

**MEMORANDUM OF AGREEMENT  
BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS,  
ROCK ISLAND DISTRICT,  
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER,  
ILLINOIS DEPARTMENT OF TRANSPORTATION AND  
CARROLL COUNTY, ILLINOIS  
REGARDING THE BRIDGE ON EAST MIDDLE CREEK ROAD (TR 143)  
LOCATED OVER MIDDLE CREEK,  
CARROLL COUNTY, ILLINOIS**

**WHEREAS**, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 CFR § 800), the United States Army Corps of Engineers, Rock Island District (hereinafter, District) proposes to grant a permit (CEMVR-OD-P-2019-997) in accordance with Section 404 of the Clean Water Act of 1972 (33 U.S.C. § 1344) to Carroll County Highway Department authorizing the replacement of Bridge #008-3907 on East Middle Road (TR 143) over Middle Creek, Carroll County, Illinois (hereinafter, the undertaking) with the Illinois Department of Transportation (IDOT),(Sequence #21962) coordinating this action with the Illinois State Historic Preservation Officer (hereinafter, SHPO); and,

**WHEREAS**, IDOT and the District have consulted with the SHPO and the parties have come to an agreement on the undertaking's area of potential effects (hereinafter, APE), as the footprint of the existing bridge, which will be replaced within existing right-of-way (Appendix A); and,

**WHEREAS**, Bridge #008-3907 on East Middle Road (TR 143) over Middle Creek (hereinafter, the historic property), has been determined eligible for listing in the National Register of Historic Places, and no other properties of historic, architectural, or archaeological significance are known to exist within the APE, nor are human remains likely to be encountered; and,

**WHEREAS**, the District and IDOT have determined, and SHPO concurs, that the undertaking will have an adverse effect on the historic property; and,

**WHEREAS**, the District has consulted with IDOT and Carroll County regarding the effects of the undertaking on the historic property and have invited them to sign this Memorandum of Agreement (hereafter MOA); and,

**WHEREAS**, all parties mutually agree that there is no prudent or feasible alternative to the undertaking as proposed; and,

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), the District has notified the Advisory Council on Historic Preservation (hereafter ACHP) of its adverse effect determination

with specified documentation by way of e106 process on Jan. 9, 2020 and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and,

**NOW, THEREFORE,** the District, IDOT, Carroll County, and 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 the historic property.

## **STIPULATIONS**

### **I. TERMS**

- A. The District shall ensure that issuance of Permit No. CEMVR-OD-P-2019-997 is withheld until this MOA has been executed by all signatories. Upon execution of this MOA Permit CEMVR-OD-P-2019-997 will be verified. Permit CEMVR-OD-P-2019-997 verification will include a Special Condition requiring compliance with Stipulations B-I of this MOA.
- B. Carroll County will ensure that the historic property (Bridge #008-3907) is not removed until the County receives written approval from IDOT.
- C. As mitigation for the adverse effect, the District, Carroll County, IDOT, and SHPO require that the historic property shall be documented in the manner described below and for which IDOT will provide funding and oversight.
- D. IDOT will ensure that their consultant who fulfills professional qualifications standards of the Secretary of the Interior for Architectural History and who has experience with documenting historic bridges, will record the historic property to meet the Historic Illinois Engineering Record (HIER) Level III documentation standard.
- E. Recordation will commence with documentation and photography of the historic property. A paper copy of the draft HIER report will be submitted by IDOT for SHPO review, and a digital (pdf) copy will be submitted by IDOT to the District.
- F. Upon SHPO's written acceptance of the draft HIER report, the SHPO will forward their written acceptance to IDOT with a copy to the District.
- G. Upon receipt of the written approval by IDOT, Carroll County may immediately commence demolition of the historic property.
- H. A final HIER documentation package including two archival paper and digital (CD) copies in an appropriate archival box will be submitted by IDOT to SHPO. The HIER package shall consist of photographs, measured drawings, and a project narrative. The narrative will include historical context statements and a written architectural description

of the structures using the HIER designated outline format. Photographs of the historic property will be produced and submitted per the HIER requirements. This HIER Level III package will be submitted to the SHPO by IDOT no later than six (6) months from the issuance date of Permit No. CEMVR-OD-P-2019-997 to Carroll County. A digital (pdf) copy of the final HIER document will be submitted to the District by IDOT.

- I. Upon SHPO's written acceptance of the final HIER package, the SHPO will forward their written acceptance to IDOT and the District. With this written communication from the SHPO, the Section 106 process will have been concluded.

## **II. DURATION**

This MOA will be null and void if its terms are not carried out within three (3) years from the date of its execution. Prior to such time, the District may consult with the signatories to reconsider the terms of this MOA and amend it in accordance with Stipulation IV below.

## **III. 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 District shall consult with such party to resolve the objection. If the District determines that such objection cannot be resolved, the District will:

- A. Forward all documentation relevant to the dispute, including advice or comments regarding the dispute received by the District from the signatories and concurring parties along with the District's proposed resolution, to the ACHP. The ACHP shall provide the District 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 District 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 District 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, the District may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the District 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 response.
- C. The Signatories' responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### **IV. 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 and is filed with the ACHP.

#### **V. 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 parties to attempt to develop an amendment per Stipulation IV, above. If after thirty (30) days an amendment has not been 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, the District must either (a) execute another 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 District shall notify the signatories as to the course of action it will pursue.

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

This agreement is binding upon the signatories hereto not as individuals, but solely in their capacity as officials of their respective organizations and acknowledges proper action of each organization to enter into the same.

(Signature Pages Follow)

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BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS,  
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ILLINOIS DEPARTMENT OF TRANSPORTATION AND  
CARROLL COUNTY, ILLINOIS  
REGARDING THE BRIDGE ON EAST MIDDLE CREEK ROAD (TR 143)  
LOCATED OVER MIDDLE CREEK,  
CARROLL COUNTY, ILLINOIS**

SIGNATORY:

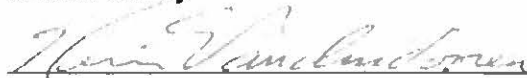
United States Army Corps of Engineers, Rock Island District

Ward Lenz Date 27/Feb/2020  
Ward Lenz  
Regulatory Branch Chief  
United States Army Corps of Engineers, Rock Island District

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INVITED SIGNATORY:

Carroll County



Date JAN 14, 2020

Kevin Vandendooren

Carroll County Highway Department

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SIGNATORY:

Illinois State Historic Preservation Office



Date 2-24-20

Colleen Callahan

Director, IDNR and State Historic Preservation Officer

APPROVED FOR EXECUTION

Date: 2/24/2020

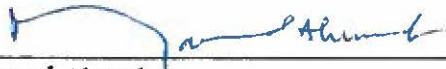
Legal Counsel: 



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INVITED SIGNATORY:

Illinois Department of Transportation

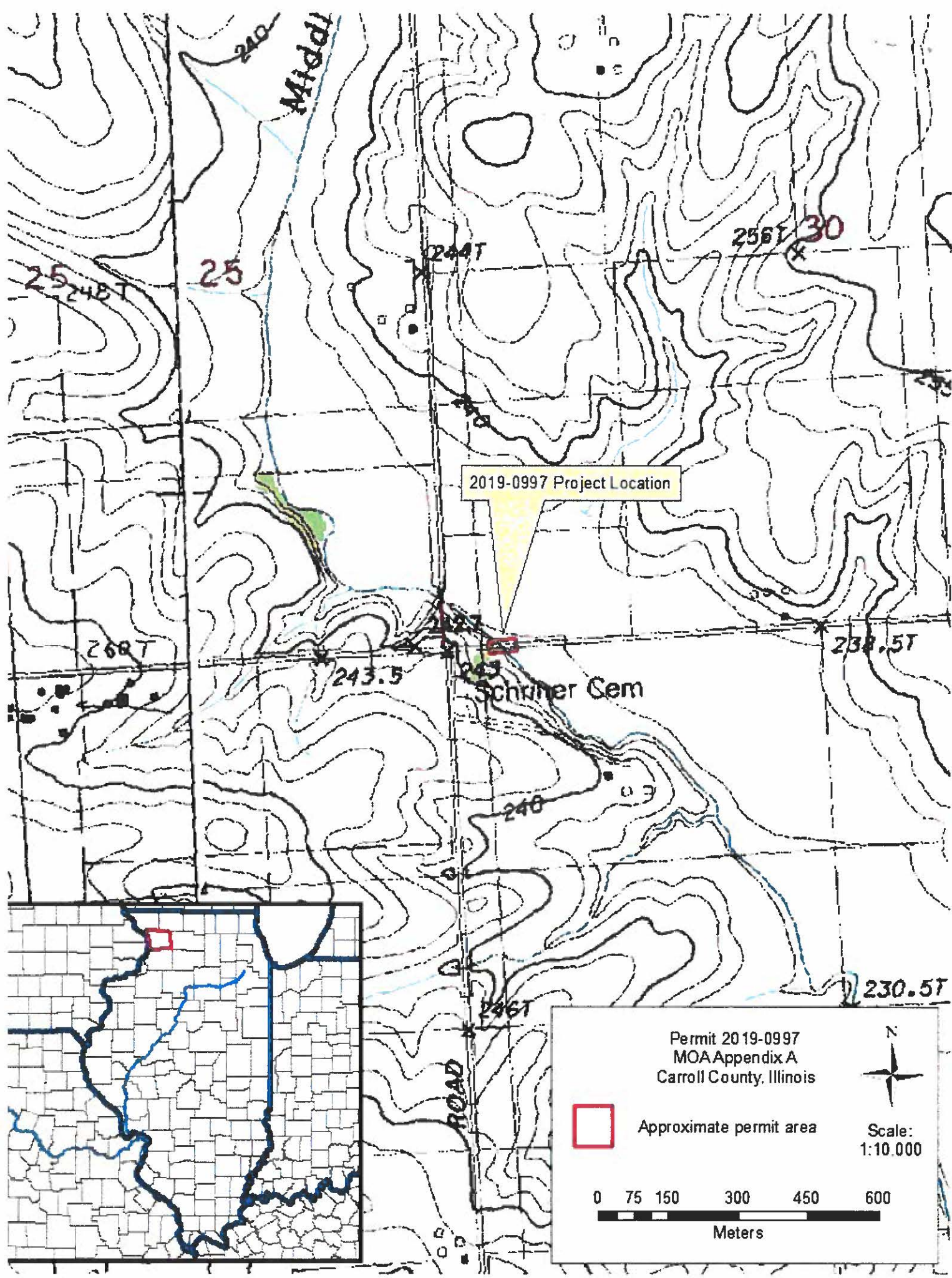
  
\_\_\_\_\_  
Masood Ahmad  
Regional Engineer  
Illinois Department of Transportation

Date 2-26-2020





**APPENDIX A: Map Showing Area of Potential Effects (APE)**

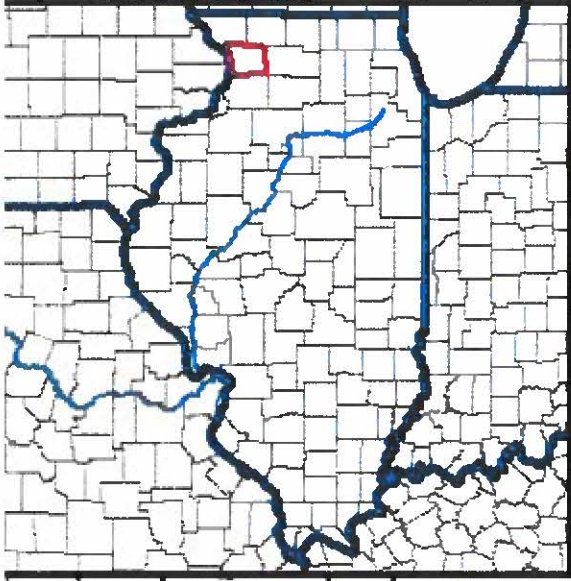


2019-0997 Project Location

Schriener Sem

Middle

ROAD



Permit 2019-0997  
MOA Appendix A  
Carroll County, Illinois

Approximate permit area

Scale: 1:10,000

0 75 150 300 450 600  
Meters



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT  
PO BOX 2004 CLOCK TOWER BUILDING  
ROCK ISLAND, ILLINOIS 61204-2004

March 02, 2020

Operations Division

SUBJECT: CEMVR-OD-P-2019-0997

Mr. Reid Nelson, Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, Rock Island District (District) received an application from the Carroll County Highway Department in Carroll County, Illinois for replacement of bridge No. 008-3907 on East Middle road over Middle Creek in August 2019. This is Rock Island District Permit Application No. CEMVR-OD-P-2019-0997.

We are providing a fully executed original Memorandum of Agreement (MOA) at Enclosure 1. A digital copy in PDF format of the MOA is also included on the CD at Enclosure 2. In addition, please find correspondence and other documentation setting out the history of this project on the CD at Enclosure 2. This MOA addresses adverse effects to potential historic properties and is provided for filing with your office, as per 36 CFR 800.

If you have any questions regarding this matter, please contact me at (309) 794-5380, or write to our address above, ATTN: Regulatory Branch (Brant Vollman).

Sincerely,

Brant Vollman  
Archaeologist  
Regulatory Branch

Enclosures

Copies Furnished:

State Historic Preservation Office  
Illinois Department of Natural Resources  
Attn: Review & Compliance/Old State Capital  
1 Old State Capital Plaza  
Springfield, Illinois 62701

Mr. Brad Koldehoff  
Illinois Department of Transportation  
Bureau of Design and Transportation  
2300 S. Dirksen Parkway  
Springfield, Illinois 62764

Kevin Vandendooren  
Carroll County Highway Department  
10735 Mill Road  
Mt. Carroll, Illinois 61053

