

**PROGRAMMATIC AGREEMENT
FOR THE
MITIGATION OF
ADVERSE EFFECTS TO
ILLINOIS ARCHAEOLOGICAL HABITATION SITES
BETWEEN THE
ILLINOIS DEPARTMENT OF TRANSPORTATION
AND THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE**

WHEREAS, the Illinois Department of Transportation (IDOT) was one of the first agencies in the nation to implement an archaeological recovery program as part of its transportation projects and has received national recognition as to the quality of its programs and Cultural Resources Unit staff from the Department of the Interior, the U.S. Department of Transportation, the Advisory Council on Historic Preservation, and the Society of Professional Archaeologists; and

WHEREAS, the IDOT and the University of Illinois at Urbana-Champaign (UIUC) maintain a joint intergovernmental archaeological program, the Illinois Transportation Archaeological Research Program (ITARP), that employs professional archaeological staff and has multiple regional offices that perform continuous and ongoing archaeological and historical research for IDOT regional offices; and

WHEREAS, the IDOT proposes to conduct its state-funded transportation program in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420); and

WHEREAS, the IDOT : (1) has determined that undertakings may have an adverse effect upon archaeological habitation sites included in or eligible for inclusion in the National Register of Historic Places, and (2) has consulted with the Illinois State Historic Preservation Officer (SHPO) pursuant to Section 4 of the regulations (20 ILCS 3420); and

WHEREAS, the consulting parties agree that recovery of significant information from archaeological habitation sites which cannot be avoided may be done in accordance with the published guidance; and

WHEREAS, the consulting parties agree that it is in the public interest to expend funds to implement such projects through the recovery of significant information from archaeological habitation sites to mitigate the adverse effects of IDOT projects; and

WHEREAS, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 USC 3001), are expected to be encountered in the archaeological work; and

WHEREAS, the class of archaeological sites covered in this agreement are significant and are of value chiefly for the information on prehistory or history which they are likely to yield through archaeological, historical, and scientific methods of information recovery and do not have long-term preservation values, are not known to possess special significance to another ethnic group or community, and do not have value for potential permanent in-situ display or public interpretation.

NOW, THEREFORE, the IDOT shall ensure that the following terms and stipulations will be implemented in a timely manner and with adequate resources in compliance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420).

I. Survey, Evaluation, and Mitigation (Phases I, II, III)

A. The IDOT and SHPO shall consult throughout the cultural resources investigation process outlined in these stipulations to ensure that all archaeological investigations are performed to adequately take into account IDOT's project construction phasing, economic feasibility, and the protection of the archaeological resources.

B. As early as practical in the project planning process, the IDOT shall complete a Phase I archaeological survey within the area of potential project effects.

C. IDOT shall ensure that the Phase I survey is conducted in accordance with the SHPO guidelines and a report of the survey shall be submitted to the SHPO for review and comment for all sites not recommended by IDOT's Cultural Resources Unit professional personnel for Phase II testing. In cases where IDOT and the SHPO concur that the sites are not potentially eligible for the National Register Phase II testing is not required.

D. To facilitate construction scheduling, archaeological subsurface testing (Phase II) will be performed at all archaeological properties IDOT's Cultural Resources Unit professional personnel determine to be potentially eligible in order to further evaluate their National Register eligibility. A field report of the Phase II findings shall be submitted to the IDOT's Cultural Resources Unit professional personnel by the ITARP during or immediately upon the completion of their investigations.

E. IDOT shall evaluate properties identified through Phase II testing against the National Register criteria (36 CFR 60.4) and shall seek the concurrence of the SHPO in those findings. In cases where the IDOT and the SHPO concur that the properties are not National Register eligible no further investigations need be conducted.

F. In instances where IDOT's Cultural Resources Unit professional personnel determine that the site is eligible for the National Register mitigation may proceed immediately. In an effort to streamline the environmental process, and given the time constraints of many projects requiring immediate action when it is not feasible for scheduling to develop site specific data recovery plans (DRP), a generalized data recovery plan (DRP) will be used. A sample of the generalized DRP for Native American archaeological sites is attached as Appendix A. These streamlining efforts will apply primarily to small archaeological habitation sites. IDOT Cultural Resources Unit professional personnel will make final determination of the application of these streamlining efforts on a case-by-case basis. Factors in the making of this determination will include, but not be limited to, site type, location, project type, and project schedule.

G. If burials are encountered during the course of investigations covered by the scope of this work; required notifications of the discovery will be made to the county coroner, and to the Illinois Historic Preservation Agency (IHPA). If the burial is not a crime scene as determined by the coroner, then it and any associated burial artifacts will be removed after on-site consultation with IHPA. Recordation, recovery, and disposition of human remains and associated artifacts shall be accomplished as determined under provisions of the Human Skeletal Remains Protection Act (20 ILCS 3440, 17IAC 4170) with a physical anthropologist present.

H. The Phase I survey, Phase II testing, and Phase III mitigation will be conducted following the ITARP techniques, which are consistent with the approaches of the Secretary of the Interior's Standards and Guidelines for Identification (48FR 44720-23) and take into account the National Park Service publication *The Archaeological Survey: Methods and Uses* (1978), "The Treatment of

Archaeological Properties" published in 1980 by the Advisory Council on Historic Preservation and the Illinois State Historic Preservation Office Guidelines for Archaeological Reconnaissance Surveys/Reports. The Phase I survey, Phase II testing, and Phase III mitigation process will be implemented by the IDOT and monitored by the SHPO.

EXECUTION OF PROGRAMMATIC AGREEMENT

This Programmatic Agreement is hereby executed upon the completion of the indicated signatures by each of the parties:

ILLINOIS DEPARTMENT OF TRANSPORTATION

BY: Michael L. Nene DATE 10/25/05

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

BY: Anne E. Haas DATE 10/25/05

CONCUR:

***ILLINOIS TRANSPORTATION ARCHAEOLOGICAL RESEARCH PROGRAM,
UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN***

BY: Thomas J. [Signature] DATE 10/29/05

APPENDIX A: STANDARD DATA RECOVERY PLAN FOR PREHISTORIC SITES

Introduction

The Illinois Transportation Archaeological Research Program (ITARP), 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 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 ITARP techniques, which are outlined in *ITARP Field Manual 2005: Standard ITARP Field Procedures for Phase I, II, and III Archaeological Investigations*.

The IDOT and the Illinois State Historic Preservation Officer 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 these sites may not be avoided by the proposed project.

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 US 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 ITARP 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 gained, 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 Oneota 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 ITARP archaeologists who meet the Secretary of the Interior's professional qualifications standards (48-FR-447838-9). In designing and carrying out the work, ITARP staff will also take into account the Advisory Council on Historic Preservation's publication on the "Treatment of Archeological Properties."

Standard ITARP methods (as outlined in the *ITARP Field Manual 2005*) 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 ITARP excavation techniques as described in the *ITARP Field Manual 2005*. 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 and screened with 1/4-inch hardware cloth, 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. 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 ITARP personnel at the appropriate Survey Division office. Botanical, zoological, and human remains will be analyzed by specialists at ITARP'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 ITARP will also insure that all final archeological reports are presented in a format acceptable to the Illinois State Historic Preservation Officer (SHPO), following Illinois SHPO 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 (NTIS). This report will be submitted to the Illinois DOT and IHPA in a timely manner after the completion of all field and laboratory investigations.

Curation

All artifactual materials, records, photographs, and other data associated with this project will be curated at the University of Illinois at Urbana-Champaign and managed by the Illinois Transportation Archaeological Research Program (ITARP) in accordance with federal standards as outlined in 36 CFR, Part 79.