

MEMORANDUM OF AGREEMENT

AMONG

THE GENERAL SERVICES ADMINISTRATION,
THE MINNESOTA STATE HISTORIC
PRESERVATION OFFICER, AND

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE DISPOSAL OF THE FORMER U.S. BORDER INSPECTION
STATION
NOYES, MINNESOTA

WHEREAS, this Memorandum of Agreement (MOA), inclusive of all exhibits, is made as of this 12th day of November, 2014 (Effective Date), by the U.S. General Services Administration (GSA or Grantor), the Minnesota State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) (all referred to collectively herein as the Signatories or Parties or individually as a Signatory or Party), pursuant to Sections 106 of the National Historic Preservation Act (NHPA) 16 U.S.C. §§ 470f and 470h-2, and the Section 106 implementing regulations at 36 CFR Part 800; and

WHEREAS, the United States of America, acting by and through the Administrator of the GSA and authorized representatives (GSA) is the fee simple owner of certain real property and improvements known as the former U.S. Inspection Station defined as Government Lot 2, Section 25, Township 164 North, Range 51 West, Kittson County, Minnesota being in the town of Noyes, Minnesota, and lying south of the International Boundary Line between Canada and the United States of America. The subject property contains approximately 2.29 acres (Property) and is known as the former U.S. Border Inspection Station (Border Station); and

WHEREAS, the Border Station is individually listed in the National Register of Historic Places (National Register, see Appendix A) and is pending listing as a contributing resource to the draft National Register Thematic Nomination for U.S. Border Inspection Stations including the Multiple Property Description Form (MPDF), developed by GSA and prepared by ICF International/Jones & Stokes Associates (Appendix B); and

WHEREAS, the Border Station structure on the Property, was built in 1931 in the Colonial Revival Style, is two-stories with basement, masonry exterior walls as shown in current conditions pictures inclusive in the National Register Nomination (Appendix A) and additional digital photo documentation of existing conditions of the Border Station provided by GSA (Appendix C); and

WHEREAS, in consultation, GSA determined that the Area of Potential Effect (APE) is the boundaries of the Property, referred to as Government Lot 2 on the Noyes, Minnesota Land Port of Entry Utilities and Boundaries Survey (Appendix D); and

WHEREAS, in 2012, GSA determined that the Property was surplus to the federal government's needs and, in accordance with the procedures outlined in the Property Act, Title 40 of the U.S. Code, Section 101, et seq., sought to transfer the Property to a reliable steward committed to ensuring compatible use or uses and continuing responsible long-term stewardship of the Property. GSA offered the Property to local governments and qualified not-for-profit organizations through the Historic Monument Transfer authority: 40 USC 550(h) and received no offers of interest; and

WHEREAS, GSA consulted with the SHPO, the Kittson County Historical Society (KCHS), and the Preservation Alliance of Minnesota (PAM) and determined that a historic preservation covenant enforcement entity wasn't available. GSA determined the Property would be transferred by GSA without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the Property's historic significance; and

WHEREAS, GSA, determined that the Undertaking, the disposal of the Property from federal government ownership without restrictions or conditions to protect the characteristics of the Property that qualify it for listing in the National Register, would pose an adverse effect to the Property; and

WHEREAS, in April 2014, GSA offered the Property for public sale with information regarding the Property's listing on the National Register and associated tax incentives, and a prospective grantee (Grantee) has been identified by GSA; and

WHEREAS, in accordance with 36 C.F.R. § 800.6 (a)(1), GSA consulted with the SHPO and notified the ACHP of its adverse effect determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6 (a)(1)(iii); and

WHEREAS, GSA also consulted with the KCHS, (together with the SHPO and the ACHP these organizations are collectively identified in this document as Consulting Parties); and

WHEREAS, GSA has identified Federally-recognized Indian Tribes (Tribes) (Appendix E - *Federally Recognized Tribes Contacted for Consultation*) that may attach traditional religious and cultural importance to properties in the APE for the Undertaking; and

WHEREAS, GSA contacted the Tribes and invited them to participate in consultation and requested the Tribes share with GSA if they anticipated the Undertaking would potentially adversely affect any traditional religious and cultural properties, but GSA did not receive any responses; and

WHEREAS, GSA determined, in consultation with the SHPO, that there is a low probability of unanticipated discoveries of archeological resources which are historic properties, due to previous ground disturbance within the APE; and

WHEREAS, in accordance with 36 CFR § 800.2(d), GSA provided the public opportunities to participate in consultation on the Undertaking through: the GSA website as reported in the local Grand Forks Herald newspaper; GSA notifications to Township, County,

State and Federal representative's offices; and at the on-site public open-house advertised in the Grand Forks Herald (a list of public organizations and individuals contacted by GSA for comment is attached as Appendix F); and

WHEREAS, GSA promoted the Property directly to preservation interests nationally through HistoricProperties.com and consulted with the SHPO, KCHS and PAM and determined that a historic preservation covenant enforcement entity wasn't available, and therefore the Property would be transferred by GSA without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the Property's historic significance (Undertaking); and

NOW, THEREFORE, GSA, SHPO, and the ACHP for good and valuable consideration agree that the Undertaking described above shall be implemented in accordance with the following stipulations to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

GSA shall ensure that the following measures are carried out:

I. General

A. Professional Standards

GSA shall ensure that all historical, archaeological, architectural history, architectural, and historic architectural work at or with regard to the Property shall be conducted by or under the direct supervision of an individual or individuals who meets, at a minimum, the applicable Secretary of the Interior's Professional Qualifications Standards for conducting the appropriate work (48 FR 44738-9, September 29, 1983), as it may be amended.

B. Communications

Any notice or other communication required or permitted to be given under this MOA shall be sufficiently given or delivered if provided in writing and transmitted by personal messenger, certified mail, return receipt requested, or overnight delivery service with receipt confirmation, and addressed as follows:

1. In the case of a notice or communication to GSA:

U.S. General Services Administration
Public Buildings Service, Great Lakes Region
230 S. Dearborn Street, Suite 3500
Chicago, IL 60604
Attn: Regional Historic Preservation Officer

2. In the case of a notice or communication to SHPO:

State of Minnesota
State Historic Preservation Officer
Minnesota Historical Society
345 Kellogg Blvd. W.
St. Paul, MN 55102-1903

3. In the case of a notice or communication to ACHP:

Advisory Council on Historic Preservation
The National Building Museum
401 F Street, NW, Suite 308
Washington, D.C. 20001-2637
Attn: Executive Director

II. Mitigation

A. Archival Documentation

1. GSA shall provide a hard copy and digital files of the U.S. Border Inspection Stations Multiple Property Documentation Form and the National Register Nomination Form for the Border Station as an archival resource for public access at the KCHS and the Hallock Public Library, in Hallock, Minnesota or other local repository. Final disposition location shall be confirmed or verified by GSA via copy of transmittal to SHPO.
2. GSA shall provide to the SHPO a photographic documentation package including reprints of the photographs included in the Property's National Register Nomination and supplemental images, in the form of digital photographic files and hard copy prints on archival photographic paper. This photo documentation package shall illustrate character-defining features of the property and in particular, original, interior architectural elements. GSA will first provide a draft copy of this documentation to the SHPO, who will be allowed thirty (30) days for review and comment on the proposed photographic documentation. GSA will then timely transmit to SHPO the final digital and hard copy reprints for archival purposes.
3. GSA shall provide digital scans and reprints on archival photographic paper of primary source documentation on the construction of the Border Station (an itemized list of these documents are attached as Appendix G) from the National Archives, Record Group 121 held at the National Archives and Records Administration (NARA) and copies of original construction documents of the Border Station dated 1931 (a list of the original construction documents are itemized in Appendix H) held by GSA. These digital scans and reprints on photographic paper shall be supplied by GSA to the SHPO, KCHS and the

Hallock Public Library, or other local repository for the purposes of public access. Final disposition location(s) shall be confirmed or verified by GSA via copy of transmittal to SHPO.

B. Public Interpretation and Resource Interpretation

1. Following on the already developed Historic U.S. Border Inspection Station online context and history, and interpretive brochure and poster located at <http://www.gsa.gov/portal/category/26328> and <http://www.gsa.gov/portal/category/25443> (Appendix I), GSA shall develop a free-standing interpretive exhibit focused on the significance and history of the Border Station in context with the historical significance of the national border crossing and United States Border Inspection System.
 - a.) GSA will work cooperatively with SHPO and KCHS to develop the content of the exhibit.
 - b.) GSA will provide both SHPO and KCHS a reasonable opportunity to review and comment on a final draft of the exhibit panel(s) prior to the finalization of the copy and artwork for manufacture.
 - c.) GSA will explore the feasibility of conducting oral interviews from individuals who either worked at or visited the Border Station as part of the development of the exhibit and report to the SHPO the feasibility of such an activity.
 - d.) A sample of comparable interpretive panels is included as Appendix J for the purposes of understanding general design intent for the exhibit panel(s).
2. GSA shall coordinate installation of the interpretive exhibit at the KCHS or at another appropriate organization or local government agency. The exhibit shall be displayed in a local, publically-accessible location that will provide the best opportunity for public education. Possibilities include the KCHS, the local public library, or a public building within close proximity to the new U.S. border crossing located in Pembina, North Dakota:
 - a.) Once all the exhibit materials are installed at the local public facility they will remain on indefinite, long-term loan to that exhibitor or they can be received by the exhibitor as full owner of the exhibit materials.
 - b.) Once the exhibit is delivered to the recipient, GSA will no longer be responsible for maintenance, storage, or temporary lending to any another institution.
3. GSA shall update their webpage (<http://www.gsa.gov/portal/category/26328>) on Historic U.S Border Inspection Stations 1931-1943 to include a digital version of the installed exhibit information.
4. GSA shall provide a digital version of the installed exhibit to the SHPO for record purposes.
5. GSA shall provide a digital version of the installed exhibit to both the U.S. Customs and Border Protection (CBP) regional or national office and the

Pembina, North Dakota Border Crossing public affairs office. GSA will contact Elizabeth Geijer at U.S. Customs and Border Protection, Department of Homeland Security, or other appropriate staff to make delivery arrangements.

6. As a follow on to a nation-wide National Register Nomination - Multiple Property Determination Form (MPDF), GSA will progress its evaluation and documentation of border crossing properties dating from the mid-twentieth century, determining their significance and eligibility for National Register listing.

III. Activities after Conveyance

GSA shall timely provide the Grantee of the disposed Property with a copy of this MOA, its appendices, and all of the documentation noted in Stipulation II of this MOA.

IV. Administration

A. Status Reports

Until such time as all stipulations have been executed in accordance with the terms of this MOA, GSA will provide status updates to the ACHP and the SHPO. A Final Status Report to review implementation of the terms of this MOA will be provided to all Signatories no later than one (1) year after this MOA is executed by the Signatories. A status meeting may serve in lieu of a status report at the request of a Signatory. Such a meeting shall be recorded in minutes and distributed to participants in lieu of a status report.

B. Dispute Resolution

1. Should the Signatories to this MOA object within thirty (30) days to any plans or other documents provided by GSA or others for review pursuant to this MOA, or to any actions proposed or initiated by GSA, GSA shall consult with the objecting party to resolve the objection. If GSA determines that the objection cannot be resolved, GSA shall:
 - a.) Forward all documentation relevant to the dispute, including GSA's proposed resolution, to the ACHP. The ACHP shall provide GSA with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, GSA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Signatories, and the Consulting Parties, and provide them with a copy of this written response. GSA will then proceed according to its final decision.
 - b.) If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, GSA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, GSA shall prepare a written response that takes into account any timely comments

regarding the dispute from the Signatories and Consulting Parties, and provide them with a copy of such written response.

2. GSA'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.

C. Duration

This MOA shall expire if its terms are not carried out within one (1) year from the date of its execution. Prior to such time, GSA may consult with the other Signatories and to reconsider the terms of the MOA and amend it in accordance with Stipulation IV.D below.

D. 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.

E. Termination

If any Signatory determines that the MOA's 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 IV.D, above. If within thirty (30) calendar days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the MOA, upon written notification to the others.

Once the MOA is terminated, and prior to work continuing on the Undertaking, GSA must either (a) execute another memorandum of agreement 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. GSA shall notify the Signatories and the Consulting Parties as to the course of action it will pursue.

F. Execution, Filing, and Circulation

This MOA may be executed in multiple original counterparts, each of which will be deemed to be an original, and which together will constitute one and the same agreement. This MOA shall become effective upon signature of all Signatories, and a copy filed with ACHP. GSA shall provide all Signatories with a complete copy of this MOA, including original signature pages if requested, within fourteen (14) days of execution. The Consulting Parties shall also receive a scanned copy from GSA within that period.

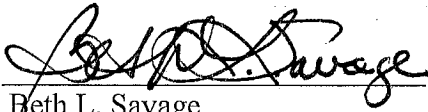
Execution and implementation of this MOA is evidence that GSA has taken into account the effects of the Undertaking on historic properties and afforded the ACHP a reasonable opportunity to comment.

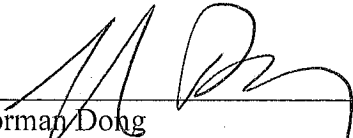
[This is the end of the body of this agreement. The following pages consist of signatory pages and appendices.]

MEMORANDUM OF AGREEMENT REGARDING THE DISPOSAL OF THE FORMER U.S. BORDER INSPECTION STATION, NOYES, MINNESOTA

Signature Page

GENERAL SERVICES ADMINISTRATION

By:  Date: 10/24/14
Beth L. Savage
Federal Preservation Officer, GSA Public Buildings Service

By:  Date: 10/24/2014
Norman Dong
Commissioner, GSA Public Buildings Service

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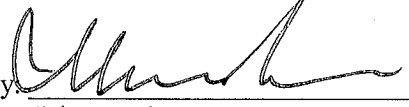
MINNESOTA STATE HISTORIC PRESERVATION OFFICER

By: Barbara Howard Date: Oct. 27, 2014
Barbara Mitchell Howard
Deputy State Historic Preservation Officer

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ADVISORY COUNCIL ON HISTORIC PRESERVATION

By  Date: 11/12/14
for John Fowler
Executive Director

List of Appendices

- A. National Register Nomination for the former U.S. Border Inspection Station, Noyes, Minnesota.
- B. Draft National Register Thematic Nomination for U.S. Border Inspection Stations including the Multiple Property Description Form (MPDF).
- C. Digital photo documentation of existing conditions of the Border Station provided by GSA.
- D. Area of Potential Effect (defined as Government Lot 2) on the Noyes, Minnesota Land Port of Entry Utilities and Boundaries Survey.
- E. Federally-recognized tribes contacted by GSA for consultation on the disposal of the former U.S. Border Inspection Station, Noyes, Minnesota.
- F. List of organizations and individuals contacted by GSA for public comment in accordance with 36 CFR Part 800.2(d).
- G. Itemized list of primary documentation from the National Archives and Records Administration, Record Group 121 on the construction of the Noyes Border Inspection Station.
- H. List of the original construction documents of the Noyes Border Station held by GSA.
- I. Copies of existing, GSA, On-line Content for Historic U.S. Border Inspection Stations.
- J. Sample - interpretive exhibit panel for comparative concept design purposes.