

**Advisory
Council On
Historic
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PRESERVATION SERVICES

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

DEC 4 1991

HPA REVIEW
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Mr. Jay W. Miller
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, IL 62703

RE: Proposed Highway Widening, U.S. 51
Christian, Shelby, and Macon Counties, Illinois

Dear Mr. Miller:

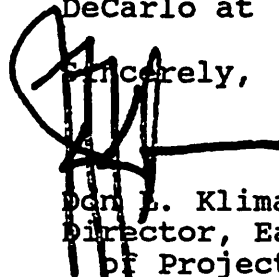
On October 10, 1991, the Council received your notification that the consultation process has begun for the referenced project.

We understand that, given the scope of the project, FHWA, the Illinois Department of Transportation (IDOT), and the Illinois State Historic Preservation Office (SHPO), believe the appropriate approach is to develop a systematic program of data recovery. We agree that a programmatic agreement is the best vehicle for implementing such a program.

We appreciate your notification and the opportunity to review the survey reports. There does not appear a need for the Council to be involved in the consultation at this time but if you or the SHPO determine at any time that Council participation would be helpful, we would be happy to assist.

If you have any questions, please feel free to contact Valerie DeCarlo at (202) 786-0505.

Sincerely,



Don P. Klima
Director, Eastern Office
of Project Review

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Preservation**

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AUG 24 1992
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The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

AUG 17 1992

Mr. Frederick H. Downs
Acting Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, IL 62703

REF: Upgrade of U. S. Route 51
Pana to Elwin, Illinois
FAP 322 (formerly FAP 412)

Dear Mr. Downs:

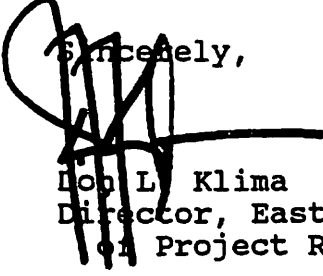
The enclosed Programmatic Agreement for the referenced project has been accepted by the Council. This acceptance completes the requirements of Section 106 of the National Historic Preservation Act and the Council's regulations. A copy of the Agreement has also been sent to the Illinois State Historic Preservation Officer.

The Council originally received this Agreement in January, but was unable to review it since it was not accompanied by the documentation required by Section 800.8 of the Council's regulations (36 CFR Part 800). We notified your staff of this problem by phone and suspended further consideration of the Agreement until receipt of the necessary documentation. We received nothing further on the project until June, when the Illinois Department of Transportation (DOT) sent us a copy of the Final Environmental Impact Statement as part of a routine mailing. Based on this document and additional correspondence proved by Illinois DOT, we were able to complete our review and execute the document.

We would like to take this opportunity to recommend that FHWA accompany future submissions of Agreements with the necessary documentation. This will prevent unnecessary delays and expedite the Council's review.

If you would like to discuss this matter further, please contact
Druscilla Null at (202) 786-0505.

Sincerely,



Bob L. Klima
Director, Eastern Office
of Project Review

Enclosure

PROGRAMMATIC AGREEMENT

AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE ILLINOIS STATE HISTORIC PRESERVATION AGENCY
FOR THE
FAP 412, U.S. 51 PROJECT,
MACON AND CHRISTIAN COUNTIES, ILLINOIS

WHEREAS, the Federal Highway Administration (FHWA) proposes to construct the FAP 412, U.S. 51 highway corridor in Macon and Christian Counties, Illinois, and

WHEREAS, the FHWA has determined that this project may have an effect upon properties potentially eligible for the National Register of Historic Places (NRHP) and has consulted with the Advisory Council on Historic Preservation (Council) and the Illinois State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f);

NOW THEREFORE, the FHWA, the Illinois SHPO, and the Council agree that the project shall be implemented in accordance with the following stipulations to satisfy the FHWA Section 106 responsibilities for the project.

Stipulations

A) The FHWA shall ensure that an archaeological reconnaissance survey (Phase I) will be performed in all project areas not previously surveyed. The Phase I survey shall be conducted in consultation with the Illinois SHPO, and a report of the survey shall be submitted to the Illinois SHPO for review and comment. An archaeological intensive survey (Phase II) will be performed at all historic properties within the project area to evaluate their National Register eligibility. Phase II intensive survey methodologies shall be formulated in consultation with the Illinois SHPO. A report of the Phase II findings shall be submitted to the Illinois SHPO for review and comment.

B) The Phase I and Phase II surveys will be conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and taking into account the National Park Service publication The Archaeological Survey: Methods and Uses (1978) and the Illinois State Historic Preservation Office Guidelines for Archaeological Reconnaissance Surveys/Reports. The Phase I and Phase II surveys will be implemented by the FHWA and monitored by the Illinois SHPO.

C) In consultation with the Illinois SHPO, the FHWA shall evaluate properties identified through the Phase II intensive survey against the National Register criteria (36 CFR Part 60.4).

1. For those properties which the FHWA and the Illinois SHPO agree are not eligible for inclusion in the National Register, no further archaeological investigations will be required, and the proposed project may proceed in those areas.

2. If the survey results in the identification of properties that the FHWA and the Illinois SHPO agree are eligible for the National Register, such properties shall be treated in accordance with Part II below.

3. If the FHWA and the Illinois SHPO do not agree on National Register eligibility, or if the Council or the National Park Service so request, the FHWA shall request a formal determination of eligibility from the Keeper of the National Register, National Park Service, whose determination shall be final.

II. ARCHAEOLOGICAL DATA RECOVERY (Phase III)

A) Those sites which the FHWA and the Illinois SHPO agree are eligible for the National Register will be treated in the following manner:

1. The FHWA shall ensure that a data recovery plan addressing substantive research questions is developed in consultation with the Illinois SHPO for the recovery of relevant archaeological data. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties. It shall specify, at a minimum, the following:

- the property, properties, or portions of properties where data recovery is carried out;
- the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
- the methods to be used, with an explanation of their relevance to the research questions;
- proposed methods of disseminating results of the work to the interest of the public; and
- a proposed schedule for the submission of reports to the Illinois SHPO.

2. The data recovery plan shall be submitted by the FHWA to the Illinois SHPO for thirty (30) days review and comment. After receipt of the Illinois SHPO's comments, the FHWA shall ensure that the data recovery plan is implemented. The Illinois SHPO shall monitor this implementation.

B. The FHWA shall ensure that the data recovery plan is carried out by or under the direct supervision of an archaeologist who meets, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

C) The FHWA shall ensure that adequate laboratory time and space are available for analysis of osteological, cultural, and biological materials recovered from the excavations.

D) the FHWA shall ensure that an adequate program of site security from vandalism during data recovery is developed in consultation with the Illinois SHPO, and then implemented by the FHWA.

III. CURATION AND DISSEMINATION OF INFORMATION

A) In consultation with the Illinois SHPO, the FHWA shall ensure that all materials and records resulting from archaeological survey and data recovery conducted for the FAP 407 Project are curated at a repository within the State of Illinois and in accordance with 36 CFR Part 79. If human remains are recovered, the signatories to this Agreement shall consult further to determine the appropriate disposition of the remains.

B) The FHWA shall ensure that all final archaeological reports resulting from actions pursuant to this agreement will be provided in a format acceptable to the Illinois SHPO and the National Park Service for possible peer review and submission to the National Technical Information Service (NTIS). The agency official shall ensure that all such reports are responsive to contemporary standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79). Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize archaeological data.

IV. PROVISION FOR UNDETECTED ARCHAEOLOGICAL RESOURCES DISCOVERED DURING IMPLEMENTATION

In accordance with 36 CFR Section 800.11(a), if previously undetected archaeological resources are discovered during project activities, the FHWA will cease, or cause to stop, any activity having an effect on the resource and consult with the Illinois SHPO to determine if additional investigation is required. If further archaeological investigations are required any data recovery will be performed in accordance with Part II ARCHAEOLOGICAL DATA RECOVERY (Phase III) and Part III CURATION AND DISSEMINATION OF INFORMATION of this Agreement. If both the FHWA and the Illinois SHPO determine that further investigation is not necessary, activities may resume with no further action required. Any disagreement between the FHWA and the Illinois SHPO concerning the need for further investigations will be handled pursuant to Part V. DISPUTE RESOLUTION of the Agreement.

V. DISPUTE RESOLUTION

The FHWA and the Illinois SHPO shall together attempt to resolve any disagreement arising from implementation of this Agreement. If the FHWA determines that the disagreement cannot be resolved, the FHWA shall request the further comments of the Council in accordance with 36 CFR Part 800.6(b). Any Council comment provided in response will be taken into account by the FHWA in accordance with 36 CFR Part 800.6(c)(2), with reference only to the subject of the dispute. The FHWA responsibility to carry out all actions under this Agreement that are not the subjects of the dispute will remain unchanged.

Execution and implementation of this Programmatic Agreement evidences that the Federal Highway Administration has satisfied its Section 106 responsibilities for all individual undertakings of the project.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert D. Bush Date: 8/17/92

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

William L. White Date: 12-16-91

FEDERAL HIGHWAY ADMINISTRATION

James Sartore Date: 1/3/92