

FIRST AMENDMENT TO
THE PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL RAILROAD ADMINISTRATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
ILLINOIS DEPARTMENT OF TRANSPORTATION,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT,
FOR THE PROPOSED CHICAGO TO ST. LOUIS HIGH-SPEED RAIL PROJECT

WHEREAS, the Federal Railroad Administration (FRA), the Illinois State Historic Preservation Officer (SHPO), the Illinois Department of Transportation (IDOT), and the Advisory Council on Historic Preservation (ACHP) executed a Programmatic Agreement in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations (36 CFR § 800) for the proposed Chicago to St. Louis High-Speed Rail (HSR) Project in Cook, Will, Grundy, Livingston, McLean, Logan, Sangamon, Macoupin, Jersey, Madison, and St. Clair Counties, Illinois (original HSR PA) on January 24, 2014; and

WHEREAS, the Chicago to St. Louis HSR Project consists of various improvements along approximately 300 miles of existing and new railroad to accommodate current and future high-speed intercity passenger train service, to improve reliability and capacity of the rail line, to support additional passenger service, and to reduce operational conflicts between passenger and freight rail. The Chicago to St. Louis HSR Project includes the construction of additional tracks and sidings, grade crossing improvements including construction of new roadway-railroad grade separations; culvert and bridge improvements; track realignments; signal improvements; the installation of Positive Train Control; improvements to existing rail stations at Joliet, Dwight, Pontiac, Normal, Lincoln, Carlinville, and Springfield; and the construction of new stations at Alton and Springfield to support high-speed rail service; and

WHEREAS, the Chicago to St. Louis HSR Project consists of Constructible Elements, which are defined as individual projects having independent utility that are tiered from the Chicago-St. Louis HSR Project Tier 1 Environmental Impact Statement (EIS) finalized by FRA on October 31, 2012, and the accompanying Record of Decision (ROD) issued by FRA on December 18, 2012; and

WHEREAS, the original HSR PA applied to Constructible Elements of the Chicago to St. Louis HSR Project for which IDOT applied for and received grants for planning, final design, and construction from FRA under the High-Speed Intercity Passenger Rail Program and the American Recovery and Reinvestment Act; and

WHEREAS, a Project Sponsor is an entity, such as a state or local government, that receives financial assistance from FRA for one or more Constructible Elements of the Chicago to St. Louis HSR Project and is responsible for carrying out the stipulations of the original HSR PA and any of its amendment(s); and

WHEREAS, FRA anticipates receiving future applications and may award future grants to Project Sponsors for Constructible Elements under its various grant programs as contemplated in the Chicago-St. Louis HSR Project Tier 1 EIS; and

WHEREAS, in the original HSR PA, IDOT was identified as the Project Sponsor for all Constructible Elements, and this First Amendment to the original HSR PA (First Amendment) provides for Project Sponsors that are not IDOT; and

WHEREAS, IDOT has and will continue to follow the stipulations and Section 106 process outlined in the original HSR PA, keeping in place all the provisions of the original HSR PA except as modified herein, for the Constructible Elements for which IDOT is the Project Sponsor; and

WHEREAS, as noted in the original HSR PA recitals, IDOT has and will continue to utilize the existing web-based Project Notification System (PNS) developed with the Federal Highway Administration (FHWA) and federally-recognized Native American tribes with an interest in Illinois; the PNS is used by IDOT to initiate Section 106 consultation at the onset of each Constructible Element when IDOT is the Project Sponsor, and it is used to disseminate the results of historic property identification and evaluation efforts and effects assessments for review and comment by federally-recognized Native American tribes; and

WHEREAS, IDOT has completed the resource-specific studies listed in Stipulation I of the original HSR PA, and will make these studies available to other Project Sponsors upon request; and

WHEREAS, future Constructible Elements may be planned, designed, and constructed as funding becomes available, and may be completed by other Project Sponsors that are not IDOT; and

WHEREAS, the Section 106 process for other Project Sponsors that are not IDOT may differ from the process established in the original HSR PA and followed by IDOT; and

WHEREAS, FRA, SHPO, IDOT, and the ACHP create this First Amendment to provide the processes for current and future Constructible Elements by which other Project Sponsors that are not IDOT will comply with Section 106, in coordination with FRA, while keeping in place all the provisions of the original HSR PA, except as modified herein; and

WHEREAS, the original HSR PA will continue to apply to IDOT when it is the Project Sponsor; and

WHEREAS, the provisions of the following stipulations of the original HSR PA remain in place, except as modified in this First Amendment, and apply to all Project Sponsors: IV (Resolution of Adverse Effects to Historic Properties), V (Professional Standards), VII (Post Review Discoveries), VIII (Dispute Resolution), IX (Amendments) and X (Termination); and

WHEREAS, the original HSR PA, as amended by and together with this First Amendment, will be referred to as the PA; and

WHEREAS, this PA applies to all FRA-funded Constructible Elements; and

WHEREAS, implementation of the Chicago to St. Louis HSR Project continues with planning for and design and construction of Constructible Elements, including the Springfield Rail Improvements Project; and

WHEREAS, FRA is the lead federal agency for Section 106 compliance for the Springfield Rail Improvements Project in the City of Springfield, Sangamon County, Illinois (also known as the Tenth Street Corridor), which is a Constructible Element of the Chicago to St. Louis HSR Project, and was evaluated concurrently with the Tier 1 Project in the Chicago-St. Louis HSR Project Tier 2 EIS Evaluation of the Springfield Rail Improvements Project finalized by FRA on October 31, 2012, and approved in the accompanying ROD issued by FRA on December 18, 2012; and

WHEREAS, the City of Springfield is the Project Sponsor for the Springfield Rail Improvements Project and is responsible for completing the Section 106 process in consultation with FRA, SHPO, and the Usable Segment Consulting Parties as described in Stipulation XIV, Measures Concerning City of Springfield-Sponsored Usable Segments; and

WHEREAS, the Springfield Rail Improvements Project is being designed and constructed, as funding becomes available, in phases defined by the City of Springfield as Usable Segments along the Tenth Street Corridor and along Nineteenth Street (see **Appendix A, Attachment 1**); and

WHEREAS, the City of Springfield intends to design and construct the Usable Segments of the Springfield Rail Improvements Project according to the following sequence:

Usable Segment I – Carpenter Street underpass

Usable Segment II – Laurel and Ash Streets underpasses

Usable Segment III – Madison and Jefferson Streets underpasses

Usable Segment IV – New bridges at the existing Fifth and Sixth Streets underpasses

Usable Segment V – New bridges at the existing Cook Street and South Grand Avenue underpasses

Usable Segment VI – North Grand Avenue underpass

Usable Segment VII – Remaining railroad grading track work in the corridor, cutover Union Pacific traffic

Usable Segment VIII – Multimodal facility, including an Amtrak station (construction concurrent with Usable Segment VII); and

WHEREAS, the City of Springfield intends to construct the following Usable Segments on Nineteenth Street at any time during the duration of the Springfield Rail Improvements Project:

A – North Grand Avenue overpass

B – South Grand Avenue underpass

C – Ash Street underpass; and

WHEREAS, FRA awarded Fiscal Year (FY) 2013 funding under the U.S. Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) grant program to the City of Springfield for final design and construction (FD/construction) of Usable Segment I, and construction of

the Carpenter Street underpass itself was completed in August 2016, but other work within the scope of the TIGER grant is ongoing as of the date of execution of the First Amendment; and

WHEREAS, FRA awarded FY2016 TIGER funding to the City of Springfield for FD/construction of Usable Segment II, and FY2014 funding to IDOT for eligible intercity passenger rail grade crossing improvement projects for additional work regarding Usable Segment II; and

WHEREAS, FRA may award future grants for planning and final design and construction of Usable Segments to the City of Springfield under its various financial assistance programs as contemplated in the Chicago-St. Louis HSR Project Tier 2 EIS Evaluation of the Springfield Rail Improvements Project; and

WHEREAS, the resolution of adverse effects to historic properties related to the Springfield Rail Improvements Project Usable Segment I has been addressed in a Memorandum of Agreement (MOA) executed among FRA, SHPO, and the City of Springfield on June 18, 2014, and the implementation of the MOA is underway with specific archaeological mitigation measures remaining to be finished as of the date of execution of the First Amendment; and

WHEREAS, because of the anticipated long build horizon of the Springfield Rail Improvements Project, this First Amendment provides the process by which the City of Springfield will complete additional identification and evaluation of historic properties, assessment of effects, and resolution of adverse effects, as appropriate, for architectural and archaeological historic properties for each Usable Segment; and

WHEREAS, FRA, in consultation with SHPO, has revised the Springfield Rail Improvements Project's historic architectural area of potential effects (APE) for the purposes of conducting additional Section 106 identification, evaluation, and assessment of effects, as appropriate (see **Appendix A, Attachments 2 and 3**), and SHPO concurred with the revised historic architectural APE on January 30, 2017; and

WHEREAS, the archaeological APE remains the Springfield Rail Improvements Project's physical limits of disturbance for all Usable Segments and is defined in the *Phase I Archaeological Survey for the Tenth Street Corridor, Springfield Rail Improvements Project, Springfield, Illinois* (Fever River Research, Inc. 2016) (Phase I Archaeological Survey), with which SHPO concurred on August 25, 2016; and

WHEREAS, the Phase I Archaeological Survey did not identify any potential archaeological resources in the APE for Usable Segment II; and

WHEREAS, FRA, as the lead federal agency for the Chicago to St. Louis HSR Project, inclusive of the Springfield Rail Improvements Project, invited the City of Springfield, as the Project Sponsor for the Springfield Rail Improvements Project, to participate in this First Amendment as an invited signatory responsible for implementing certain stipulations included in this First Amendment, and the City of Springfield accepted the invitation; and

WHEREAS, the nineteen (19) agencies, tribes, organizations, and communities that participated in Section 106 consultation for development of the original HSR PA are referred to herein as the Chicago to St. Louis HSR Project Consulting Parties; and

WHEREAS, FRA, in consultation with SHPO and the City of Springfield, have identified and invited consulting parties for Usable Segment I of the Springfield Rail Improvements Project, and the following

parties have participated in consultation: Delta Sigma Theta Sorority, Inc., Epsilon Sigma Sigma Chapter of Sigma Gamma Rho Sorority, Inc., Faith Coalition for the Common Good, Greater Springfield Chamber of Commerce, Hospital Sisters Health System, Illinois Legislative Black Caucus, Illinois State Museum Research and Collections Center, Landmarks Illinois, National Association for the Advancement of Colored People (NAACP) - Springfield Chapter, Sangamon County Historical Society, Save Old Springfield, Southern Illinois University School of Medicine, Springfield & Central Illinois African-American History Museum, St. John's Hospital, State Representative Al Riley, State Representative Tim Butler, The Springfield Historic Sites Commission, and the Mid-Illinois Medical District; and

WHEREAS, FRA desires to establish processes to identify and invite additional consulting parties when other Usable Segments of the Springfield Rail Improvements Project, starting with Usable Segment II, and other Constructible Elements of the Chicago to St. Louis HSR Project are funded for construction; these processes are described in Attachment A and Attachment B to this First Amendment; and

WHEREAS, this First Amendment identifies the tribal consultation process that will be followed by the City of Springfield for Usable Segments and other Project Sponsors that are not IDOT for Constructible Elements; and

NOW, THEREFORE, in accordance with **Stipulation IX of the original HSR PA**, FRA, SHPO, IDOT, and the ACHP (each a signatory and together signatories), agree to amend the original HSR PA as described below.

FRA, in coordination with IDOT, the City of Springfield, and the Project Sponsors, as appropriate, will ensure that the following measures are carried out:

1. Stipulation IV, Resolution of Adverse Effects to Historic Properties, is revised by striking the existing text and replacing it with the following:

A. When adverse effects to historic properties within individual constructible elements of the Chicago to St. Louis HSR Project have been resolved through the implementation of a treatment plan, IDOT, in coordination with FRA, will submit to SHPO documentation that the treatment plan has been fully implemented. Along with this documentation, IDOT, in coordination with FRA, will submit to SHPO a request for concurrence that the adverse effects have been resolved. SHPO's concurrence will signify that the adverse effect has been mitigated in accordance with the treatment plan and the Section 106 process has been completed for that particular constructible element of the Chicago to St. Louis HSR Project.

B. Memoranda of Agreement

1. Memoranda of Agreement (MOA), which may include treatment plans, may be developed by FRA in consultation with SHPO, the Project Sponsor, and Constructible Element Consulting Parties (defined in Appendix B, measure D) or Usable Segment Consulting Parties (defined in Appendix A, measure C), as appropriate, to resolve adverse effects caused by Constructible Elements. FRA may invite additional agencies, organizations, or individuals with specified interest in or responsibilities for carrying out provisions of the MOA to join the MOA as invited signatories. Any MOA will incorporate the relevant provisions of this First Amendment

and any other amendment(s) to the original HSR PA. FRA will refer to the ACHP Model Two-Party MOA Template in developing any MOA for an individual Constructible Element. FRA will follow the requirements of 36 CFR § 800.6 regarding notifying the ACHP of adverse effects of any individual Constructible Element, providing an opportunity for the ACHP to participate in consultation to develop an MOA, and subsequent filing of any executed MOA with the ACHP.

2. Two existing MOAs, created in support of the Chicago to St. Louis HSR Project prior to the execution of this First Amendment, are hereby formally sanctioned under the authority of this First Amendment. These MOAs were developed for:
 - a. The Springfield Rail Improvements Project Usable Segment I (Carpenter Street Underpass), executed among FRA, SHPO, and City of Springfield on June 18, 2014, and
 - b. The Alton Regional Multimodal Transportation Center, executed among FRA, SHPO, IDOT, Union Pacific Railroad, and City of Alton on May 15, 2013.

2. Stipulation VI, Duration, is revised as follows:

In the first sentence, by striking the words “within ten (10) years from the date of its execution” and inserting the words “by December 31, 2027” in their place.

3. The following new Stipulations are inserted after Stipulation X:

XI. Applicability

The PA applies as follows:

- A. To all FRA-funded Constructible Elements.
- B. To the City of Springfield, for all Usable Segments of the Springfield Rail Improvements Project that are funded for preliminary engineering, final design, and/or construction, regardless of the source of funds. Appendix A to this First Amendment provides the Section 106 process that the City of Springfield will follow to comply with Section 106 for the Springfield Rail Improvements Project.
- C. To other Project Sponsors that are not IDOT for any Constructible Elements that receive financial assistance from FRA. Appendix B to this First Amendment provides the Section 106 process that any Project Sponsor that is not IDOT will follow for any Constructible Elements of the HSR Project. Appendix B also applies to the City of Springfield if it is the Project Sponsor for any future Constructible Element that is not the Springfield Rail Improvements Project.
- D. To IDOT, when it is the Project Sponsor for any Constructible Elements that receive financial assistance from FRA. IDOT will continue to follow the stipulations and Section 106 process

outlined in the original HSR PA, keeping in place all the provisions of the original HSR PA except as modified herein.

- E. To the undertaking of any Federal agency that becomes a signatory to this PA in accordance with Stipulation XII.A.

XII. Use of this PA by other Federal Agencies and Project Sponsors

- A. In the event that a Federal agency other than FRA is considering providing funding, permits, licenses, or approvals for a Constructible Element, that Federal agency may, but is not required to, become a signatory to this PA as a means of complying with its Section 106 responsibilities for its undertaking relating to that Constructible Element. To become a signatory to this PA, the Federal agency official must provide written notice to the signatories that does the following: provides a description of the scope of its undertaking; acknowledges its agreement to the terms of the PA; specifies how the agency will participate in the implementation of the PA; and indicates whether a lead Federal agency should be designated. The participation of the agency is subject to written approval by the signatories.
- B. In the event that a Project Sponsor other than IDOT assumes responsibilities for carrying out Stipulations of this PA relating to a Constructible Element, that Project Sponsor must become a signatory to this PA by providing written notice to the signatories that the Project Sponsor agrees to the terms of the PA and specifying its role. FRA will develop a new signatory page to this PA for the Project Sponsor, and will file the new signatory page with the ACHP.

XIII. Measures Concerning IDOT-Sponsored Constructible Elements

- A. The original HSR PA describes the process that IDOT will continue to follow for all Constructible Elements of the HSR Project for which IDOT is the Project Sponsor and that FRA funds for construction, except where modified herein.
- B. IDOT, as a Project Sponsor and invited signatory to the original HSR PA, has the same rights with regard to seeking amendment and/or termination of the PA as other signatories, and will ensure that specified stipulations and procedures, for which it has assumed responsibility, are carried out in accordance with the terms prescribed in the PA.
- C. IDOT will continue to utilize its existing web-based PNS developed with FHWA and federally-recognized Native American tribes with an interest in projects located in Illinois. The PNS is used by IDOT to initiate Section 106 consultation at the onset of each Constructible Element when IDOT is the Project Sponsor, and it is used to disseminate the results of historic property identification and evaluation efforts and effects assessments for tribal review and comment. Throughout the Section 106 process for each Constructible Element, IDOT will

continue to consider and incorporate, as appropriate, input from federally-recognized Native American tribes prior to taking further action.

XIV. Measures Concerning City of Springfield-Sponsored Usable Segments

- A. **Appendix A** of this PA describes the process that the City of Springfield will follow for all Usable Segments of the Springfield Rail Improvements Project for which the City of Springfield is the Project Sponsor, as those Usable Segments become funded for preliminary engineering, final design, and/or construction. Appendix A of this First Amendment applies only to the City of Springfield.
- B. The City of Springfield, as a Project Sponsor and invited signatory to the PA, has the same rights with regard to seeking amendment and/or termination of the PA as other signatories, and will ensure that specified stipulations and procedures, for which it has assumed responsibility, are carried out in accordance with the terms prescribed in the PA.

XV. Measures Concerning Other Project Sponsors that are not IDOT

- A. **Appendix B** of this PA describes the process that Project Sponsors that are not IDOT will follow for any Constructible Elements of the HSR Project for which FRA provides financial assistance for preliminary engineering, final design, and/or construction. Appendix B also applies to the City of Springfield if it is the Project Sponsor for any future Constructible Element that is not the Springfield Rail Improvements Project.
- B. Other Project Sponsors would be invited signatories to the PA, would have the same rights with regard to seeking amendment and/or termination of the PA as other signatories, and would ensure that specified stipulations and procedures, for which they have assumed responsibility, are carried out in accordance with the terms prescribed in the PA.

XVI. Coordination with Missouri

FRA will consult with the Missouri State Historic Preservation Officer (MoSHPO) regarding portions of the Chicago to St. Louis HSR Project that are located within the State of Missouri. FRA and MoSHPO, in consultation with Project Sponsors and other parties as appropriate, may decide to develop an additional future amendment(s) to the PA to establish how the Section 106 process will be completed for portions of the Chicago to St. Louis HSR Project that are located in Missouri.

SIGNATORIES

Federal Railroad Administration
Illinois State Historic Preservation Officer
Advisory Council on Historic Preservation

INVITED SIGNATORIES

Illinois Department of Transportation
City of Springfield, Illinois

Individual signature pages follow

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COOK, WILL, GRUNDY, LIVINGSTON, MCLEAN, LOGAN, SANGAMON, MACOUPIN, JERSEY, MADISON,
AND ST. CLAIR COUNTIES, ILLINOIS

SIGNATORY

FEDERAL RAILROAD ADMINISTRATION




Date: 5/18/2017

Marlys Osterhues
Chief, Environmental and Corridor Planning Division
Office of Railroad Policy and Development

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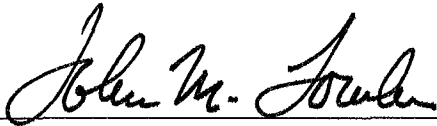
ILLINOIS STATE HISTORIC PRESERVATION OFFICER

 _____ Date: 5.8.17
Heidi Brown-McCreery
Director
Illinois Historic Preservation Agency

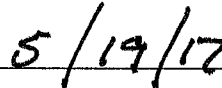
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ADVISORY COUNCIL ON HISTORIC PRESERVATION



Date: _____



John M. Fowler
Executive Director

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INVITED SIGNATORY

ILLINOIS DEPARTMENT OF TRANSPORTATION



Date: _____

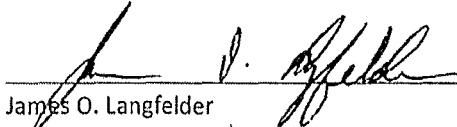
May 10, 2017

Randall S. Blankenhorn
Illinois Secretary of Transportation

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INVITED SIGNATORY

CITY OF SPRINGFIELD


James O. Langfelder
Mayor

Date: 5/18/17

APPENDIX A
MEASURES APPLICABLE TO THE CITY OF SPRINGFIELD-SPONSORED SPRINGFIELD RAIL IMPROVEMENTS PROJECT

The following measures apply to the City of Springfield (City) regarding implementation of its Springfield Rail Improvements Project:

A. Project Design

1. Except as noted below, within 60 days of execution of this First Amendment, the City will provide FRA design plans for the Tenth Street Corridor portion of the Springfield Rail Improvements Project, to include the following:
 - a. Scaled and dimensioned plans (typically 100 feet per inch) of the proposed railroad passenger station area extending north and south to the point where the tracks have rejoined the standard track configuration along the 10th Street Corridor. The plans should include basic dimensions, such as: maximum and minimum platform width, location of vertical access points to the platform for riders, clearance from platform edge to any obstruction on the platform, platform length, distance between tracks (UP and NS), degree of curves, etc. This information will be provided prior to the City proceeding with design of the Madison Street and Jefferson Street underpasses (Usable Segment III).
 - b. Scaled and dimensioned plans (typically 100 feet per inch) showing all tracks to be constructed at full build-out, with track centers, curve information, and tangent distances between curves clearly labeled. The location and width of maintenance roads should also be shown.
 - c. A typical cross-section of the corridor at all key locations (a standard cross-section plus cross-sections anywhere there is a change in the corridor, such as eliminated maintenance roads, reduced track centers, or accommodation for one of the Section 4(f) sites).
 - d. Plans showing the major utilities in the corridor, a description of coordination that has occurred with utility providers to date, and procedures in place to avoid project delays and/or unanticipated project costs due to utility interferences.

B. Potential Changes to the Area of Potential Effects

The City will notify FRA immediately of any changes in project plans for any Usable Segment. FRA, in consultation with SHPO and the City, will review the changes in project plans to determine if corresponding changes to the revised historic architectural APE and/or archaeological APE are necessary. The City, in coordination with FRA, will then prepare a written justification and accompanying graphics, as appropriate, for the proposed revised APE(s), which FRA will submit to SHPO for review and comment. Following SHPO concurrence on the revised APE, the City will promptly provide written notice to the Signatories of the revised APE. As

appropriate, the City will update or perform additional cultural resources tasks for the revised APE(s) in accordance with Measures E and F below.

C. Usable Segment Consulting Parties

1. At the onset of each Usable Segment for which consulting parties have not already been identified, FRA, in consultation with SHPO and the City, will identify entities with a demonstrated interest in the Usable Segment due to the nature of their legal or economic relation to the Usable Segment or affected historic properties, or their concern with the Usable Segment's effects to historic properties, including Native American tribes with ancestral ties to the area, and invite those entities to be consulting parties for that Usable Segment (Usable Segment Consulting Parties). In addition, potential Usable Segment Consulting Parties may include any relevant Chicago to St. Louis HSR Project Consulting Parties and property owners adjacent to each Usable Segment. FRA will invite potential Usable Segment Consulting Parties to consult as early in project planning as practicable, and with sufficient time to allow such parties to participate in the identification of historic properties that may be affected by that Usable Segment. The identification and invitation of Usable Segment Consulting Parties may take place for multiple Usable Segments at the same time, as determined, in part, by the City's project schedule and availability of design and/or construction funding.
2. FRA has the sole authority to conduct government-to-government consultation with federally recognized Native American tribes, as needed, for each Usable Segment.

D. Document Review

1. SHPO and the Usable Segment Consulting Parties will have thirty (30) calendar days to review and comment on draft Section 106-related documentation prepared for the Usable Segment for which they are a consulting party.
2. SHPO and the Usable Segment Consulting Parties will provide comments to either FRA or the City of Springfield, as appropriate, and FRA or the City, as appropriate, will ensure any written comments received within the allotted timeframe are considered and incorporated, as appropriate, into the final documentation.
3. If FRA identifies any deficiencies in draft documentation prepared by the City pursuant to this PA, the City is responsible for performing additional work and/or revising the documentation, as directed by FRA.
4. If SHPO or any Usable Segment Consulting Party does not submit written comments within thirty (30) calendar days of receipt of any documentation, it is understood the non-responding party has no comments on that documentation.
5. The Signatories acknowledge the timeframes set forth in this PA are the maximum allowed under normal circumstances for document review. In exigent circumstances the City may request that FRA, SHPO, and the Usable Segment Consulting Parties expedite their reviews.

E. Phased Supplemental Historic Architectural Survey

1. The City will implement a supplemental historic architectural survey for the Springfield Rail Improvements Project that will be carried out by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualification Standards (SOI Standards) in the field of architectural history in phases as follows:
 - a. First Phase: Usable Segment II– Complete the survey for this Usable Segment, using the Springfield Rail Improvements Project historic architectural APE (see **Attachments 2 and 3**): The City will complete the survey for this Usable Segment as early as practicable and no later than sixty (60) days following FRA's obligation of the FY2016 TIGER Grant for this Usable Segment. The City of Springfield will complete the survey for this Usable Segment prior to any ground-disturbing activities, construction, acquisition of previously un-surveyed property, or demolition of acquired buildings associated with this Usable Segment.
 - b. Later Phases: Remaining Usable Segments – Complete the surveys for the remaining Usable Segments in phases, using the Springfield Rail Improvements Project historic architectural APE (see **Attachments 2 and 3**), or any revised APE if determined necessary in accordance with Measure B above. The City may conduct the survey for multiple Usable Segments at the same time as determined, in part, by the City's project schedule and availability of construction funding. The City will complete the survey for each Usable Segment as early as practicable and prior to any ground-disturbing activities, construction, property acquisition, or demolition of acquired buildings associated with such Usable Segment.
2. To carry out the phased supplemental historic architectural survey, the City will complete the following for each Usable Segment:
 - a. Apply the established historic architectural APE (see **Attachments 2 and 3**), or any revised APE if determined necessary in accordance with Measure B above.
 - b. Review the prior studies completed for the Springfield Rail Improvements Project (see **Attachment 4**) to identify and map by parcel boundary: (i) all architectural historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP), including historic districts previously identified as part of the *Phase I Cultural Resources Evaluation: Springfield Railroad Corridor Study, Springfield, Sangamon County, Illinois* (2011 and 2012) (see **Attachment 5**) and (ii) all historic architectural resources previously surveyed and found not eligible for listing in the NRHP as part of earlier studies for the Springfield Rail Improvements Project.
 - c. Conduct a new records search of the National Park Service's NRHP database and SHPO files to identify and map by parcel boundary any properties that have been identified as NRHP-listed or eligible by other federal agencies and/or SHPO for unrelated projects since the completion of earlier Springfield Rail Improvements Project studies.
 - d. Identify and map by parcel boundary any previously un-surveyed districts, sites, buildings, structures, or objects that are forty-five (45) years of age or older at the time of the survey, in an effort to account for all potential historic properties reaching the

standard threshold of fifty (50) years of age for NRHP evaluation by the time construction begins for individual Usable Segments.

- e. Conduct a reconnaissance-level historic architectural field survey to photograph only the previously un-surveyed districts, sites, buildings, structures or objects, and make preliminary recommendations for resources it considers not eligible for listing in the NRHP and for resources requiring additional investigation. The results of this survey and recommendations will be mapped by parcel boundary and compiled in a table with accompanying photographs of each surveyed resource. The table will also include the property address, current and/or historic name if known, NRHP status, and preliminary eligibility recommendations.
 - f. The City is not required to photograph or conduct any re-evaluations of previously identified NRHP-listed or eligible historic properties, or of any previously surveyed property as part of this historic architectural survey.
3. The City will provide the mapping, table, and photographs, showing the results of each phase of the reconnaissance-level historic architectural field survey, to FRA for review. Upon FRA's approval, FRA will submit the documentation to SHPO and Usable Segment Consulting Parties, as appropriate, for review and comment in accordance with Measure D above. FRA and SHPO will determine whether any further NRHP eligibility investigations are warranted.
 4. If FRA and SHPO find the previously un-surveyed resources are not eligible for listing in the NRHP, and no further NRHP eligibility investigations are warranted, the supplemental historic architectural survey will end, and no further historic architectural survey will be required for the Usable Segment.
 5. If FRA and SHPO determine previously un-surveyed properties require further investigation to determine NRHP eligibility, the City will conduct the necessary investigation and prepare recommendations regarding eligibility for each of the properties within thirty (30) calendar days of a notice to proceed from FRA, and submit the same in one or more technical document(s) to FRA for review. As needed, the City will use the prior technical reports, prepared as part of the Springfield Rail Improvements Project, to assist in its evaluation of NRHP eligibility. FRA will use the technical document(s) provided by the City to formally make determinations of NRHP eligibility, which FRA will submit to SHPO and the Usable Segment Consulting Parties, as appropriate, for review and comment in accordance with Measure D above.
 6. Prior to the construction of each Usable Segment, the City will use the results of the identification and evaluation efforts to make a recommendation to FRA regarding the assessment of effects of the Usable Segment to all identified historic properties within the historic architectural APE for that particular Usable Segment. The City will apply the criteria of adverse effect (36 CFR § 800.5), and prepare one or more documents to submit to FRA for review. FRA will use the effects assessments prepared by the City to formally make a determination of effects, which FRA will submit to SHPO and the Usable Segment Consulting Parties, as appropriate, for review and comment in accordance with Measure D above. If FRA, in consultation with SHPO, the City, and the Usable Segment Consulting Parties, determines that a historic property will be adversely affected by the Usable Segment, these

parties will consult on strategies to avoid, minimize, or mitigate the adverse effect. Examples of mitigation measures are provided in **Stipulation III.A. to III.D.**

7. FRA, in consultation with SHPO, the City, and the Usable Segment Consulting Parties, as appropriate, will resolve adverse effects according to **Stipulation IV.**
8. The City will not begin any ground-disturbing activities, construction, or demolition of acquired buildings that were not previously surveyed associated with any Usable Segments prior to completion of the historic architectural survey and FRA's receipt of SHPO concurrence, and, when necessary, finalization of a MOA or treatment plan for resolving any adverse effects of a particular Usable Segment on historic architectural properties.

F. Archaeological Identification, Evaluation, and Effects Assessments

1. The City will ensure the archaeological identification, evaluation, and effects assessment activities described herein are carried out by or under the direct supervision of a person or persons meeting the SOI Standards for Archaeology.
2. The City will initiate and complete archaeological identification, evaluation, effects assessments, and reporting (Supplemental Phase IB/II Evaluations) for each Usable Segment once it has acquired right-of-way for the Usable Segment. The City may conduct Phase IB/II surveys for multiple Usable Segments at the same time, as determined, in part, by the City's project schedule and availability of construction funding. The City will not begin any ground-disturbing activities associated with the Usable Segment in areas subject to archaeological investigation, as identified in the Phase I Archaeological Survey, until the required fieldwork is completed and approved by FRA, SHPO, and Native American tribes, as appropriate, and the location is formally released in writing by FRA and SHPO for ground-disturbing activities to commence. Supplemental Phase IB/II and Phase III archaeological work will take place as described below.
3. Supplemental Phase IB/II Evaluations
 - a. The City will evaluate the NRHP eligibility of the eighteen (18) resources identified in the Phase I Archaeological Survey (see **Attachment 6**), and any other archaeological resources identified during the Phase IB/II surveys that may be affected by the Springfield Rail Improvements Project. The City will conduct additional background research and archaeological testing, consistent with the Illinois State Archaeological Survey (ISAS) professional standards and guidelines for Phase IB/II archaeological survey(s) in the State of Illinois.
 - b. The City will prepare and submit one or more technical document(s), containing the results of each Phase IB/II survey together with its NRHP eligibility recommendations, as appropriate, to FRA for review. Upon its approval, FRA will submit the Phase IB/II document(s) to SHPO and the Usable Segment Consulting Parties, as appropriate, for review and comment in accordance with Measure D above. The technical document(s) may be combined with a corresponding effects assessment, outlined directly below.

- c. The City will apply the criteria of adverse effect (36 CFR § 800.5) and prepare one or more technical document(s) containing its recommendations regarding its assessment of effects to archaeological historic properties, and will submit the document(s) to FRA for review. FRA will use the effects assessment prepared by the City to formally make a determination of effects, which FRA will submit to SHPO and the Usable Segment Consulting Parties, as appropriate, for review and comment in accordance with Measure D above. The effects assessment may be combined with a corresponding Phase IB/II identification/evaluation document, outlined directly above.
- d. If FRA, in consultation with SHPO, the City, and the Usable Segment Consulting Parties, as appropriate, determines that an archaeological historic property will be adversely affected by a Usable Segment, FRA will consult with SHPO, the City, and the Usable Segment Consulting Parties to identify measures to avoid, minimize, or mitigate the adverse effect. Examples are provided in **Stipulation III.E.** and include, but are not limited to, avoidance, protection, alternative mitigation, and data recovery.
- e. FRA, in consultation with SHPO, the City, and the Usable Segment Consulting Parties, as appropriate, will resolve adverse effects in accordance with **Stipulation IV.**

3. Phase III Data Recovery

- a. If any Usable Segment would have an adverse effect to an archaeological historic property, the City will consult with FRA, SHPO, and the Usable Segment Consulting Parties to avoid or minimize such effects. If adverse effects cannot be avoided, the City will consult with FRA, SHPO, and the Usable Segment Consulting Parties to consider an alternative mitigation strategy, as appropriate, or data recovery excavations as the standard treatments.
- b. Any data recovery plans developed for a Usable Segment will be carried out by the City as follows:
 - i. The excavations will follow Illinois Historic Preservation Agency Standards and Guidelines (see **Exhibit H** of the original HSR PA) and be completed by an SOI-qualified archaeologist. If the City, in consultation with FRA, SHPO, and the Usable Segment Consulting Parties, agrees that the circumstance or the nature of the resource requires the development and implementation of a specialized treatment plan, this plan will follow state and federal guidelines, and will be developed by the City and submitted to FRA for review. Upon its approval, FRA will submit the plan to SHPO and the Usable Segment Consulting Parties, as appropriate, for review and comment in accordance with Measure D above.
 - ii. At a minimum, each data recovery plan will include:
 - 1. A list of research questions to be addressed, with a discussion of their relevance and importance;

2. Methods to be used for fieldwork and laboratory analysis, with a justification of their cost-effectiveness, and how they apply to the particular sites and the research questions;
 3. A schedule for completing field and laboratory work, and submitting draft and final documents for FRA review, and SHPO review and comment;
 4. Methods to be used in managing and curating artifacts, data, and other records;
 5. Procedures for evaluating and treating unanticipated discoveries;
 6. Procedures for documenting the completion of fieldwork and releasing sites for construction activities; and
 7. Provisions for disseminating the research findings to other relevant Usable Segment Consulting Parties, professional peers, and the general public.
- b. Upon FRA and SHPO approval of the approach and treatment measures, the City will execute the Phase III data recovery plan and ensure that data recovery excavations are completed prior to construction of the relevant Usable Segment.
 - c. The City will submit copies of all final archaeological documents prepared under Appendix A to FRA and SHPO. Interim and final archaeological documents and related documentation will be distributed to any of the Usable Segment Consulting Parties and qualifying agencies only upon request, and in redacted form, as warranted, in order to ensure the security of archaeological sites.
 - d. If human remains are found during archaeological site investigations carried out as part of fulfilling the requirements of Appendix A, the provisions of the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007), and the Illinois Human Skeletal Remains Protection Act (21LCS 3440, 17 IAC 4170), or any replacement of or subsequent revision to these publications, will be followed as applicable.

H. Applicable Provisions of the Original HSR PA

The following Stipulations of the original HSR PA, as modified by the First Amendment, apply to the City:

Stipulation IV. Resolution of Adverse Effects to Historic Properties

Stipulation V. Professional Standards

Stipulation VI. Duration

Stipulation VII. Post Review Discoveries

Stipulation VIII. Dispute Resolution

Stipulation IX. Amendments

Stipulation X. Termination

APPENDIX A ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Revised Historic Architectural Area of Potential Effects Map

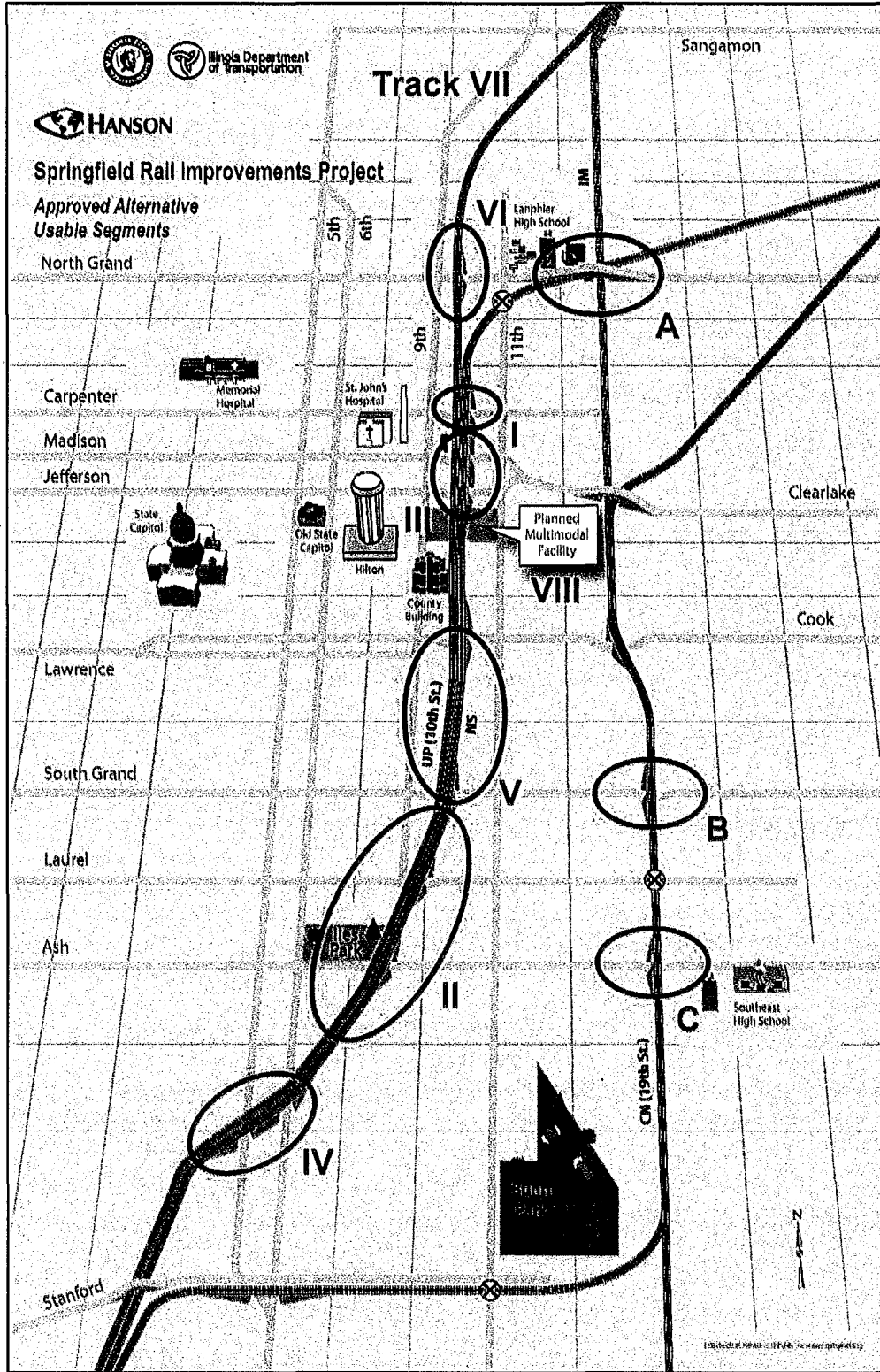
Attachment 3: Revised Historic Architectural Area of Potential Effects Written Justification

Attachment 4: List of Prior Cultural Resources Technical Studies

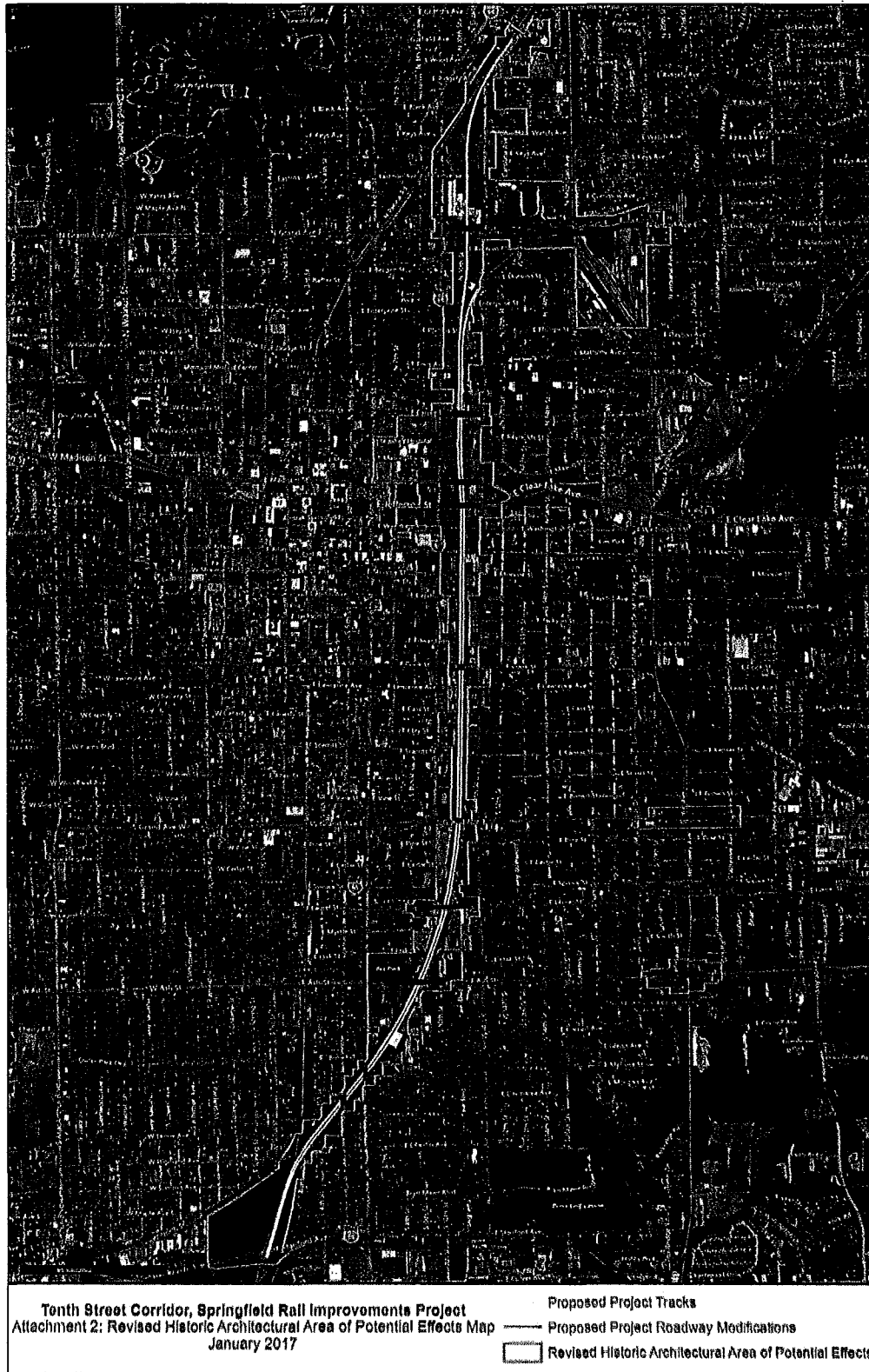
Attachment 5: List of Architectural Historic Properties (Identified to Date)

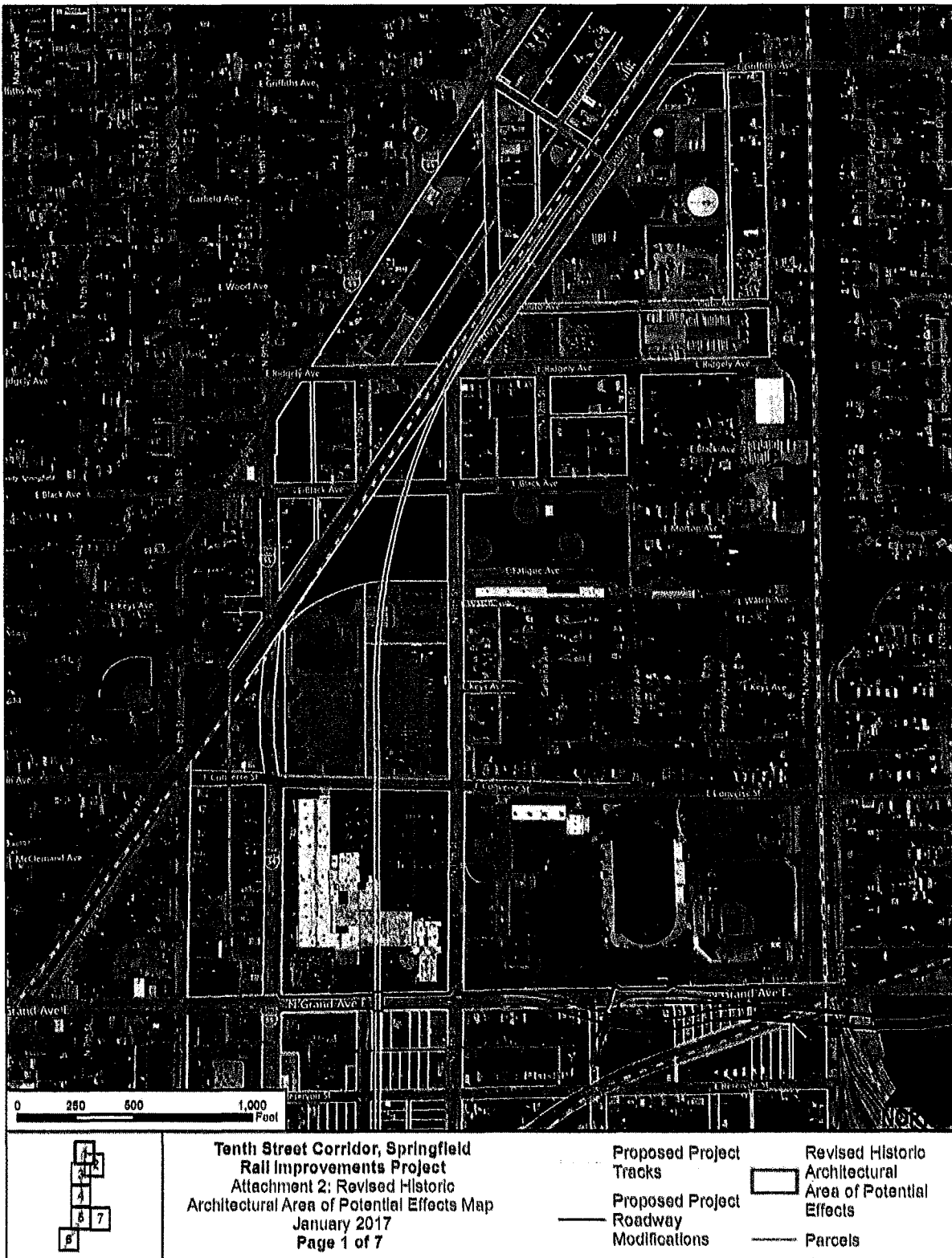
Attachment 6: List of Parcels with the Potential for Containing Archaeological Resources Eligible for the National Register of Historic Places (Identified to Date)

ATTACHMENT 1:
LOCATION MAP



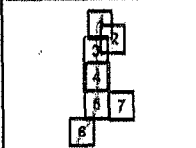
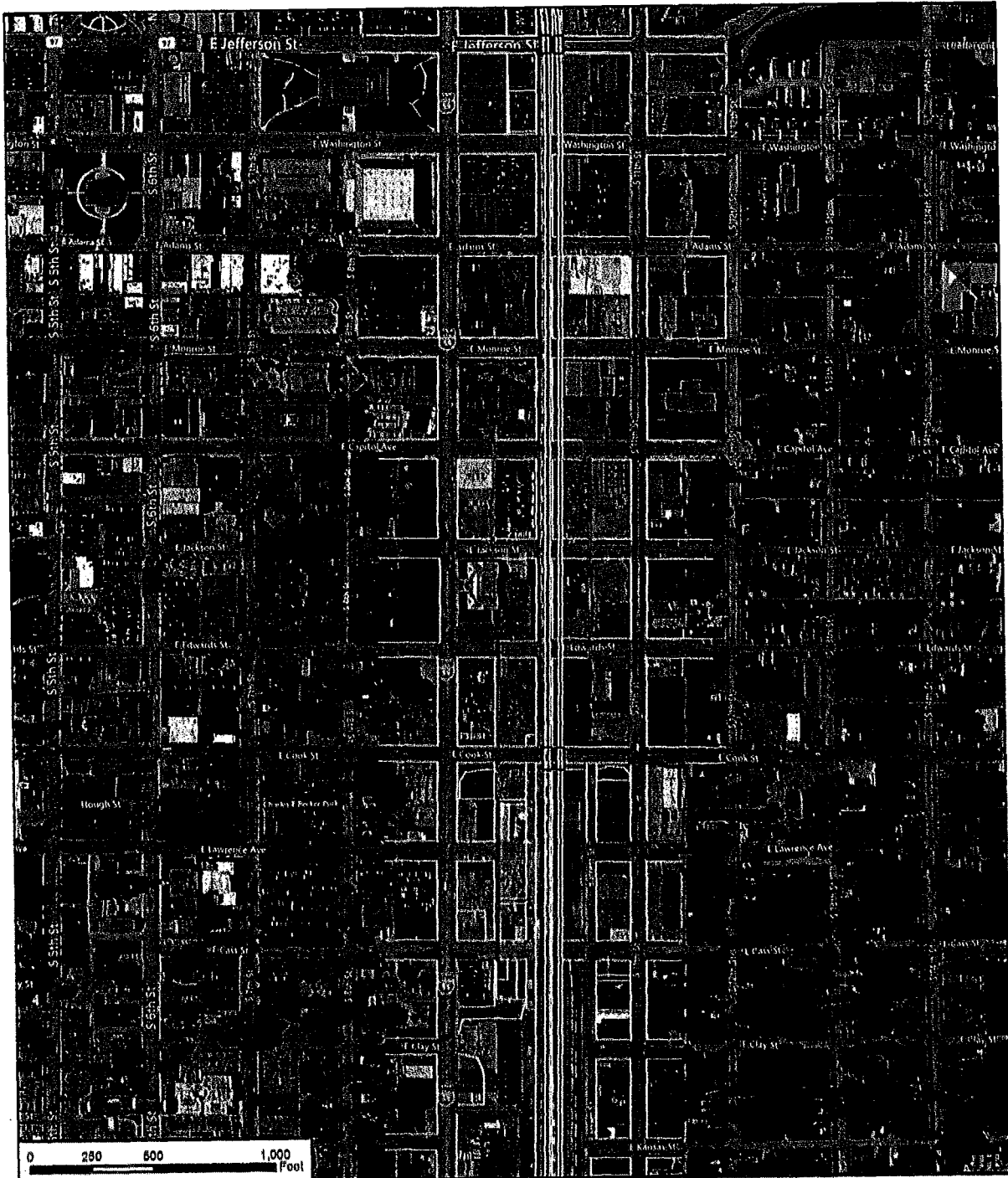
**ATTACHMENT 2:
REVISED HISTORIC ARCHITECTURAL AREA OF POTENTIAL EFFECTS MAP**







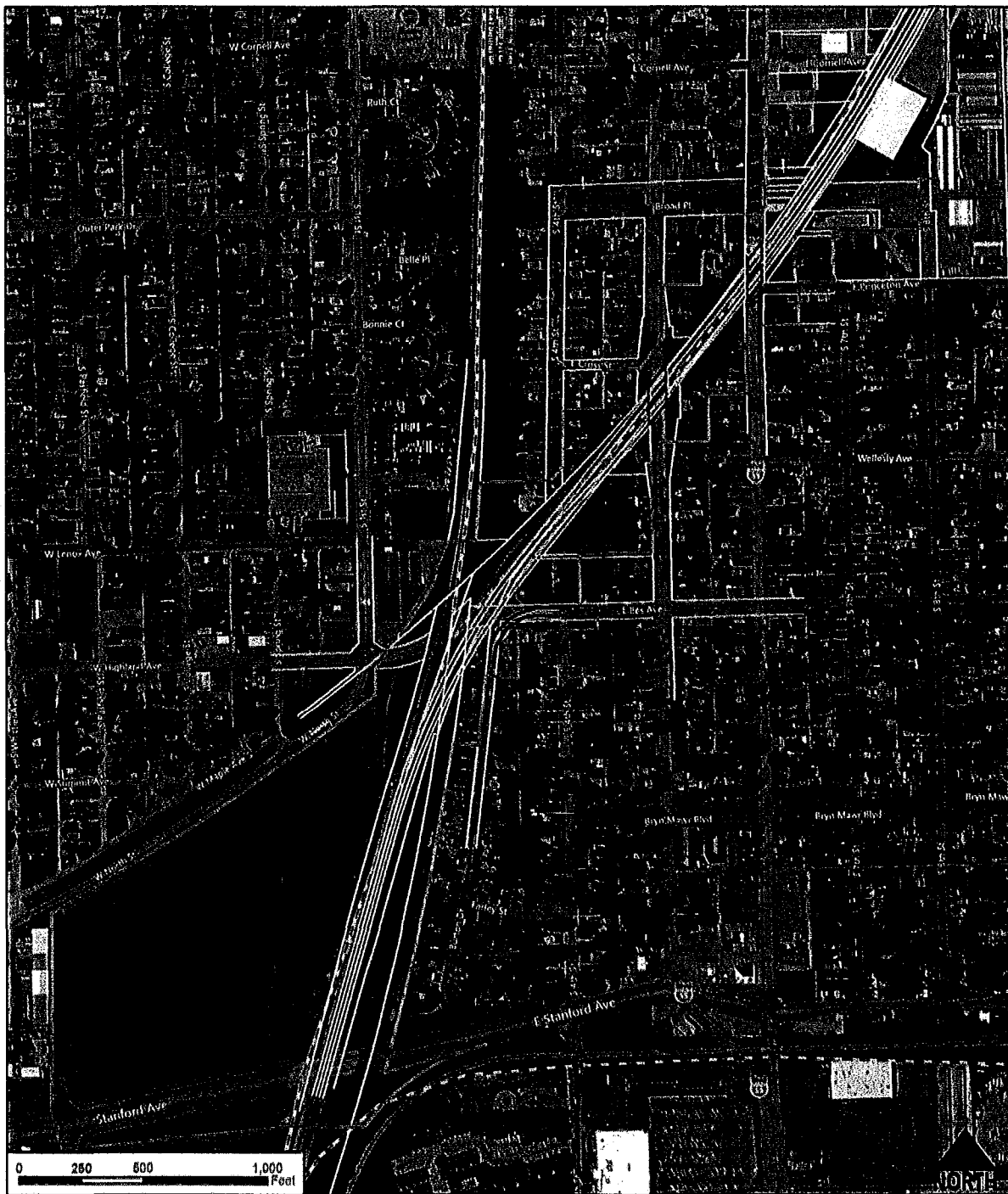
	<p align="center"> Tenth Street Corridor, Springfield Rail Improvements Project Attachment 2: Revised Historic Architectural Area of Potential Effects Map January 2017 Page 3 of 7 </p>	<p> Proposed Project Tracks Proposed Project Roadway Modifications </p>	<p> Revised Historic Architectural Area of Potential Effects Parcels </p>
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**Tenth Street Corridor, Springfield
 Rail Improvements Project
 Attachment 2: Revised Historic
 Architectural Area of Potential Effects Map
 January 2017
 Page 4 of 7**

Proposed Project Tracks	Revised Historic Architectural Area of Potential Effects
Proposed Project Roadway Modifications	Parcels





	<p>Tenth Street Corridor, Springfield Rail Improvements Project Attachment 2: Revised Historic Architectural Area of Potential Effects Map January 2017 Page 6 of 7</p>	<p>Proposed Project Tracks Proposed Project Roadway Modifications</p>	<p>Revised Historic Architectural Area of Potential Effects Parcels</p>
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	<p align="center"> Tenth Street Corridor, Springfield Rail Improvements Project Attachment 2: Revised Historic Architectural Area of Potential Effects Map January 2017 Page 7 of 7 </p>	<p> Proposed Project Tracks Proposed Project Roadway Modifications </p>	<p> Revised Historic Architectural Area of Potential Effects Parcels </p>
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ATTACHMENT 3:

REVISED HISTORIC ARCHITECTURAL AREA OF POTENTIAL EFFECTS WRITTEN JUSTIFICATION

For most of the Springfield Rail Improvements Project alignment, the revised historic architectural APE extends 125 feet on either side of the proposed railroad alignment centerline, and on the centerlines of existing and proposed roadway alignments at specified grade separations. The 125-foot boundary was established by FRA and IDOT for urban areas, and concurred on by SHPO in correspondence dated May 31, 2013 (see **Exhibit A** of the original HSR PA), as indicated in the original HSR PA. The 125-foot boundary includes the proposed right-of-way and improvements, and immediately adjacent architectural properties. FRA expects that potential visual, atmospheric, and audible effects beyond adjacent properties will be negligible where there is existing railroad traffic because the construction of additional tracks along the project corridor will not represent significant alterations to the historic landscape. The railroad has existed since the 1850s, therefore pre-dating most of the adjacent properties.

As part of the development of this First Amendment, FRA proposed to expand the historic architectural APE in some locations, where necessary, in order to fully account for potential visual, atmospheric, and audible effects to historic properties. The potential need to adjust the APE limits within urban areas was concurred on by SHPO in the May 31, 2013 correspondence. The APE was expanded beyond 125 feet at the following locations:

1. A northern portion of the proposed alignment, between E. Ridgely Avenue and Phillips Avenue, where new railroad or roadway right-of-way will be constructed, and no railroad corridor or roadway currently exists or ever existed historically.
2. The North Grand Avenue overpass where, unlike the underpasses, the construction of a new structure results in a larger area for potential visual, atmospheric, and audible effects.
3. Areas where potential demolitions will remove buildings or structures fronting on existing railroad or roadway right-of-way, thereby exposing adjacent buildings or structures to views of the railroad corridor or roadway where no view currently exists. However, no APE expansion was made where the potential demolition involves only one or two small buildings, and therefore the viewshed of the adjacent properties will not change significantly.

These expanded APE boundary areas generally encompass whole adjacent parcels, except at the southwest corner of the project corridor and East Stanford Avenue where the APE follows the roadway right-of-way line due to the potentially excessively large size of the adjacent agricultural property.

SHPO concurred with FRA's proposed revision to the historic architectural APE, including the graphics and text herein in Attachments 2 and 3, on January 30, 2017.

**ATTACHMENT 4:
LIST OF PRIOR CULTURAL RESOURCES TECHNICAL STUDIES**

To date, the following cultural resources technical studies have been produced for the Springfield Rail Improvements Project:

Stratton, Christopher and Floyd Mansberger

- 2016 *Phase I Archaeological Survey for the Tenth Street Corridor, Springfield Rail Improvements Project, Springfield, Illinois.* Fever River Research, Inc., Springfield, Illinois. Prepared for Hanson Professional Services, Inc.

Mansberger, Floyd and Christopher Stratton

- 2016 *Results of Phase II Archaeological Investigations of Sites 11SG1432 and 11SG1433 for the Proposed Carpenter Street Underpass, Springfield Rail Improvements Project, Springfield, Illinois.* Fever River Research, Inc., Springfield, Illinois. Prepared for the City of Springfield, Illinois and Federal Railroad Administration.

Stratton, Christopher and Floyd Mansberger

- 2014 *A Cultural and Historical Resources Study for the Proposed Carpenter Street Underpass, Springfield Rail Improvements Project.* Fever River Research, Inc., Springfield, Illinois. Prepared for Hanson Professional Services, Inc.

Stratton, Christopher and Floyd Mansberger

- 2012 *Phase I Cultural Resources Evaluation: Springfield Railroad Corridor Study, Springfield, Sangamon County, Illinois, Response to IDOT Comments.* Fever River Research, Inc., Springfield, Illinois. Prepared for Hanson Professional Services, Inc. (revised and abbreviated to only address the Tenth Street Corridor).

Stratton, Christopher and Floyd Mansberger

- 2011 *Phase I Cultural Resources Evaluation: Springfield Railroad Corridor Study, Springfield, Sangamon County, Illinois, Final.* Fever River Research, Inc., Springfield, Illinois. Prepared for Hanson Professional Services, Inc.

**ATTACHMENT 5:
LIST OF ARCHITECTURAL HISTORIC PROPERTIES (IDENTIFIED TO DATE)**

Attachment 5: List of Architectural Historic Properties

To date, the following architectural historic properties have been identified within the Springfield Rail Improvements Project revised historic architectural APE, using the mapping in Appendix VII of the *Phase I Cultural Resources Evaluation: Springfield Railroad Corridor Study, Springfield, Sangamon County, Illinois, Final* (listed from north to south):¹

No.	Historic Property Name	Location	NRHP*	NRHP Criteria
1	Lanphier High School Gymnasium	1121 East North Grand Avenue	Possibly Eligible	A and C
2	Springfield Furniture Factory	819 North Eleventh Street	Possibly Eligible	A and C
3	St. John's Hospital	800 East Carpenter Street	Possibly Eligible	A and C
4	Great Western Railroad Depot	Third and Tenth Streets	Listed	A, B, and C
5	Mine Rescue Station	609 East Princeton Avenue	Listed	A and C
6	Iles Park Shelter	East Ash and Sixth Streets	Possibly Eligible	A and C

* "Possibly Eligible" refers to NRHP eligibility recommendations made by Fever River. FRA has not made or submitted formal determinations to SHPO as of the date of execution of this First Amendment.

¹ If additional properties are identified during the supplemental historic architectural survey for any Usable Segment, the City will consult with FRA, SHPO, and other signatories and consulting parties, as appropriate, as required under Measure E of this Appendix A to the First Amendment.

**ATTACHMENT 6:
LIST OF PARCELS WITH THE POTENTIAL FOR CONTAINING ARCHAEOLOGICAL RESOURCES ELIGIBLE FOR
THE NATIONAL REGISTER OF HISTORIC PLACES (IDENTIFIED TO DATE)**

Parcels within the archaeological APE with potential for containing post-contact archaeological resources that maybe be eligible for the NRHP, as identified in *Phase I Archaeological Survey for the Tenth Street Corridor, Springfield Rail Improvements Project, Springfield, Illinois*:

Site No.	Parcels with Potentially Eligible Archaeological Resources	Recommendation*
1	930 East Miller Street	Testing
2	924 East Miller Street	Testing
3	831 East Carpenter Street	Monitoring
4	928 East Madison Street	Monitoring
5	1001 East Jefferson Street	Monitoring
6	1004 East Washington Street	Testing
7	800 A South 10 ½ Street	Testing
8	800 B South 10 ½ Street	Testing
9	900 A South 10 ½ Street	Testing
10	900 B South 10 ½ Street	Testing
11	900 C South 10 ½ Street	Testing
12	900 D South 10 ½ Street	Testing
13	1429 South 10 ½ Street	Monitoring
14	1501 South 10 ½ Street	Testing
15	1529 South 10 ½ Street	Testing
16	1701 South 10 ½ Street	Testing
17	1825 South 10 ½ Street	Testing
18	401 East Iles Avenue	Testing

* The Illinois State Historic Preservation Officer concurred with these recommendations on August 25, 2016.

APPENDIX B

MEASURES APPLICABLE TO OTHER PROJECT SPONSORS OF FRA-FUNDED CONSTRUCTIBLE ELEMENTS

A. Becoming a Signatory to the PA

In the event that a Project Sponsor other than IDOT assumes responsibilities for carrying out Stipulations of this PA relating to a Constructible Element, that Project Sponsor must become a signatory to this PA by providing written notice to the signatories that the Project Sponsor agrees to the terms of the FPA and specifying its role. FRA will develop a new signatory page to this PA for the Project Sponsor, and will file the new signatory page with the ACHP.

B. Project Design

For any Constructible Element for which FRA provides financial assistance, the Project Sponsor will work with FRA to provide FRA the necessary design plans for that Constructible Element.

C. Confirm the Area of Potential Effects

FRA, in consultation with SHPO and the Project Sponsor, will review the project plans to determine if changes to the historic architectural APE and/or archaeological APE, as defined in the original HSR PA, are necessary. If changes are needed, FRA will submit a written justification and accompanying graphics, as appropriate, for the proposed revised APE(s) to SHPO for review and comment in accordance with Measure E below. Following SHPO concurrence on the revised APE(s), the Project Sponsor will promptly provide written notice to the Signatories of the revised APE(s). As appropriate, the Project Sponsor will update or perform additional cultural resources tasks for the revised APE(s) in accordance with Measures F and/or G below. The Project Sponsor will notify FRA immediately of any changes in project plans for any Constructible Element that may require revisions to the historic architectural APE and/or archaeological APE.

D. Constructible Elements Consulting Parties

1. At the onset of each Constructible Element for which consulting parties have not already been identified, FRA, in consultation with SHPO and the Project Sponsor, will identify entities with a demonstrated interest in the Constructible Element due to the nature of their legal or economic relation to the Constructible Element or affected historic properties, or their concern with the Constructible Element's effects to historic properties, including Native American tribes with ancestral ties to the area, and invite those entities to be consulting parties for that Constructible Element (Constructible Element Consulting Parties). In addition, potential Constructible Element Consulting Parties may include any relevant Chicago to St. Louis HSR Project Consulting Parties and property owners adjacent to each Constructible Element. FRA will invite potential Constructible Element Consulting Parties to consult as early in project planning as practicable, and with sufficient time to allow such parties to participate in the identification of historic properties that may be affected by that Constructible Element. The identification and invitation of Constructible Element Consulting Parties may take place for multiple Constructible Elements at the same time, as determined, in part, by the Project Sponsor's project schedule and availability of design and/or construction funding.

2. FRA has the sole authority to conduct government-to-government consultation with federally recognized Native American tribes, as needed, for each Constructible Element.

E. Document Review

1. SHPO and the Constructible Element Consulting Parties will have thirty (30) calendar days to review and comment on draft documentation prepared for the Constructible Element for which they are a consulting party.
2. SHPO and the Constructible Element Consulting Parties will provide comments to either FRA or the Project Sponsor, as appropriate, and FRA or the Project Sponsor, as appropriate, will ensure any written comments received within the allotted timeframe are considered and incorporated, as appropriate, into the documentation.
3. If FRA identifies any deficiencies in draft documentation prepared by the Project Sponsor pursuant to this PA, the Project Sponsor is responsible for performing additional work and/or revising the documentation, as directed by FRA.
4. If SHPO or a Constructible Element Consulting Party does not submit written comments within thirty (30) calendar days of receipt of any document, it is understood the non-responding party has no comments on the document.
5. The Signatories acknowledge the timeframes set forth in this PA are the maximum allowed under normal circumstances for document review. In exigent circumstances the Project Sponsor may request that FRA, SHPO, and the Constructible Element Consulting Parties expedite their reviews.

F. Historic Architectural Survey

1. The Project Sponsor will implement a historic architectural survey for the Constructible Element that will be carried out by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualification Standards (SOI Standards) in the field of architectural history. The Project Sponsor will complete the survey for this Constructible Element as early as practicable and prior to any ground-disturbing activities, construction, acquisition of previously un-surveyed property, or demolition of acquired buildings associated with this Constructible Element.
2. To carry out the historic architectural survey, the Project Sponsor will complete the following:
 - a. Apply the established APE.
 - b. Review the prior studies completed for the original HSR PA to identify and map by parcel boundary: (i) all architectural historic properties listed in or eligible for listing in the National Register of Historic Places (NRHP) and (ii) all historic architectural resources previously surveyed and found not eligible for listing in the NRHP as part of earlier studies.

- c. Conduct a new records search of the National Park Service's NRHP database and SHPO files to identify and map by parcel boundary any properties that have been identified as NRHP-listed or eligible by other federal agencies and/or SHPO for unrelated projects since the completion of earlier studies conducted as part of the Tier 1 EIS or original HSR PA.
 - d. Identify and map by parcel boundary any previously un-surveyed districts, sites, buildings, structures, or objects that are forty-five (45) years of age or older at the time of the survey, in an effort to account for all potential historic properties reaching the standard threshold of fifty (50) years of age for NRHP evaluation by the time construction begins for the Constructible Element.
 - e. Conduct a reconnaissance-level historic architectural field survey to photograph only the previously un-surveyed districts, sites, buildings, structures or objects, and make preliminary recommendations for resources it considers not eligible for listing in the NRHP and for resources requiring additional investigation. The results of this survey and recommendations will be mapped by parcel boundary and compiled in a table with accompanying photographs of each surveyed resource. The table will also include the property address, current and/or historic name if known, NRHP status, and preliminary eligibility recommendations.
 - f. The Project Sponsor is not required to photograph or conduct any re-evaluations of previously identified NRHP-listed or eligible historic properties, or of any previously surveyed property as part of this historic architectural survey.
3. The Project Sponsor will provide the mapping, table, and photographs, showing the results of each phase of the reconnaissance-level historic architectural field survey, to FRA for review. Upon FRA's approval, FRA will submit the documentation to SHPO and Constructible Element Consulting Parties, as appropriate, for review and comment in accordance with measure E above. FRA and SHPO will determine whether any further NRHP eligibility investigations are warranted.
 4. If FRA and SHPO find the previously un-surveyed resources are not eligible for listing in the NRHP, and no further NRHP eligibility investigations are warranted, the historic architectural survey will end, and no further historic architectural survey will be required for the Constructible Element.
 5. If FRA and SHPO determine previously un-surveyed properties require further investigation to determine NRHP eligibility, the Project Sponsor will conduct the necessary investigation and prepare recommendations regarding eligibility for each of the properties within thirty (30) calendar days of a notice to proceed from FRA, and submit the same in one or more technical document(s) to FRA for review. As needed, the Project Sponsor will use the prior technical reports to assist in its evaluation of NRHP eligibility. FRA will use the technical document(s) provided by the Project Sponsor to formally make a determination of NRHP eligibility, which FRA will submit to SHPO and the Constructible Element Consulting Parties, as appropriate, for review and comment in accordance with Measure E above.

6. Prior to the construction of the Constructible Element, the Project Sponsor will use the results of the identification and evaluation efforts to make a recommendation to FRA regarding the assessment of effects to all identified historic properties within the revised historic architectural APE for that particular Constructible Element. The Project Sponsor will apply the criteria of adverse effect (36 CFR § 800.5), and prepare one or more documents to submit to FRA for review. FRA will use the effects assessments prepared by the Project Sponsor to formally make a determination of effects, which FRA will submit to SHPO and Constructible Element Consulting Parties, as appropriate, for review and comment in accordance with Measure E above. If FRA, in consultation with SHPO, the Project Sponsor, and the Constructible Element Consulting Parties, determines that a historic property will be adversely affected by the Constructible Element, these parties will consult on strategies to avoid, minimize, or mitigate the adverse effect. Examples of mitigation measures are provided in **Stipulation III.A. to III.D.**
7. FRA, in consultation with SHPO, the Project Sponsor, and the Constructible Element Consulting Parties, as appropriate, will resolve adverse effects according to **Stipulation IV.**
8. The Project Sponsor will not begin any ground-disturbing activities, construction, or demolition of acquired buildings, not previously surveyed, associated with any Constructible Element prior to completion of the historic architectural survey and FRA's receipt of SHPO concurrence.

G. Archaeological Identification, Evaluation, and Effects Assessments

1. The Project Sponsor will ensure the archaeological identification, evaluation, and effects assessment activities described herein are carried out by or under the direct supervision of a person or persons meeting the SOI Standards for Archaeology.
2. The Project Sponsor will initiate and complete a Phase I Archaeological Survey for the Constructible Element as early as practicable but prior to initiating any ground disturbing activities.
3. The Project Sponsor will complete Phase IB/II surveys once right-of-way for the Constructible Element has been acquired. The Project Sponsor will not begin any ground-disturbing activities associated with the Constructible Element in areas subject to archaeological investigation, as identified in the Phase I Archaeological Survey, until the required fieldwork is completed and approved by FRA, SHPO, and Native American tribes, as appropriate, and the location is formally released by FRA and SHPO in writing for ground-disturbing activities to commence. Supplemental Phase IB/II and Phase III archaeological work will take place as described below.
 - a. The Project Sponsor will evaluate the NRHP eligibility of resources identified in the Phase I Archaeological Survey, and any other archaeological resources identified during the Phase IB/II surveys that may be affected by the Constructible Element. The Project Sponsor will conduct additional background research and archaeological testing, consistent with the Illinois State Archaeological Survey (ISAS) professional standards and guidelines for Phase IB/II archaeological survey(s) in the State of Illinois.

- b. The Project Sponsor will prepare and submit one or more technical document(s), containing the results of each Phase IB/II survey together with its NRHP eligibility recommendations, as appropriate, to FRA for review. Upon its approval, FRA will submit the Phase IB/II document(s) to SHPO and the Constructible Element Consulting Parties, as appropriate, for review and comment. The technical document(s) may be combined with a corresponding effects assessment, outlined directly below.
 - c. The Project Sponsor will apply the criteria of adverse effect (36 CFR § 800.5) and prepare one or more technical document(s) containing its recommendations regarding the assessment of effects to archaeological historic properties, and submit the document(s) to FRA for review. FRA will use the effects assessment prepared by the Project Sponsor to formally make a determination of effects, which FRA will submit to SHPO and the Constructible Element Consulting Parties, as appropriate, for review and comment in accordance with Measure E above. The effects assessment may be combined with a corresponding Phase IB/II identification/evaluation document, outlined directly above.
 - d. If FRA, in consultation with SHPO, the Project Sponsor, and the Constructible Element Consulting Parties, as appropriate, determines that an archaeological historic property will be adversely affected by a Constructible Element, FRA will consult with SHPO, the Project Sponsor, and Constructible Element Consulting Parties to identify measures to avoid, minimize, or mitigate the adverse effect. Examples are provided in **Stipulation III.E.** and include, but are not limited to, avoidance, protection, alternative mitigation, and data recovery.
 - e. FRA, in consultation with SHPO, the Project Sponsor, and the Constructible Element Consulting Parties, as appropriate, will resolve adverse effects in accordance with **Stipulation IV.**
4. If any Constructible Element would have an adverse effect to an archaeological property, the Project Sponsor will consult with FRA, SHPO, and the Constructible Element Consulting Parties to avoid or minimize such effects. If adverse effects cannot be avoided, the Project Sponsor will consult with FRA, SHPO, and the Constructible Elements Consulting Parties to consider an alternative mitigation strategy, as appropriate, or data recovery excavations as the standard treatments.
- a. Any data recovery plans developed for a Constructible Element will be carried out by the Project Sponsor in accordance with the following provisions:
 - i. The excavations will follow Illinois Historic Preservation Agency Standards and Guidelines (see **Exhibit H** of the original HSR PA) and be completed by a qualified professional meeting the SOI Standards for Archaeology. If the Project Sponsor, in consultation with FRA, SHPO, and the Constructible Elements Consulting Parties, agrees that the circumstance or the nature of the resource requires the development and implementation of a specialized treatment plan, this plan will follow state and federal guidelines, and will be developed by the Project Sponsor and submitted to FRA for review. Upon its approval, FRA will submit the plan to SHPO and the Constructible Element Consulting Parties, as appropriate, for review and comment.

- ii. At a minimum, each data recovery plan will include:
 1. A list of research questions to be addressed, with a discussion of their relevance and importance;
 2. Methods to be used for fieldwork and laboratory analysis, with a justification of their cost-effectiveness, and how they apply to the particular sites and the research questions;
 3. A schedule for completing field and laboratory work, and submitting draft and final documents for FRA review, and SHPO review and comment;
 4. Methods to be used in managing and curating artifacts, data, and other records;
 5. Procedures for evaluating and treating unanticipated discoveries;
 6. Procedures for documenting the completion of fieldwork and releasing sites for construction activities; and
 7. Provisions for disseminating the research findings to other relevant Constructible Element Consulting Parties, professional peers, and the general public.
- e. Upon FRA and SHPO approval of the approach and treatment measures, the Project Sponsor will execute the Phase III data recovery plan and ensure that data recovery excavations are completed prior to construction of the relevant Constructible Element.
- f. The Project Sponsor will submit copies of all final archaeological documents prepared under Appendix B to FRA and SHPO. Interim and final archaeological documents and related documentation will be distributed to any of the Constructible Elements Consulting Parties and qualifying agencies only upon request, and in redacted form, as warranted, in order to ensure the security of archaeological sites.
- g. If human remains are found during archaeological site investigations performed as part of fulfilling the requirements of Appendix B, the provisions of the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007), and the Illinois Human Skeletal Remains Protection Act (21ILCS 3440, 17 IAC 4170), or any replacement of or subsequent revision to these publications, will be followed as applicable.

H. Applicable Provisions of the Original HSR PA

The following Stipulations of the original HSR PA, as modified by the First Amendment, apply to the Project Sponsor:

Stipulation IV. Resolution of Adverse Effects to Historic Properties

Stipulation V. Professional Standards

Stipulation VI. Duration

Stipulation VII. Post Review Discoveries

Stipulation VIII. Dispute Resolution

Stipulation IX. Amendments

Stipulation X. Termination