

**MEMORANDUM OF AGREEMENT  
BETWEEN THE VILLAGE OF PORT AUSTIN  
AND THE  
MICHIGAN STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE PORT AUSTIN FOUR SEASONS PAVILION  
AT 8861 LINE STREET, PORT AUSTIN, HURON COUNTY, MICHIGAN**

**WHEREAS**, the Michigan Economic Development Corporation (“MEDC”) acting as U.S. Housing and Urban Development (“HUD”) grant administrator plans to fund the Port Austin Four Seasons Pavilion Project and has designated the Village of Port Austin (“Village”) as the responsible entity pursuant to 24CFR Part 58 ; and

**WHEREAS**, the undertaking consists of demolishing a former school gymnasium building and constructing a four-seasons pavilion for a farmers market and recreation in downtown Port Austin; and

**WHEREAS**, the Village has defined the undertaking’s area of potential effects (“APE”) as the parcel at 8861 Line Street and the properties immediately surrounding the parcel in Port Austin, Huron County, Michigan; and

**WHEREAS**, the Village has determined that the undertaking may have an adverse effect on the Port Austin Gymnasium which is eligible for listing in the National Register of Historic Places, and has consulted with the Michigan State Historic Preservation Officer (“SHPO”) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

**WHEREAS**, the Village has notified any affected Tribes of the undertaking and has not received a request to participate in the consultation; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), Village of Port Austin has notified the Advisory Council on Historic Preservation (“ACHP”) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6 (a)(1)(iii); and

**NOW THEREFORE**, the Village and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**STIPULATIONS**

The Village shall ensure that the following measures are carried out:

- I. That prior to demolition, the exterior and interior of the Port Austin Gymnasium is digitally photographed in accordance with the digital photograph section of the SHPO Recordation Standards (Attachment A) and

- that the SHPO reviews and approves the photographs prior to beginning abatement or demolition of the building. The SHPO shall have thirty (30) calendar days to review and approve the photographs upon receipt of the digital files on a USB device; and
- II. A set of printed photographs meeting the SHPO Recordation Standards and a USB device containing the digital photographs and digital copies of gathered historic materials and recent studies will be deposited with the Port Austin Historical Society; and
  - III. The Port Austin Gymnasium will be photographically recorded as outline above to meet the SHPO Recordation Standards. The recordation will NOT include drawings of the existing building or a report; and
  - IV. The wood from the gymnasium floor will be salvaged and given to the Port Austin Lighthouse Association for installation in the Port Austin Reef Lighthouse as part of the restoration efforts; and
  - V. That stone from the gymnasium be incorporated into the design and construction of the new facility. The SHPO shall be given the opportunity to review the plan for the re-used materials and shall have thirty (30) calendar days to review and approve the plan; and
  - VI. The Port Austin's school insignia from the gymnasium be framed and installed in the new facility; and
  - VII. A minimum of one (1) outdoor interpretive display with a brief history of the Port Austin gymnasium with a minimum size of 24" by 16" in size shall be manufactured and installed in the new facility; and
  - VIII. The SHPO shall have thirty (30) days to review the draft of the interpretive display and provide comments; and
  - IX. The display shall be made of durable outdoor material and maintained in good condition by the Village.

**X. DURATION**

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the Village shall consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with stipulation IX below.

**XI. MONITORING AND REPORTING**

Every nine (9) months following the execution of this MOA until the mitigation measures in stipulations I-V above are completed, or until it expires or is terminated, the Village shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems, encountered, and any disputes

and objections received in the Village's efforts to carry out the terms of this MOA.

## **XII. DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Village shall consult with such party to resolve the objection. If the Village determines that such objection cannot be resolved, the Village will:

- A. Forward all documentation relevant to the dispute, including the Village's proposed resolution, to the ACHP. The ACHP shall provide the Village with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Village shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Village will then proceed according to its final decision.
- B. If the ACHP does not provide its advice within the thirty (30) day time period, the Village may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Village shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written responses.
- C. The Village's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

## **XIII. AMENDMENTS**

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

## **XIV. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per stipulation IX above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated and prior to work continuing on the undertaking, MSHDA must either (a) execute and MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Village shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Village and the SHPO and implementation of its terms evidence that the Village has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

**THE VILLAGE OF PORT AUSTIN**

\_\_\_\_\_ **Date** \_\_\_\_\_

**BY: name, title**

**STATE HISTORIC PRESERVATION OFFICER**

\_\_\_\_\_ Date \_\_\_\_\_  
**Ryan M. Schumaker**

## ATTACHMENT A SHPO RECORDATION STANDARDS

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](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.

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#### **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, 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](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 inks<sup>1</sup>:**

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*)

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<sup>1</sup> *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.