

**MEMORANDUM OF AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
ILLINOIS DEPARTMENT OF TRANSPORTATION,  
MACON COUNTY,  
AND ILLINOIS STATE HISTORIC PRESERVATION OFFICER,  
REGARDING THE  
MACON COUNTY BELTWAY, MACON COUNTY, ILLINOIS**

**WHEREAS**, Macon County in coordination with the Illinois Department of Transportation (IDOT) plans to construct a new bypass around the southeast side of Decatur, Macon County, Illinois (Project), IDOT Sequence #13921, 13921A, 13921B; and

**WHEREAS**, the Federal Highway Administration (FHWA) may fund the Project thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f, and its implementing regulations, 36 C.F.R. Part 800; and

**WHEREAS**, the FHWA has defined the undertaking's area of potential effect (APE) as the proposed project area (as shown in Exhibit A); and

**WHEREAS**, FHWA in consultation with the Illinois State Historic Preservation Officer (SHPO) has determined that no standing structures that are listed or eligible for listing on the National Register of Historic Places (NRHP) will be adversely affected by the Project (Exhibit B); and

**WHEREAS**, FHWA invited the following Tribes/Bands to enter consultation September 25, 2015: Kickapoo Traditional Tribe of Texas, Kickapoo Tribe of Kansas, Kickapoo of Oklahoma, Miami Tribe of Oklahoma, and Peoria Tribe of Indians in Oklahoma, and no Tribe expressed an interest in the Project; and

**WHEREAS**, FHWA has invited the IDOT to participate in consultation and to become a signatory to this MOA; and

**WHEREAS**, FHWA has invited Macon County to participate in consultation and to become a signatory to this MOA; and

**WHEREAS**, FHWA and IDOT, in consultation with SHPO, have identified nine archaeological sites that represent prehistoric (Native American) and Euro-American habitation sites (Sites), 11M180, 245, 266, 272, 273, 282, 283, 328, and 334, that will likely be adversely affected by the Project and have been determined eligible for the National Register of Historic Places (NRHP) under Criterion D (Exhibit B); and

**WHEREAS**, the Sites have no affiliation with historic Indian Tribes and are important for the scientific data they likely contain and do not require preservation in place; and

**WHEREAS**, in accordance with 36 CFR Part 800.4(b)(2), FHWA and IDOT in coordination with the SHPO will implement a staged approach to the identification and NRHP evaluation of archaeological resources because not all high-priority parcels within the APE could be surveyed because of landowner refusal; and

**WHEREAS**, in accordance with 36 CFR Part 800, the FHWA acknowledges and accepts the advice and conditions outlined in the Council’s “Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites,” published in the Federal Register on June 17, 1999; and

**WHEREAS**, FHWA notified the Advisory Council on Historic Preservation (ACHP) of the preparation of this Memorandum of Agreement (MOA) in a letter dated April 29, 2016, and FHWA received no response from the ACHP; and

**WHEREAS**, execution and implementation of this MOA evidences that FHWA has satisfied its Section 106 responsibilities for the Project; and

**NOW, THEREFORE**, FHWA, IDOT, Macon County, and SHPO agree that the Project shall be implemented in accordance with the following stipulations to ensure that potential effects on historic properties are taken into account.

## **STIPULATIONS**

FHWA, IDOT, Macon County, and SHPO agree that the following steps will be undertaken for the Project:

### **I. ARCHAEOLOGICAL INVESTGATIONS**

- A. Identification and Evaluation of Resources.** Additional archaeological surveys and test excavations will be conducted by IDOT in a staged fashion when access to sites and previously unexamined high-priority parcels is secured by Macon County. In coordination with the SHPO, IDOT and FHWA will make a good-faith effort to identify archaeological resources and to evaluate their NRHP eligibility.
- B. Mitigation of Adverse Effects.** For those sites determined eligible for the NRHP, Macon County, IDOT, and FHWA in coordination with the SHPO will attempt to avoid and minimize potential impacts. When impacts cannot be avoided, data-recovery excavations will be conducted by IDOT. These investigations will follow the generalized data-recovery plans (DRP) for prehistoric and historic era habitation sites listed in Exhibit C.
- C. Human Remains.** If human remains are discovered during the investigations covered by this agreement, the provisions of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170)

and its rules (the Act), will be followed. No excavation of human remains will be performed except under the direction of a Certified Skeletal Analyst (17 IAC 4170.300(f)). Disposition of the remains and associated artifacts will be accomplished as determined under the Act. If the remains are determined to be Native American, the provisions of the Memorandum of Understanding regarding Tribal Consultation Requirements for the Illinois Federal Transportation Program, effective September 19, 2011, will be followed, and Tribes with an interest in Macon County will be notified.

## **II. PROFESSIONAL STANDARDS**

For the purpose of implementing this agreement, IDOT shall continue to employ departmental staff with qualifications that meet the requirements of 36 CFR Part 61, Appendix A. At a minimum, the professional staff required to carry out the terms of this agreement shall consist of one permanent, full time, archaeologist. In the event of a prolonged absence of the IDOT archaeologist, IDOT will, in consultation with FHWA, appoint an archaeologist that meets the requirements of 36 CFR Part 61, Appendix A.

## **III. DURATION**

This agreement will be null and void if its stipulations are not carried out within twenty (20) years from the date of its execution. In such an event, the FHWA shall so notify the parties to this agreement and, if it chooses to continue with the Project, then it shall reinstate review of the Project in accordance with 36 CFR Part 800.

## **IV. POST REVIEW DISCOVERIES**

**A. Procedures for an Unanticipated Discovery of Human Remains and Burials.** In the case of an unanticipated discovery of human remains or burials on Federal land, IDOT will follow the procedures outlined by the Native American Graves Protection and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7). In the event of an unanticipated discovery of human remains or burials on non-Federal lands during IDOT construction activities, IDOT will comply with 20 Illinois Compiled Statutes 3440/0.01, et seq. (Human Skeletal Remains Protection Act) and follow these procedures:

(a) Upon encountering human remains or an unmarked human burial during ground disturbing construction activities, IDOT will ensure that the construction contractor immediately stops work within a one hundred fifty (150) foot radius from the point of discovery. The IDOT will ensure that the construction contractor implements interim measures to protect the

discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.

(b) Immediately following receipt of such notification, the IDOT will ensure that construction activities have halted within a one hundred fifty (150) foot radius from the point of discovery and assume responsibility for implementing additional measures, as appropriate, to protect the discovery from looting and vandalism until the requirements of state law have been completed.

(c) IDOT will determine if the skeletal remains are human, the degree to which they were disturbed, and, if possible, assess their potential age and cultural affiliation without any further disturbance.

(d) IDOT will notify the county coroner, Illinois Historic Preservation Agency (IHPA) and SHPO within forty-eight (48) hours of the discovery.

(e) Within seventy-two (72) hours after notification the county coroner will determine jurisdiction. If the remains are older than one hundred (100) years, the county coroner will notify the IHPA and SHPO.

(f) The IHPA is responsible for notifying FHWA and IDOT within twenty-four (24) hours of its findings.

(g) If it is determined that intact or fragmented human remains are present IDOT will consult with the IHPA, SHPO, FHWA, and other interested parties regarding additional measures to avoid and protect or mitigate the adverse effect of the Project on the human remains and burial site. These measures may include:

- i. formal archaeological evaluation of the site;
- ii. if the remains are determined to be Native American, consultation with appropriate Tribes will be required;
- iii. visits to the site by the SHPO and other interested parties;
- iv. exploration of potential alternatives to avoid the human remains or burial;
- v. for Native American remains, implementation of a mitigation plan by IDOT in consultation with appropriate Tribes, including procedures for disinterment and re-interment;
- vi. implementation of the mitigation plan; and
- vii. FHWA approval to resume construction following completion of the fieldwork component of the mitigation plan.

**B. Procedures for an Unanticipated Discovery of Historic Properties.** In the event of an unanticipated discovery of historic properties during IDOT construction activities, IDOT will follow these procedures:

(a) The construction contractor must immediately stop all construction activity within a one hundred fifty (150) foot radius of the discovery, notify IDOT of the discovery and implement interim measures to protect the discovery from looting and vandalism. Within forty-eight (48) hours of receipt of this notification of the discovery, the IDOT shall:

- i. inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
- ii. clearly mark the area of the discovery;
- iii. implement additional measures, as appropriate, to protect the discovery from looting and vandalism; and
- iv. notify the FHWA, the SHPO, and other interested parties of the discovery.

(b) IDOT/FHWA will have seven (7) business days following notification to determine the National Register eligibility of the discovery after considering the filed comments of the SHPO and other interested parties. IDOT/FHWA may assume the newly discovered property to be eligible for the National Register for the purposes of Section 106 pursuant to 36 CFR§ 800.13(c)

(c) If the find is determined to be potentially significant the IDOT will consult with the SHPO and other interested parties regarding appropriate measures for site treatment. For properties determined eligible for the National Register, IDOT/FHWA will notify the SHPO and other interested parties, of those actions for which it proposes to resolve adverse effects. The SHPO and other interested parties will have seven (7) business days to provide their views on the proposed actions to resolve adverse effects. These measures may include:

- i. formal archaeological evaluation of the site;
- ii. visits to the site by the SHPO and other interested parties;
- iii. exploration of potential alternatives to avoid the site;
- iv. preparation of a mitigation plan by IDOT in consultation with other interested parties for approval by the SHPO;
- v. implementation of a mitigation plan; and
- vi. FHWA approval to resume construction following completion of the fieldwork component of the mitigation plan.

(d) If the find is determined to be either isolated or completely disturbed by construction activities, the IDOT will consult with the SHPO and other interested parties prior to resuming construction.

(e) Dispute Resolution: The FHWA will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding determination of effects.

## **V. DISPUTE RESOLUTION**

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

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

## **VI. AMENDMENTS**

This agreement 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.

## **VII. TERMINATION**

If any signatory to this agreement 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. If within thirty days an amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories. Once the

agreement is terminated and prior to work continuing on the undertaking, FHWA must request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

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

**SIGNATORIES**

FEDERAL HIGHWAY ADMINISTRATION

By: James P. Biland Date: 7/7/2016

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

By: L. B. Mcc Date: 7/6/16

**INVITED SIGNATORIES**

ILLINOIS DEPARTMENT OF TRANSPORTATION

By: [Signature] Date: 6/15/16

MACON COUNTY

By: [Signature] Date: June 9, 2016

***Exhibit A - Macon County MOA***



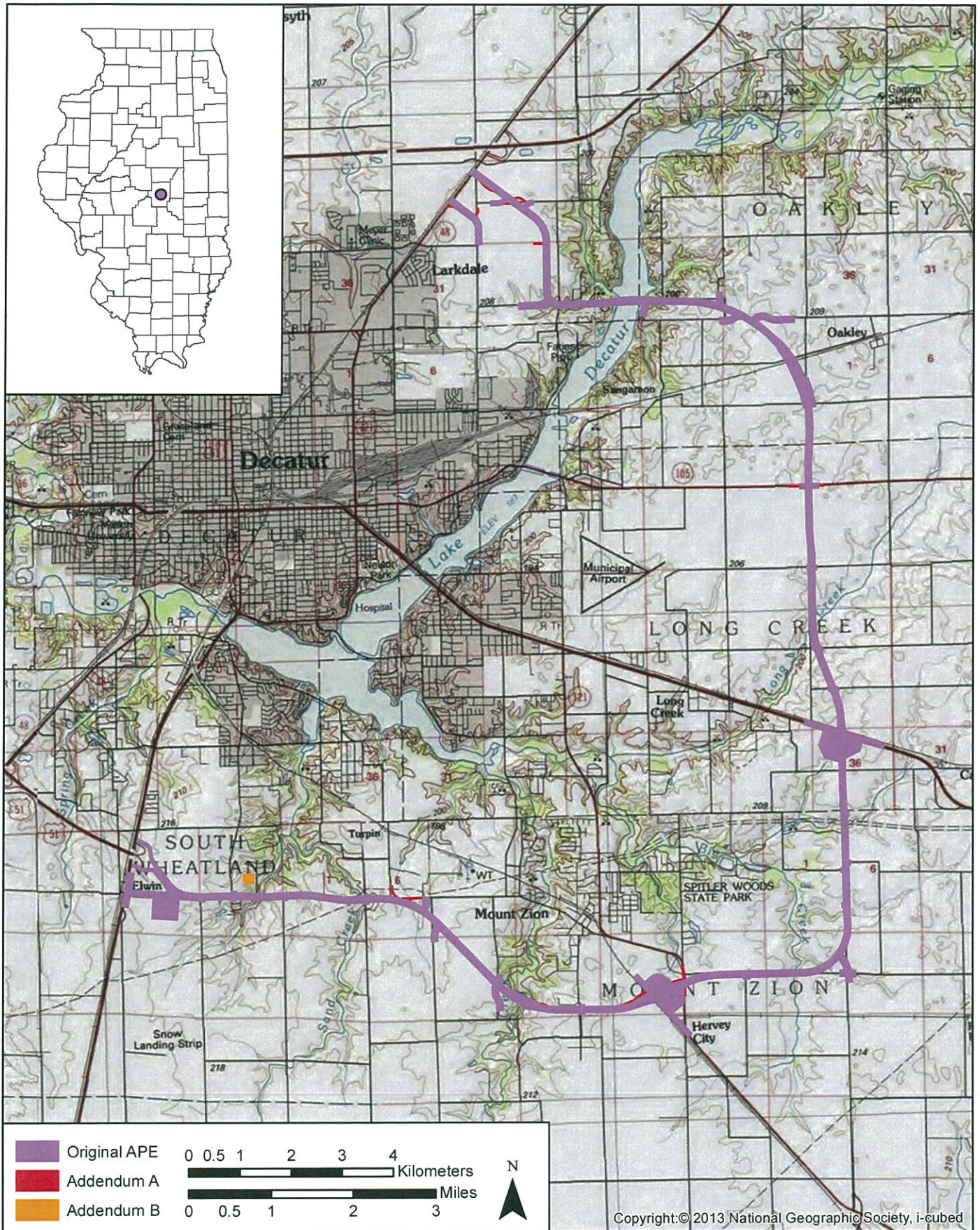


Figure 1. Area of Potential Effects, including Addenda A and B, on the Argenta, Decatur, Forsyth, and Long Creek USGS 7.5' Quad Maps. Scale is 1:100,000.



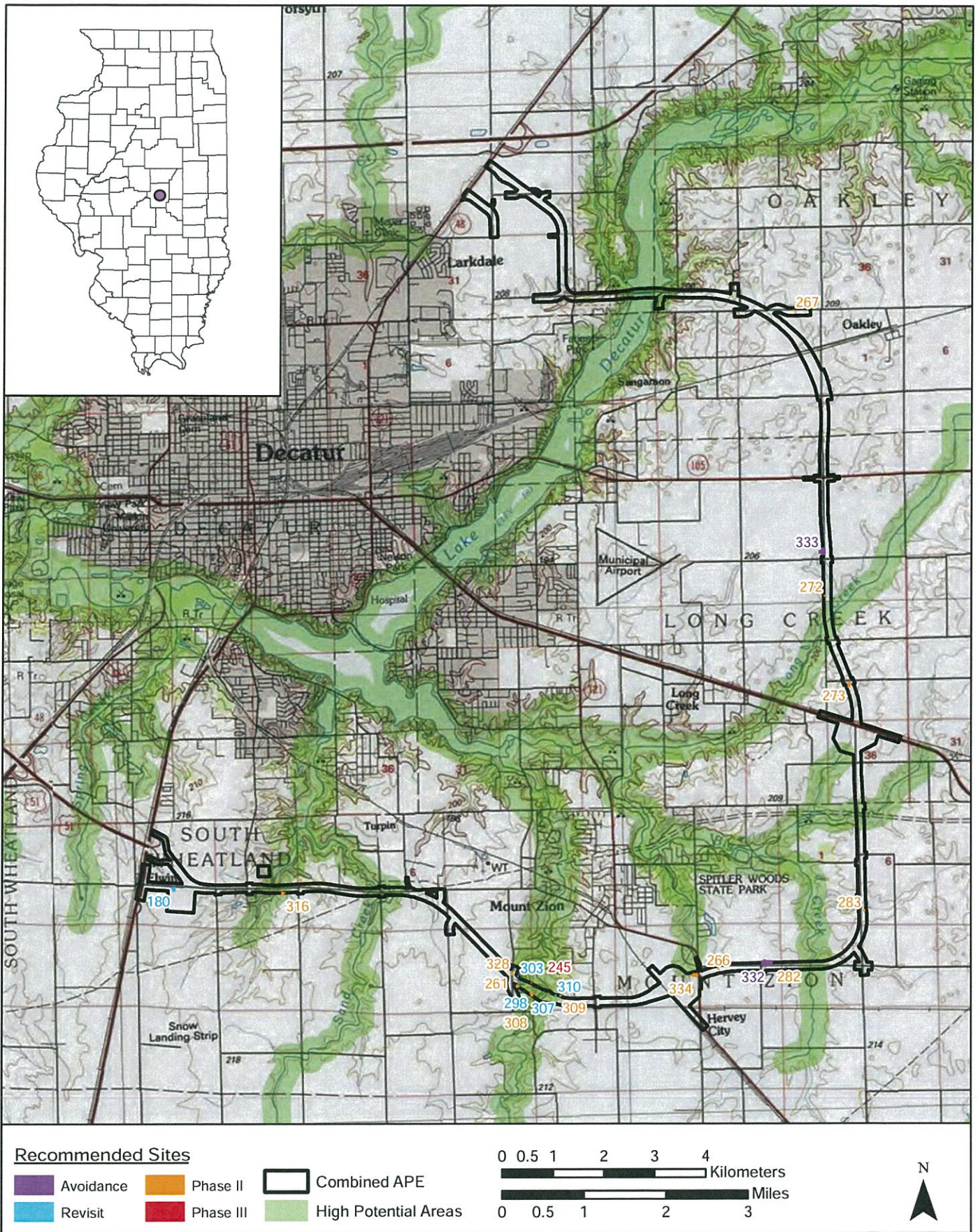


Figure 2. High Potential Archaeological Areas and Recommended Archaeological Sites. Scale is 1:100,000.



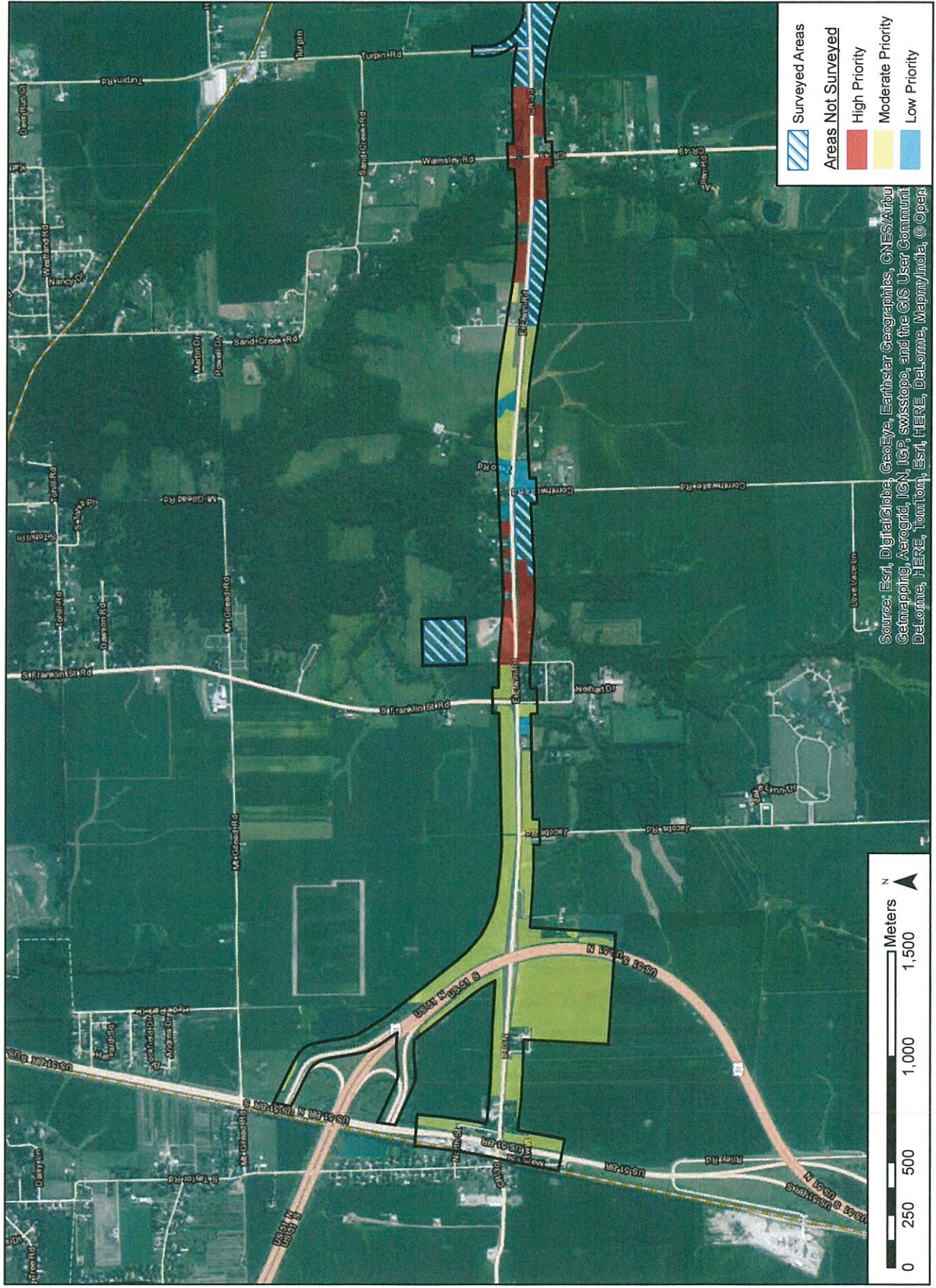
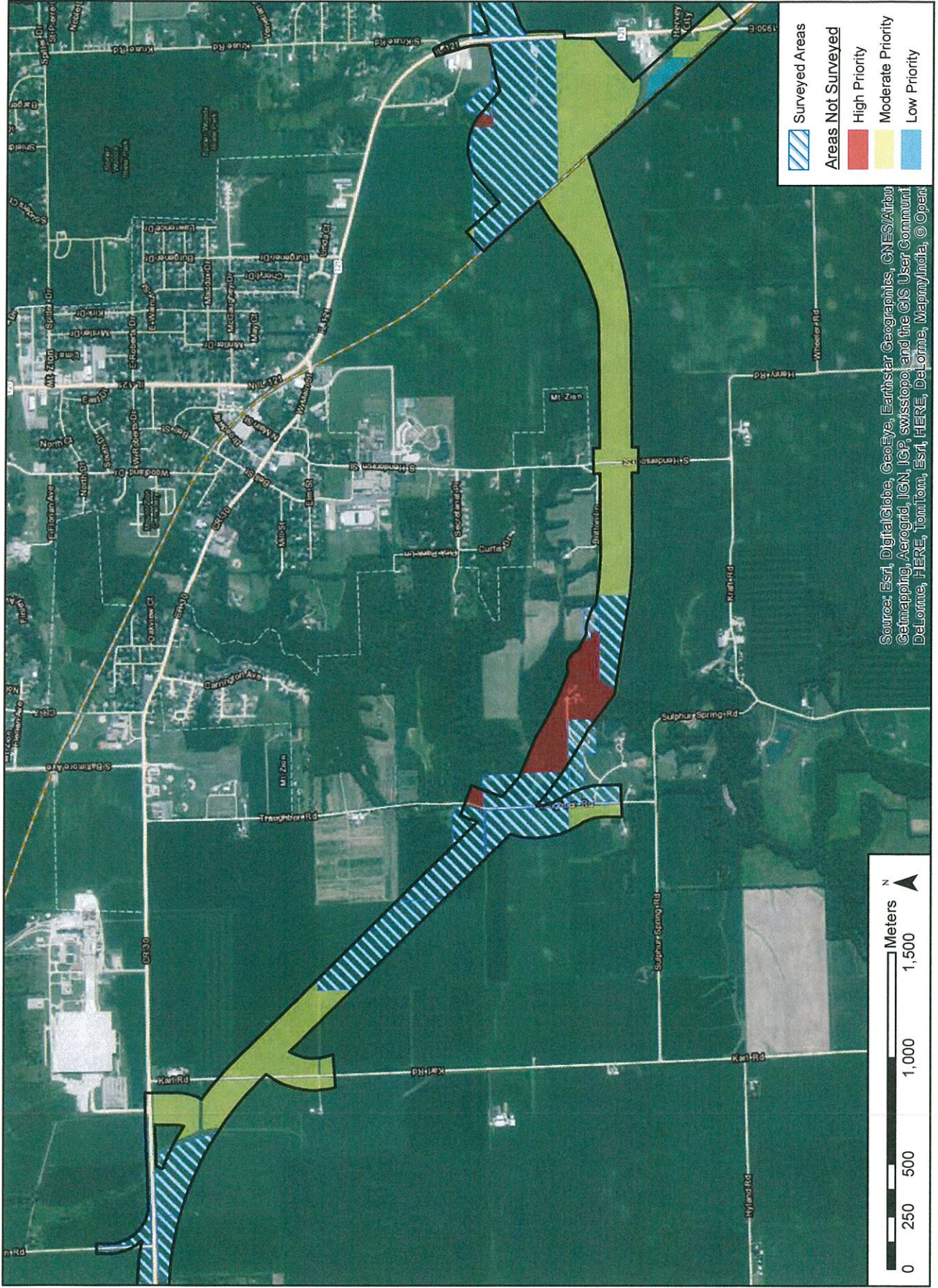


Figure 4a. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus  
 Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community  
 DeLorme, HERE, TomTom, Esri, HERE, DeLorme, MapmyIndia, © Open

Figure 4b. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.



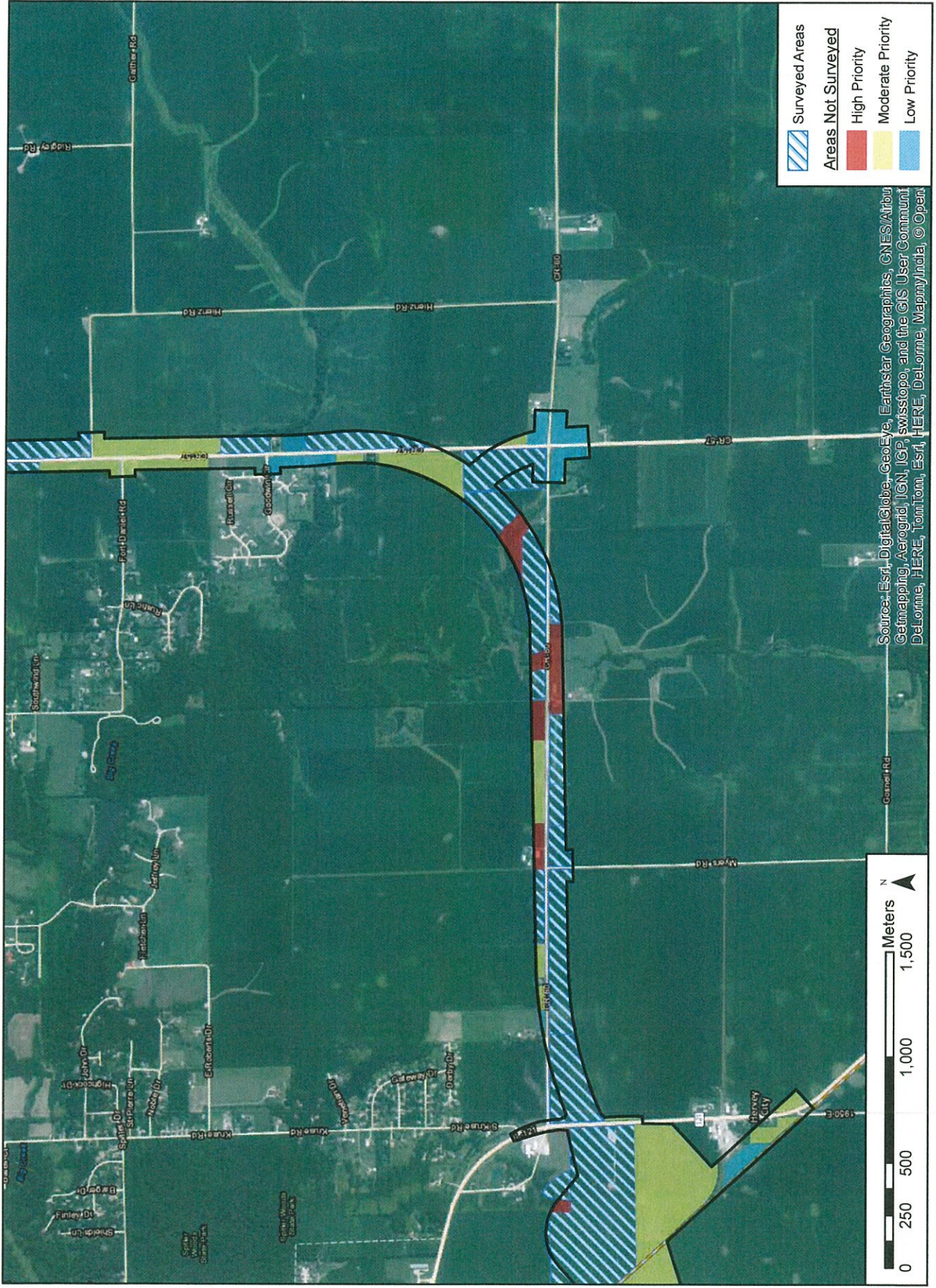


Figure 4c. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.



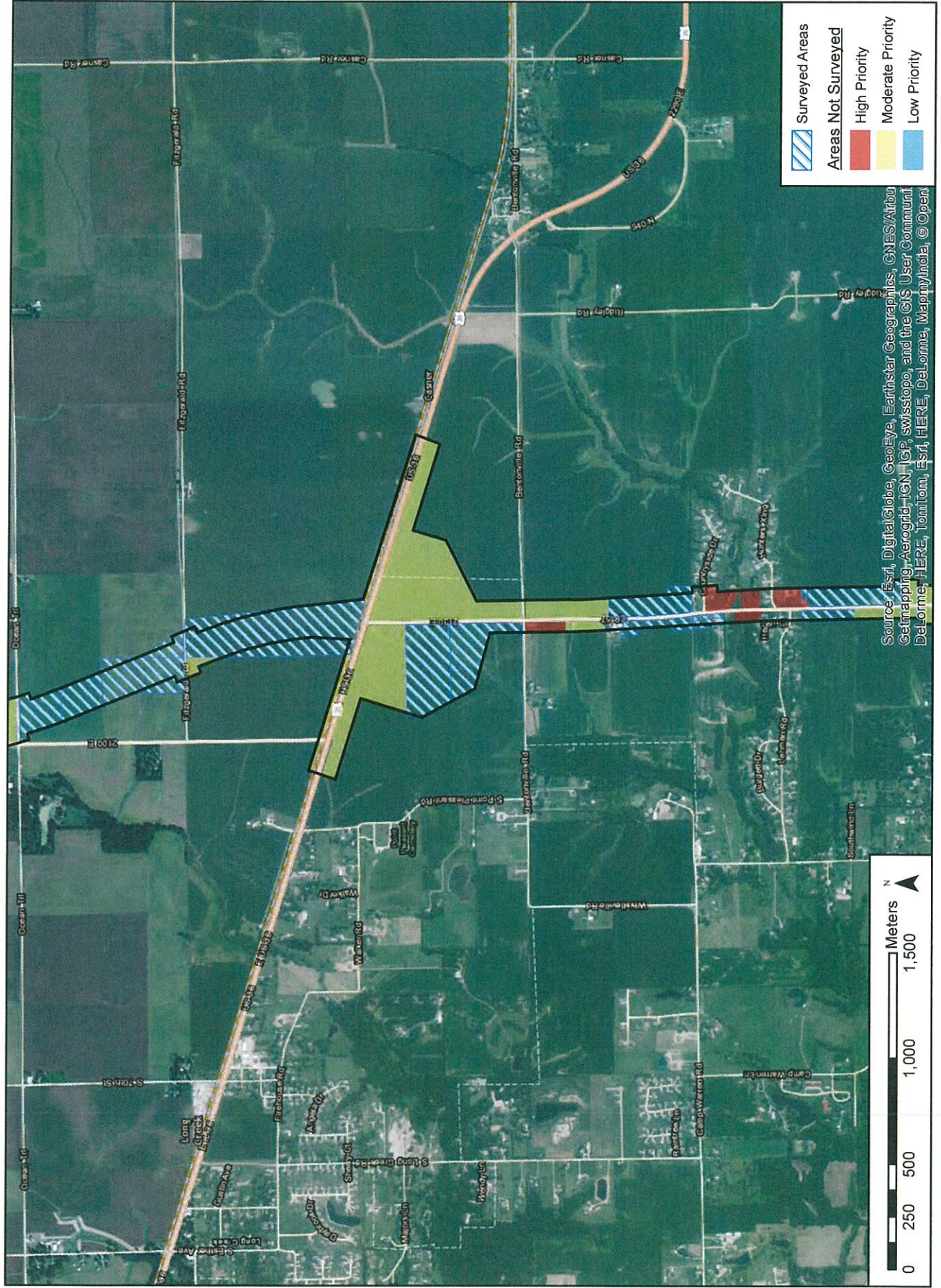


Figure 4d. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.



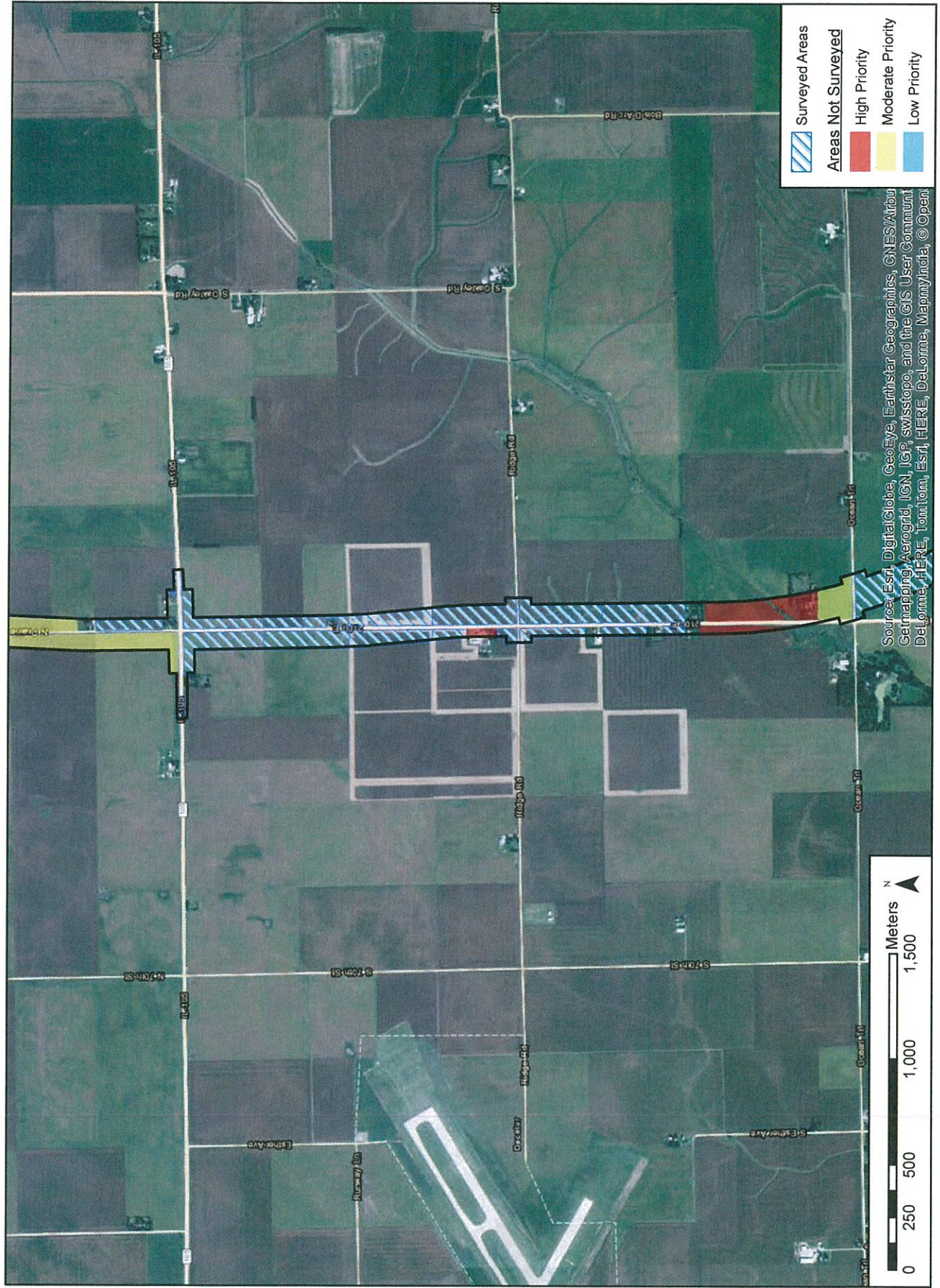


Figure 4e. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.



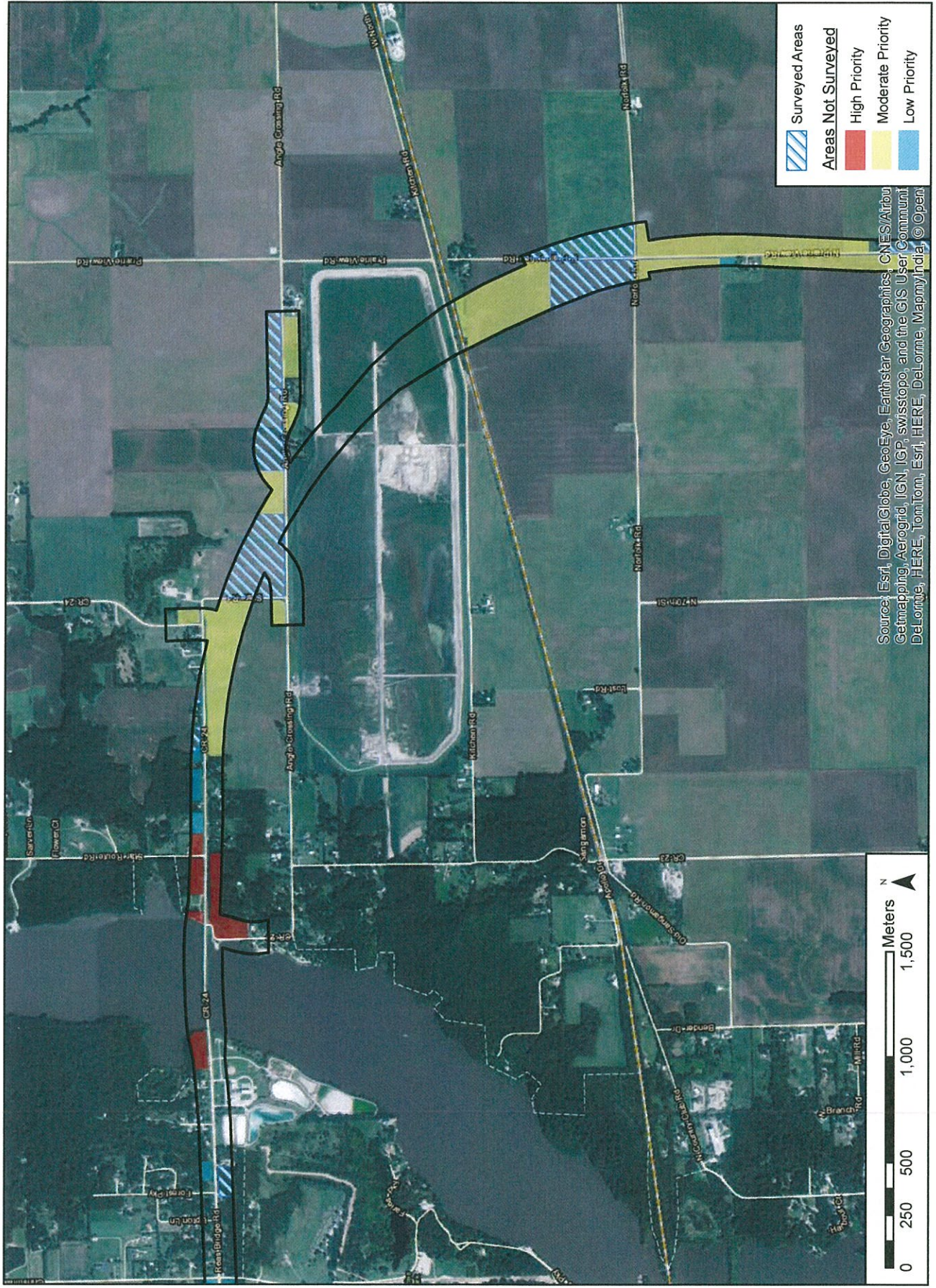


Figure 4f. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.



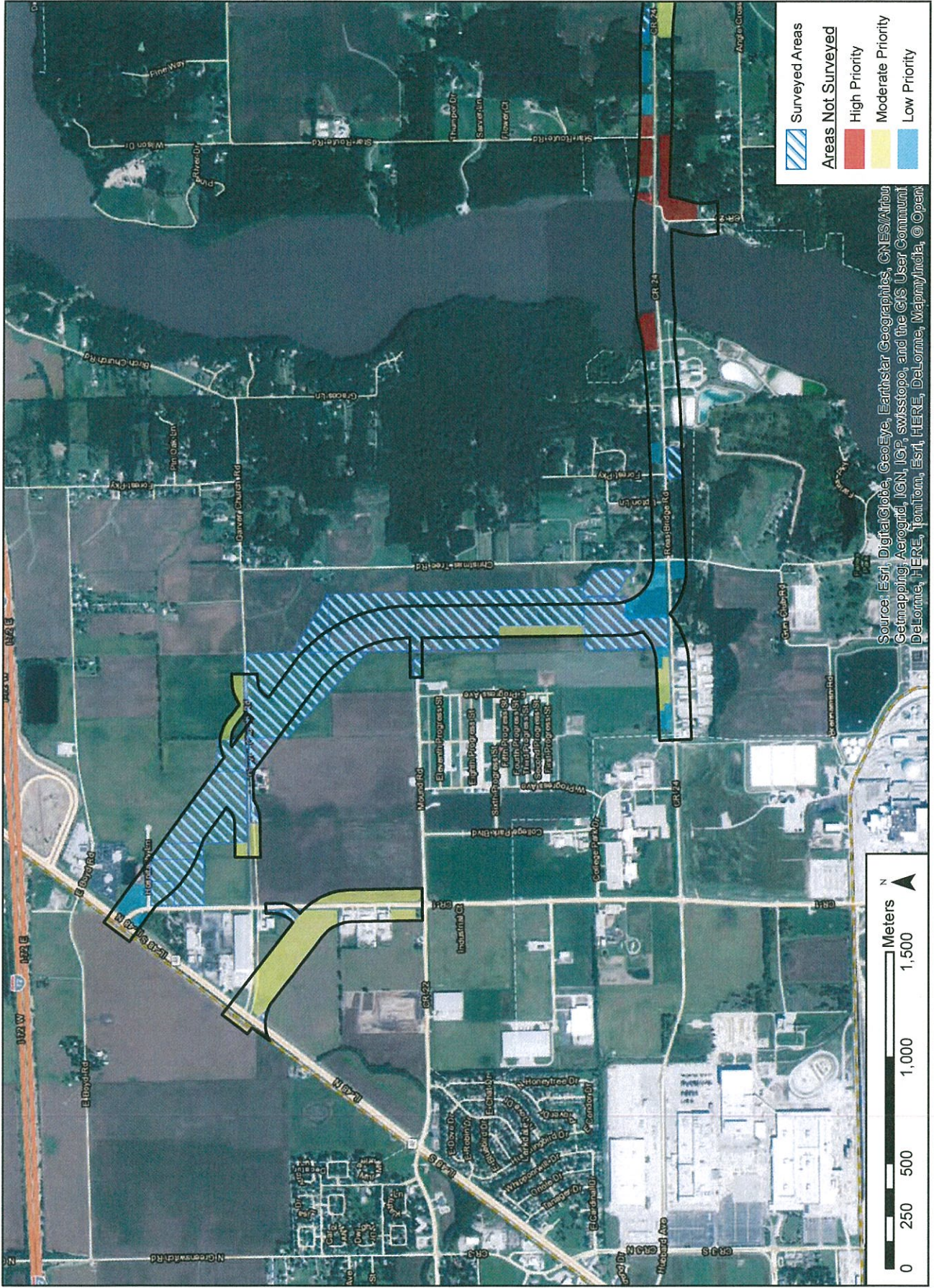
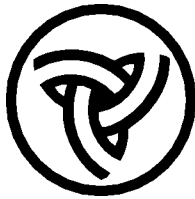


Figure 4g. Surveyed and unsurveyed areas in the Macon County Beltway APE. Scale is 1:24,000.



***Exhibit B - Macon County MOA***



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

**Macon County  
Decatur  
Macon County Beltway  
Section: 99-00151-00-ES  
IDOT Sequence #13921, #13921A, #13921B  
ISAS Log #15034  
IHPA Log #002012709**

**December 18, 2015**

**Federal - Section 106 Project**

## **Archaeological Properties – Adverse Effect**

Dr. Rachel Leibowitz  
Deputy State Historic Preservation Officer  
1 Old State Capitol  
Illinois Historic Preservation Agency  
Springfield, Illinois 62701

Dear Dr. Leibowitz:

In continuing consultation with your office and the Federal Highway Administration (FHWA) for the above referenced project, the Illinois Department of Transportation (IDOT) has completed a reexamination of cultural resources within the project's Area of Potential Effect (APE). This effort has resulted in an **Adverse Effect** finding for archaeological resources. Architectural resources will be coordinated with your office separately.

### A. Project History

In January 2009 project consultation with your office was initiated. In November 2011 in coordination with your office, the identification and evaluation of cultural resources was completed, as was an assessment of effects. In total, eight Euro-American Tradition archaeological habitation sites considered eligible for National Register of Historic Places (NRHP) under Criterion D would likely be adversely impacted, given the project design at that time: 11M261, 266, 267, 272, 273, 282, 283, and 328. No effects to architectural properties were identified at that time. The ***Programmatic Agreement for the Mitigation of Adverse Effects to Euro-American Tradition Archaeological Sites***, ratified August 2011, was the agreed upon process for investigating the eight archaeological sites.

In 2014, based upon current project plans and newly identified landowner concerns, your office identified potential impacts to an architectural resource, the Eli Ulery House, which is listed on the NRHP. Subsequently, IDOT undertook a reexamination of the architectural and archaeological resources throughout the APE. Because new information came to light, the National Environmental Policy Act (NEPA) required a reevaluation of the January 17, 2014 Finding of No Significant Impact (FONSI) for the undertaking. While potential impacts to the Eli Ulery House and other architectural properties can likely be avoided or minimized, potential impacts to archaeological sites that warrant NRHP consideration cannot be avoided.

## B. Archaeological Resources

Enclosed are copies the Archaeological Survey Report completed by Illinois State Archaeological Survey (ISAS) personnel concerning archaeological resources within the 718-acre APE. The survey resulted in the identification of 58 archaeological sites. However, further survey work is required because portions of the APE could not be accessed. Therefore, additional survey work will be conducted, targeting high-probability areas, when access to these areas can be secured. Based on the information available, 20 sites are eligible for NRHP consideration under Criterion D. At present, impacts to nine of these sites cannot be avoided: 11M180, 245, 266, 272, 273, 282, 283, and 328, and 334. These nine sites do not warrant preservation in place, but additional efforts will be made to avoid and minimized impacts as project design plans are finalized. Yet, based on current project design information, it is likely all or most of these nine sites will be at least partially impacted, resulting in an adverse effect.

Therefore, IDOT in coordination with FHWA will implement a phased (or staged) approach to the identification and NRHP evaluation of archaeological resources within the APE, in accordance with 36 CFR Part 800.4(b)(2). A Memorandum of Agreement will be developed stipulating, that when access is secured, IDOT will ensure: (1) additional survey work will be conducted, targeting high-probability areas, (2) test excavations will be conducted to evaluate NRHP eligibility, and (3) when impacts to NRHP-eligible sites cannot be avoided, the sites will be subject to data-recovery excavations prior to the initiation of construction activities.

## C. Concurrence

In coordination with the FHWA, IDOT requests the concurrence of the State Historic Preservation Officer (SHPO) in our **Determination of Eligibility** and **Adverse Effect** findings described above, in addition to our plan to stage the work required to complete the Section 106 process.

Please provide your written concurrence with the above findings within 30-days. In accordance with 36 CFR Part 800.3(c)(4), the FHWA will proceed to the next step in the Section 106 process if we do not receive a response from your office within 30 days.

Sincerely,



Brad H. Koldehoff  
Cultural Resources Unit  
Bureau of Design & Environment



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

RECEIVED  
MAR - 8 2016

## Preservation Services

Macon County  
Decatur  
Macon County Beltway  
Section # 99-00151-00-ES  
IDOT Sequence # 13921, 13921A, 13921B  
IHPA Log # 002012709

March 8, 2016

IHPA REVIEW  
H/A \_\_\_\_\_  
AC \_\_\_\_\_  
AR \_\_\_\_\_  
File \_\_\_\_\_

### FEDERAL – SECTION 106 PROJECT

### NO ADVERSE EFFECT – Architectural Resources

Dr. Rachel Leibowitz  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency  
1 Old State Capitol Plaza  
Springfield, Illinois 62701

Dear Dr. Leibowitz:

In continuing consultation with your office and the Federal Highway Administration (FHWA) for the above referenced project, the Illinois Department of Transportation (IDOT) has completed its investigation of cultural resources within the project's Area of Potential Effect (APE). This effort has resulted in a **No Adverse Effect** finding for architectural resources. Archaeological resources are being coordinated separately with your office.

In our December 18, 2015 submittal to your office, IDOT identified the historic resources in the Area of Potential Effect (APE) for this project: the Eli Ulery House, which is listed on the National Register of Historic Places (NRHP); both the Myers House and Cortnwaite House, which were previously determined eligible for the NRHP; and two properties that IDOT believed were NRHP-eligible based on information at hand. Your office's January 22, 2016 letter agreed that one property (Farm at 6578 Sefton Rd., Decatur) was NRHP-eligible. However, more information was needed for the property at 6459 Reas Bridge Rd. before a determination could be made. In response to your office's January 22, 2016 request, the enclosed Determination of Eligibility report regarding the property at 6459 Reas Bridge Road outside of Decatur is included for your review.

Based upon the detailed information found in the attached Determination of Eligibility report, it is our determination that the property at 6459 Reas Bridge Rd. is not eligible for listing on the NRHP.

Regarding the historic resources in the APE, none will be significantly impacted by the project. As shown in the attached, plans detail how impacts to historic resources were minimized and/or avoided altogether.

In coordination with the Federal Highway Administration (FHWA), IDOT requests the concurrence of the State Historic Preservation Officer in our determination that no historic properties subject to protection under Section 106 of the National Historic Preservation Act of 1966 will be adversely affected by the proposed project. In accordance with 36 CFR Part 800.3(c)(4), the FHWA will proceed to the next step in the Section 106 process if we do not receive a response from your office within 30 days.

Sincerely,



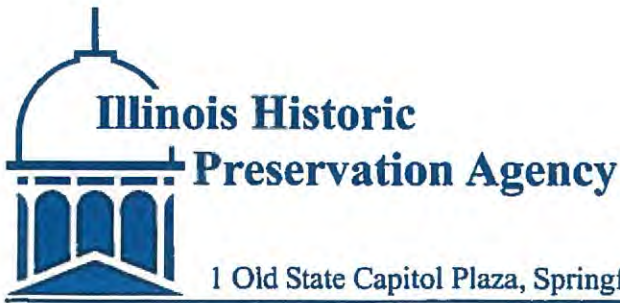
Brad H. Koldehoff, RPA  
Cultural Resources Unit  
Bureau of Design & Environment

BK:el

**CONCUR**

By: R. Leibowitz SJH  
Deputy State Historic Preservation Officer

Date: 2/11/16



1 Old State Capitol Plaza, Springfield, IL 62701-1512

[www.illinoishistory.gov](http://www.illinoishistory.gov)

Macon County  
Decatur  
State Highways in Downtown Decatur  
11M245, 261, 266, 267, 272, 273, 282, 283, 309, 328, 308, 316, 334, 180, 298, 303, 307, 310,  
11M332 & 333,  
11M265, 268-271, 274-281, 288-290, 297, 302, 304-306, 311-315, 317-327, 329-331, 356  
FHWA-HPER-IL, IDOT Seq #-13921, IDOT-Sec- 13921A, IDOT/ISAS#- 13921B,  
Macon County Beltway Environmental Assessment

March 18, 2016

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

Dear Mr. Koldehoff:

Thank you for requesting comments from our office concerning the possible effects of the project referenced above on cultural resources. Our comments are required by Section 106 of the National Historic Preservation Act of 1966 (16 USC 470), as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties".

We have received the Archaeological Survey Short Report the project referenced above. Our staff cannot adequately review this report as submitted to our office. When the required level of documentation is supplied, we will comment on the adequacy of the archaeological investigations and provide our recommendations for this project. Please address the following items and return two revised copies and a CD with the report in pdf format to us for review:

1. The archaeological report recommendations primarily for the historic sites needs to be based on National Register criteria, not the age or length of occupation.
2. Archaeological site 11M245 is eligible for listing in the National Register under criterion A & D. The site appears to have been avoided by CCRG and efforts should be made to avoid this site with this undertaking.

If you have further questions, please contact Joe Phillippe at 217/785-1279.

Sincerely,

Rachel Leibowitz, Ph.D.  
Deputy State Historic Preservation Officer

cc: Janis P. Piland, Federal Highway Administration



# Illinois Historic Preservation Agency

1 Old State Capitol Plaza, Springfield, IL 62701-1512

FAX 217/524-7525

[www.illinoishistory.gov](http://www.illinoishistory.gov)

Macon County  
Decatur

PLEASE REFER TO: IHPA LOG #002012709

State Highways in Downtown

11M245, 261, 266, 267, 272, 273, 282, 283, 309, 328, 308, 316, 334, 180, 298, 303, 307, 310

11M332 & 333

11M265, 268-271, 274-281, 288-290, 297, 302, 304-306, 311-315, 317-327, 329-331, 356

FHWA-HPER-IL, IDOT Seq #-13921, IDOT-Sec:- 13921A, IDOT/ISAS#- 13921B

Macon County Beltway Environmental Assessment

April 21, 2016

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

Dear Mr. Koldehoff:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

Rachel Leibowitz, Ph.D.  
Deputy State Historic  
Preservation Officer



## ***EXHIBIT C - MACON COUNTY MOA***

### **PART A: STANDARD DATA-RECOVERY PLAN FOR PREHISTORIC SITES**

#### **Introduction**

The Illinois State Archaeological Survey (ISAS), a joint program of the University of Illinois at Urbana-Champaign (UIUC) and the Illinois Department of Transportation (IDOT), prepared this data-recovery plan for the archaeological mitigation of prehistoric habitation sites. This plan was developed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716), and "The Treatment of Archaeological Properties" published in 1980 by the Advisory Council on Historic Preservation. All procedures outlined in this plan are implemented using standard ISAS techniques, which are outlined in ISAS 2013 Field Manual: *Standard ISAS Field Procedures for Phase I, II and III Archaeological Investigations*.

The IDOT and the Illinois State Historic Preservation Officer (SHPO) have jointly determined that the prehistoric sites to be investigated with this recovery plan are eligible for the National Register of Historic Places under Criterion D and that impacts to these sites cannot be avoided.

#### **Natural Setting**

The natural setting for archaeological sites excavated under this data-recovery plan will be examined (prior to conducting further excavation) in the appropriate existing documentation (such as the Geological Survey Soil Survey) and in the field. A verbal description of the natural setting will accompany maps and photographs in the final reporting of the site.

#### **Summary of Previous Investigations**

In general, sites to be investigated under this data recovery plan were recorded by ISAS personnel during the Phase I survey of the proposed project area. When necessary, existing archaeological and historical property lists will be consulted and oral histories conducted to fully develop a site's history and aid in locating possible features and an understanding of a site's stratigraphy and distribution across the landscape. Phase I testing at the site will have revealed the presence of intact cultural material and the site's potential to significantly contribute to our understanding of the prehistory of this area in order to warrant additional investigation.

#### **Research Design**

The data generated by excavations at the prehistoric site(s) will be used to examine at least three topics: (1) chronology; (2) technology; and (3) subsistence practices. Insights into changing patterns of community organization may also be granted, as may insights into changes in social organization. The data recovered will then be compared to data from other regional sites.

1. Chronology. It is expected that the recovered artifact assemblage at the prehistoric site(s) will suggest the presence of at least one cultural component (such as the Mississippian or Late Woodland). Insights into more precise time spans at both sites can be gained through analysis of point and ceramic styles, as well as the acquisition of charcoal samples for radiocarbon analysis.
2. Technology. The lithic artifacts recovered from the prehistoric site(s) are expected to reflect the inhabitant's use of this material for a variety of tasks involved in procuring and processing resources. Analysis of the lithic assemblage will identify raw materials, heating stage, overall stages of tool manufacture, and lithic reduction strategies. Analysis of the ceramics, if ceramics are recovered, may also aid in the identification of pottery manufacturing processes.
3. Subsistence. If plant and animal remains are recovered at the prehistoric site(s), standardized flotation samples will be collected and analyzed from excavated feature fills to identify patterns of plant and animal use by the site inhabitants. These data will be used in the interpretation of seasonality and site function.

### **Mitigation Plan**

Investigations will be conducted in compliance with the National Historic Preservation Act of 1966, as amended, and will be carried out by ISAS archaeologists who meet the Secretary of the Interior's professional qualification standards (48 FR 447838-9). In designing and carrying out the work, ISAS staff will also take into account the Advisory Council on Historic Preservation's publication on the "Treatment of Archaeological Properties."

Standard ISAS methods (as outlined in the ISAS Field Manual 2013) will be employed in all aspects of the data recovery. Portions of the plow zone at the site(s) will be removed; if warranted, a backhoe with a smooth-bladed bucket will likewise be utilized to carefully remove the plow zone at the site(s) in test trenches to recover artifacts, reveal features, and more fully investigate site stratigraphy.

If features are encountered, the archaeological studies will be conducted following the standard ISAS excavation techniques described in the ISAS Field Manual 2013. Any features encountered will be mapped by hand and tied into the site maps with an electronic transit. After plan mapping, features will be bisected along their long axis with hand tools (shovels and trowels). The subsequent profile will be mapped and photographed. Generally, the first half of each pit feature will be excavated as a single unit, with all artifacts bagged together; flotation samples generally will not be collected from the first halves of features. The second half of each pit will be excavated by fill zones identified in profile, with artifacts and flotation samples collected accordingly and screened with ¼-inch hardware cloth as appropriate. At least one 10-liter flotation sample will be collected from each zone. Charcoal-rich zones will be more intensively sampled.

Human remains are not expected to be found during the excavations; however, if encountered, the remains will be mapped and removed in accordance with all procedures and guidelines associated with the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170). Disposition of the human remains and any burial artifacts will be accomplished under the provisions of the Act.

In the laboratory, all lithic artifacts will be washed, labeled and analyzed by ISAS personnel at the appropriate Survey Division office. Botanical, zoological and human remains

will be analyzed by specialists at ISAS's main office at the University of Illinois or by qualified consultants.

All archaeological reports resulting from the project will comply with contemporary standards, including the Secretary of the Interior's "Standards for Final Reports of Data-Recovery Programs" (42 FR 5377-79). The ISAS will also ensure that all final archaeological reports are presented in a format acceptable to the SHPO following Illinois guidelines on report preparation, and that all such reports are presented in a format acceptable to the National Park Service for possible peer review and submission to the National Technical Information Service. Reports will be submitted to the IDOT and SHPO in a timely manner after the completion of all field and laboratory investigations.

### **Curation**

All artifacts, scientific samples, records, photographs, and other data associated with this project will be curated at the University of Illinois at Urbana-Champaign and managed by ISAS in accordance with federal standards as outlined in 36 CFR Part 79

## **PART B: STANDARD DATA-RECOVERY PLAN FOR HISTORIC SITES**

### **Introduction**

The Illinois State Archaeological Survey (ISAS), a joint program of the University of Illinois at Urbana-Champaign (UIUC) and the Illinois Department of Transportation (IDOT), prepared this data recovery plan for the archaeological mitigation of historic sites. This plan was developed in accordance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716), and "The Treatment of Archaeological Properties" published in 1980 by the Advisory Council on Historic Preservation. All procedures outlined in this plan are implemented using standard ISAS techniques, which are outlined in ISAS 2013 Field Manual: *Standard ISAS Field Procedures for Phase I, II, and III Archaeological Investigations*.

The IDOT and Illinois State Historic Preservation Officer have jointly determined that the historic sites to be investigated with this recovery plan are eligible for the National Register of Historic Places (NRHP) under Criterion D and that impacts to these sites cannot be avoided.

### **Natural Setting**

The natural setting for archaeological sites excavated under this data-recovery plan will be examined (prior to conducting further excavation) in the appropriate existing documentation and in the field. A verbal description of the natural setting will accompany maps and photographs in the final reporting of the site. Midwestern archaeological studies have noted a preference among early Euro-American pioneers to build their first homes along timber-

prairie borders. Environmental factors, such as protection from the elements and proximity to timber, water, and wild animal resources, and cultural factors, such as origin of the settler and proximity to roads, both affect the placement of early settlement homes and farms. General Land Office survey and plat maps, coupled with native vegetation information from county soil surveys, assist in the reconstruction of local environments during the early settlement era. In much of the State, survey maps were created prior to and immediately following the initial Euro-American settlement. Government land transfer and original land entries/patents provide information about locations of early settlements. Further information from county history books, census data, and assorted primary source documents such as letters and diaries can also assist in reconstruction of the environmental and cultural factors affecting individual and group settlement. Aerial photographs and modern maps (US Geological Survey, USDA soil survey, etc.) provide documentation of more recent environmental conditions.

### **Summary of Previous Investigations**

In general, sites to be investigated under this data recovery plan were recorded by ISAS personnel during the Phase I survey of the proposed project area. When necessary, existing archaeological and historical property lists will be consulted and oral histories conducted to fully develop a site's history and aid in locating possible features and an understanding of a site's stratigraphy and distribution across the landscape. Phase I testing at the site will have revealed the presence of intact cultural material and the site's potential to significantly contribute to the history of this area in order to warrant additional investigation.

### **Research Design**

The data generated by excavations at the historic site(s) will be used to examine at least three broad topics: (1) settlement patterns and land distribution; (2) architecture; and (3) subsistence practices. Insights into changing patterns of community organization may also be gained, as may insights into changes in social organization and subscription to mass-produced goods. The data recovered will then be compared with that from other regional sites.

- 1. Settlement Patterns and Land Distribution.** The mitigation of historic sites requires the study of patterns of settlement by the pioneers who came to Illinois. The types of sites, their location, number and distribution, all provide important information on early settlement patterns and how they influenced later land development and settlement. In order to understand these settlement patterns, detailed artifact and archival information is required to determine the age, type, and function of specific sites. In addition, data indicating when specific features originated and any transformations in function through time is also needed. Inter- and intra-spatial orientation of structures and features must also be studied.
- 2. Architecture.** Building techniques and architectural forms can reflect ethnic identity, stylistic concerns, economic status, and the relative availability of local and imported construction materials. Intact structures dating from the era of earliest Euro-American settlement are comparatively scarce, as many buildings have been abandoned,

dismantled, or otherwise destroyed and/or replaced by more recent construction. Early structures are generally poorly documented and specific details regarding their construction are not available. Intact subsurface remains provide information on dwelling size and shape and details of cellar and footing construction. The distribution of hardware, wood, glass, and other structural items within and around the foundation fill offers clues to the appearance of the superstructure. Exposure and detailed mapping of complete foundations is necessary to document the size, orientation, and shape of the dwelling. The construction materials employed need to be identified along with their likely places of origin. Measured plan views, profiles, and photographs of structural features will provide details on construction techniques. Horizontal and vertical provenience data on other structural remains will aid in the interpretation of aspects of the building superstructure.

- 3. Subsistence.** Subsistence in early Euro-American farmsteads was based largely on foods produced directly for household consumption. With limited transportation systems and access to processed flour, wheat was an important crop. Water-powered gristmills were among the earliest important industries. Hogs were important sources of meat, cattle provided milk and butter, and chickens were commonly kept for eggs. Fruit trees and vegetable gardens were also important sources of food on many nineteenth century farms. In addition to these homegrown foods, wild plants and animals supplemented the diet. Deer, various small game mammals, fish, waterfowl, and wild turkey were common, along with wild nuts and fruits, which were seasonally available. Flotation samples taken from feature contexts should provide abundant evidence of subsistence. Identification of carbonized and uncarbonized plant remains will document the range of wild, domestic, and exotic plant species present. Wild, domesticated, and imported animal resources will be identified through the analysis of faunal remains recovered from flotation samples, as well as larger specimens recovered through standard excavation procedures.

### **Mitigation Plan**

Investigations will be conducted in compliance with the National Historic Preservation Act of 1966, as amended, and will be carried out by ISAS archaeologists who meet the Secretary of the Interior's professional qualifications standards (48-FR-447838-9). In designing and carrying out the work, ISAS staff will also take into account the Advisory Council on Historic Preservation's publication on the "Treatment of Archeological Properties."

Standard ISAS methods (as outlined in the ISAS Field Manual 2013) will be employed in all aspects of the data recovery. A standard controlled surface collection grid (generally comprised of 10x10m collection units) will also be used, where possible, as the basis for a gridded metal detector survey to recover that class of artifacts. These individual grid cells will also form the parameters for subsequent machine-aided excavation units, which will be removed in an incremental fashion to increase the artifact sample from the site. Experience indicates that a significant percentage of the historic artifacts from a given site are located in the plow zone and this material, if collected systematically, can provide information about the location of activity loci that are generally not represented by subsurface features (i.e. barnyard activities).

Given this type of systematic plow zone sampling approach, hand excavated units will be used more sparingly on 19<sup>th</sup> century historic period sites, because intact subsurface deposits are generally rare outside the limits of subterranean facilities. Thus, adequate artifact samples can typically be derived from surface collection, metal surveys, feature excavation, and systematically collected, standard sized machine excavation blocks. However, more rigorous plow zone and A-Horizon sampling, including dry or water screening and bulk flotation sample collection, will be undertaken on sites believed to be attributable to historic Indian, French, and very early British/American period components to amass adequate samples and recover micro-artifacts, such as glass beads.

Due to the large size of many historic cellars and the extremely deep nature of some water collection facilities, standard ISAS excavation protocols allow these features to be sampled as opposed to completely excavated. The cellars will be excavated in quarters (similar to prehistoric structures) so that both the long and short axis profiles can be mapped and documented. Deeper features, such as wells and cisterns, will typically only be sampled to a reasonable depth (ca. one to two meters) because their absolute limits often cannot be established through hand excavation given personal safety considerations. The overall depths of these features may be assessed through additional hand probing or machine trenching once the hand-excavated samples have been removed. Such sampling strategies, however, must obtain an adequate artifact assemblage and other forms of information to determine the feature's temporal placement and construction techniques. In addition, historic posts will be mapped in plan view, but only a subset may be formally excavated depending upon the number encountered and their relationship to other site features. Any posts that are not excavated will be hand-probed to assess their overall depth.

While not expected, should historic mortuary sites or features be encountered, the remains will be mapped and removed in accordance with all procedures and guidelines associated with the Illinois Human Skeletal Remains Protection Act (HSRPA, 20 ILCS 3440, 17 IAC 4170) and detailed in the ISAS excavation manual (ISAS 2005). Disposition of the human remains and any burial artifacts will be accomplished under the provisions of the Act.

In the laboratory, all artifacts will be washed, cleaned, labeled, and sorted by ISAS personnel at the appropriate Survey Division office, following standard ISAS procedures (ISAS 2013). Botanical, zoological, and historical materials will then be analyzed by ISAS specialists at the University of Illinois or by qualified consultants.

All archaeological reports resulting from the project will comply with contemporary standards, including the Secretary of the Interior's "Standards for Final Reports of Data-Recovery Programs" (42-FR-5377-79). The ISAS will also ensure that all final archeological reports are presented in a format acceptable to the SHPO following Illinois guidelines on report preparation, and that all such reports are presented in a format acceptable to the National Park Service for possible peer review and submission to the National Technical Information Service. Reports will be submitted to the IDOT and SHPO in a timely manner after the completion of all field and laboratory investigations.

**Curation**

All artifacts, scientific samples, records, photographs, and other data associated with this project will be curated at the University of Illinois at Urbana-Champaign and managed by the ISAS in accordance with federal standards as outlined in 36 CFR, Part 79.