa Iron Works Brownfields Site is located at No. 400 12<sup>th</sup> Avenue SE in Cedar Rapids, Linn County, Iowa. The property is situated in the SW ¼ of the NW ¼ of Section 27 and the SE ¼ of the NE ¼ of Section 28 Rapids Township (T83N-R7W). The triangular tract is bounded on the north by 10<sup>th</sup> Avenue SE, on the east by the Chicago and Northwestern Railroad (C&NW RR) and 5<sup>th</sup> and 6<sup>th</sup> Streets SE, on the south by 12<sup>th</sup> Avenue SE, and on the west by the Midwestern Railroad and 4<sup>th</sup> Street SE. The site includes Lots 1 through 5 and portions of Lots 6 through 8 west of the C&NW RR in Block 19, Lots 1 through 10 in Block 24, and portions of Lots 2 through 5 west of the C&NW RR in Block 25.

Preliminary archival research for the Environmental Assessment of this UNDERTAKING resulted in the identification of the property in Block 24 as the site of the Whiting Brothers Manufacturing Company foundry (1881-1889) and the John T. Carmody Foundry (1889-1913), which was renamed the Iowa Steel & Iron Works in 1913. Blocks 19, 24, and 25 also included homes (and associated outbuildings), which were part of the South-Side residential neighborhood between about 1880 and 1940. A 2003 cultural resource assessment, performed by the Louis Berger Group, determined that the majority of the Iowa Iron Works property requires no further archaeological investigation because of extensive prior disturbance. The only portion of the site that is likely to contain intact archaeological deposits is the triangular portion of Block 19, east of the C&NW RR (i.e., the former J.G. Cherry Company property), which is the area that will be subject to this research plan.

Phase I archaeological investigation will be performed to locate structural remains and other features associated with the former J.G. Cherry Company property. The locations and contexts of the archaeological remains will provide a preliminary assessment of the condition of the deposits that can be used make recommendations for any subsequent cultural resource investigation and plan that activity. Currently, the City of Cedar Rapids plans to remove soils contaminated by low levels of benzo[a]pyrene, lead, arsenic, and SVOCs from about 40 percent of the Iowa Iron Works and Iowa Steel Works properties (see Appendix A).

#### FIELD METHODOLOGY

The Contractor will conduct controlled excavation of a series of backhoe trenches across the former J.G. Cherry Company property to systematically provide subsurface testing. The trenches

will help to determine whether any evidence of the pre-1940 residential neighborhood remains or is likely to be present. The trenches will create long profiles that will yield information about the extent of historic ground disturbance associated with the construction and demolition of houses and businesses between about 1880 and 1940, by which time the property was entirely industrialized. The exposed cross-sections of building foundations and footings can be used to record information about building construction and size. Evidence of structures and utilities can be used to evaluate the accuracy of the Sanborn Fire Insurance maps of the property.

Each backhoe trench will be excavated under the direct supervision of the Principal Investigator or Crew Chief who has experience with this method of excavation. The cuts will be made in increments of approximately 10 centimeters thick to maintain vertical control. Excavation will continue to the top of culturally sterile subsoil or slightly below the base of structural foundations and footings to determine the depths of structural features and other archaeological deposits. Initial excavation of trenches may be limited to a depth of five feet (1.5 meters) to allow access for examining and recording subsurface deposits and features. Once the documentation has been completed, the backhoe can return to that part of the trench to resume excavation. Entering trenches excavated below five feet to record deeper deposits and features will require shoring or widening excavations to comply with Occupation Health and Safety Administration (OSHA) regulations.

Representative segments of each trench will be selected to record soil stratigraphy and/or archaeological features by scaled illustrations. Soils will be described using standard USDA terminology and Munsell color charts. These trench segments also will be photographed using 35 mm black and white film and/or a digital camera.

Artifacts observed in the excavated matrix as each backhoe bucket load is placed on the backdirt pile may be sampled to determine the age and nature of the associated feature or stratum. Diagnostic artifacts (items with distinct form, decoration, or other attributes that can be assigned to particular periods of manufacture or use, function, or cultural groupings) will be selected. Small amounts of architectural artifacts (i.e., bricks, tile block, drainage tile, nails, screws, bolts, etc.) and machinery artifacts may be collected. However, data for these kinds of artifacts will largely be collected in the field and the materials left on site. Artifacts collected from the site will be placed in clear resealable (ziplock) plastic bags along with acid-free cardstock tags on which the provenience of the items (i.e., the trench, depth, and feature) is recorded with a unique field number for that provenience. An inventory of the bags of collected artifacts will be created in the field.

The locations and depths of all excavations, archaeological features, and disturbances, as well as landmarks that help to record these locations, will be recorded using a transit and survey tapes, as appropriate. The information will be plotted on a scaled map of the property.

## HEALTH AND SAFETY

The health and safety of personnel on site is always an important issue. The Contractor will submit a site safety plan to the City prior to beginning fieldwork that identifies likely health and

safety problems, protection methods, and emergency contact information. Some portions of the site may include low levels of materials that have potential for adversely affecting the health safety of the archaeological personnel on site. These include primarily arsenic, lead, and benzo[a]pyrene (see Appendix A). Other materials include mercury, barium, cadmium, chromium, selenium, silver, acenaphthene, anthracene, bis(2-ethylhexyl)phthalate, fluorathene, fluorine, naphthelene, pyrene, chrysene, methylene chloride, and tetrachloroethene. The Principal Investigator has current training in Hazardous Waste Operations and Emergency Response (HAZWOPER) and will monitor the excavations for hazardous waste issues. Excavators will wear clothing appropriate to the level of risk these materials pose, including at a minimum trousers, long sleeves, gloves, and particle masks.

## LABORATORY METHODOLOGY

Artifacts collected during the Phase I investigation will be taken to the Contractor's archaeological laboratory for cleaning, cataloging, and analysis. The provenience information of each bag of artifacts is compared with the field inventory for accuracy. Materials are washed or dry-brushed as appropriate. Following cleaning, the artifacts will be sorted by major material classes (such as ceramics, glass, metal, architectural remains, furnishings, personal items, plant material, and animal bone) in preparation for analysis. Artifacts will be labeled in a manner compatible with the curation guidelines of the University of Iowa - Office of the State Archaeologist. Artifact analysis will minimally include identification of objects by material, function, and dates of manufacture and use, if possible.

## SUPPLEMENTAL BACKGROUND RESEARCH

If archaeological features are found that are associated with the former J.G. Cherry Company property, additional archival research may be warranted. More information may be found concerning the products manufactured or sold, services, employees, dates of incorporation, and dates of construction or demolition from newspaper advertisements and articles, professional journals, or business records. For residences, supplemental data might be obtained concerning the homeowners or tenants and possibly boarders, the demographics of the occupants, and occupations from sources such as deed transfers, census data, tax data, vital statistics, city directories, genealogies, diaries, journals, and obituaries. Details about the businesses, houses and associated buildings may be discovered through photographs. The information would contribute to our understanding of the South-Side Neighborhood and possibly the Czech and Slovak enclave.

## REPORT PREPARATION

The report of the Phase I investigation will include at a minimum (a) a description of the project area, (b) a brief description of the environmental and historical contexts, (c) a discussion of the field and laboratory methodologies, (d) a discussion of the results of the investigation, and (e) conclusions and recommendations regarding the potential for the archaeological deposits to contribute important new information about the various businesses or residences historically present at the site and/or their place within the South-Side Neighborhood of Cedar Rapids, Iowa.



December 18, 2007

In reply refer to:  
R&C#: 050757049

Mr. Robert W. Hargrove, Deputy Federal Preservation Officer  
Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460-0001

RE: EPA – LINN COUNTY – CITY OF CEDAR RAPIDS – IOWA STEEL & IRON WORKS SITES –  
BROWNFIELD CLEAN UP

Dear Mr. Hargrove,

Enclosed is a copy of the Memorandum of Agreement (MOA) for the City of Cedar Rapids Brownfield Project. Having consulted with my staff, I find that it is in the best interest of the City that the Iowa Historic Preservation Office participates as a signatory to this agreement. However, in signing, I feel obligated to state that it is the opinion of this office that an MOA is the incorrect instrument given the project circumstances.

It is our opinion, in this case, that use of an MOA rather than a programmatic agreement is not consistent with a strict reading of the Advisory Council's 36 CFR 800 regulations, and furthermore sets a potentially troublesome precedent for future projects.

Therefore we request that this letter serve as a record of our opinion and that it be filed by the EPA with the executed agreement with a copy to ACHP.

Sincerely,



Lowell Soike  
Deputy State Historic Preservation Officer

Cc: John Eddins, Advisory Council on Historic Preservation  
Richard Luther, City of Cedar Rapids  
Sandra Freeman, Department of Housing and Urban Development  
Craig Smith, EPA – Region 7 Office

