

**MEMORANDUM OF AGREEMENT BETWEEN  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION,  
AND THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE**

Whereas, the Federal Highway Administration (FHWA) has determined that the S.C. Route 41 Wando Bridge Replacement Project in Berkeley and Charleston County, South Carolina, will have an adverse effect upon the Wando Bridge (Resource # 066 0006), a property determined eligible for inclusion in the National Register of Historic Places, and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation of the adverse effect determination in accordance with Section 106 of the National Historic Preservation Act (36 CFR Part 800.6 (a)) and the Council has elected not to participate, and

WHEREAS, the FHWA has delegated responsibility to the South Carolina Department of Transportation (SCDOT) to coordinate with the South Carolina State Historic Preservation Officer (SHPO) on matters related to Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f), and

WHEREAS, the SCDOT has consulted with the South Carolina SHPO in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f) and its implementing regulations (36 CFR Part 800) to resolve adverse effects, and

NOW, THEREFORE, the FHWA, the SCDOT, and the South Carolina SHPO agree that the undertaking will be implemented according to the following stipulations in order to take into account the effects of the undertaking on the Wando Bridge:

**STIPULATIONS**

The FHWA and the SCDOT will ensure that the following stipulations are implemented:

1. SCDOT will hire a qualified firm with experience in engineering and cultural resources to complete Phase III of the Historic Bridge Survey of non-metal truss bridges in the state of South Carolina. Phase III of the project will include determinations of National Register eligibility, development of GIS data derived from the bridge survey, the production of a technical report, and the completion of the bridge database.
2. SCDOT will produce 30 hard copies of the technical report for distribution to resource agencies and professional consultants. Digital copies of the report and database will also be made available to resource agencies and consultants.

### Late Discoveries

If unanticipated cultural materials (e.g., large, intact artifacts or animal bones; large soils stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) or human skeletal remains are discovered during construction activities, then the Resident Construction Engineer shall be immediately notified and all work in the vicinity of the discovered materials shall cease until an evaluation can be made by the SCDOT archaeologist in consultation with the South Carolina SHPO.

### Dispute Resolution

The FHWA, the SCDOT, and the South Carolina SHPO will attempt to resolve any disagreement arising from the implementation of the MOA. This will include any disputes that arise concerning the contents of the report(s), including but not limited to its merit as a cultural resource management document.

In the event that the terms of this agreement cannot be carried out, the FHWA and SCDOT will submit a new (or amended) MOA to the South Carolina SHPO and the Council for review. If consultation to prepare a new MOA or amendments proves unproductive, the FHWA will seek Council comment in accordance with 36CFR Part 800.6(b)(1).

### Amendment and Modification

Any party to this MOA may request that it be amended or modified at any time, whereupon the parties will consult with each other to consider such amendment or modification.

Execution of this Memorandum of Agreement by the Federal Highway Administration, the South Carolina Department of Transportation, and the South Carolina State Historic Preservation Office and implementation of its terms, is evidence that the FHWA has taken into account the effects of the undertaking on the Wando Bridge in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470f) and its implementing regulations (36 CFR Part 800).

Federal Highway Administration

By: Patrick J. Zupdell Date: 9-27-10

South Carolina Department of Transportation

By: Chad Garg Date: 9/20/2010

South Carolina State Historic Preservation Office

By: Elizabeth M. Johnson Date: 9/16/2010