



**FEMA**

March 13, 2020

Reid Nelson  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Avenue NW, Suite 809  
Washington, DC 20004

Re: Amendment to the MOA among FEMA, IEMA, IDNR and SHPO, effective June 2014

Dear Mr. Nelson:

Pursuant to discussions among the signatories to the captioned Memorandum of Agreement (MOA), the agreement has been amended to remain in effect for five years after the execution of the amendment. This amendment has been executed pursuant to paragraph VII.D, to reflect this change. Enclosed find for your files a copy of the amendment, the signature pages attesting to the amendment, and a copy of the current agreement.

If you have questions or comments, please contact me at 312-408-5549 or at [duane.castaldi@fema.dhs.gov](mailto:duane.castaldi@fema.dhs.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Duane Castaldi", with a long horizontal flourish extending to the right.

Duane Castaldi  
Regional Environmental Officer  
FEMA Region V

Enclosures

cc: J. Brent Hamilton, Disaster Services Planner, Illinois EMA  
C.J. Wallace, Cultural Resources Coordinator, Illinois SHPO  
Chad Craycraft, Federal Programs Coordination Manager Illinois DNR  
John Ketchum, Federal Preservation Officer, FEMA

**AMENDMENT #1**  
**TO THE**  
**MEMORANDUM OF AGREEMENT AMONG**  
**THE FEDERAL EMERGENCY MANAGEMENT AGENCY,**  
**THE ILLINOIS EMERGENCY MANAGEMENT AGENCY,**  
**THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES, AND**  
**THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE,**  
**REGARDING COMPLIANCE WITH SECTION 106**  
**OF THE NATIONAL HISTORIC PRESERVATION ACT**  
**AS IT PERTAINS TO THE PROPOSED DEMOLITION AND RECONSTRUCTION**  
**OF THE NETTLE CREEK AQUEDUCT,**  
**MORRIS, GRUNDY COUNTY, ILLINOIS**  
**SHPO LOG #025041014**

**WHEREAS**, the Federal Emergency Management Agency (FEMA), the Illinois Emergency Management Agency (IEMA), the Illinois Department of Natural Resources (DNR), and the Illinois State Historic Preservation Office entered into a Memorandum of Agreement for the Nettle Creek Aqueduct executed on June 23, 2014 (the “Original MOA”); and

**WHEREAS**, FEMA, IEMA, DNR, and the Illinois State Historic Preservation Office entered into a Memorandum of Agreement for the Nettle Creek Aqueduct executed on May 6, 2015, which superseded the Original MOA (Superseding MOA).

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(c)(5), Stipulation VII.D of the Superseding MOA provides for reconsideration of the terms if the Undertaking has not been implemented before the expiration of the Superseding MOA on May 6, 2020; and

**WHEREAS**, as of the signing of this Amendment and prior to the expiration of the Superseding MOA, the demolition and replacement of the Nettle Creek Aqueduct has not yet been completed, as required in Stipulations I, II, and III of the Superseding MOA; and

**WHEREAS**, Pursuant to Executive Order 2017-1 dated July 1, 2017, the Illinois State Historic Preservation Office was abolished and all powers, duties, functions and responsibilities of the Illinois State Historic Preservation Office was transferred to the DNR Historic Preservation Division (HP Division), including the rights and obligations of the Superseding MOA, and the Director of DNR is the duly designated Illinois State Historic Preservation Officer (SHPO); and

**WHEREAS**, FEMA, IEMA, DNR, and the HP Division have been implementing the terms of the Superseding MOA and agree that the duration of the Superseding MOA should be extended in order to satisfy FEMA’s Section 106 responsibilities to take into account the effects of the Undertaking on historic properties and to allow the signatories adequate time to fully implement the terms of the Superseding MOA; and

**WHEREAS**, FEMA will send a copy of this executed amendment to the Advisory Council for Historic Preservation;

**NOW, THEREFORE**, in accordance with Stipulation VII.D of the Superseding MOA, FEMA, IEMA, DNR, and the HP Division agree to amend Stipulation VII.E.2 of the Superseding MOA as follows:

1. Stipulation VII.E is deleted in its entirety and the following is inserted in lieu thereof:

E. This Superseding MOA shall remain in effect from the date of execution of Amendment 1 for five years or until:

1. It is terminated pursuant to Paragraph VII.H below, or
2. The Superseding MOA is extended as provided for in Paragraph VII.D above.


[Signatory pages to follow]

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SIGNATORY

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

By: \_\_\_\_\_

  
James K. Joseph  
Regional Administrator, Region V  
Federal Emergency Management Agency


Date: \_\_\_\_\_

2/25/2020

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**SIGNATORY**


**ILLINOIS EMERGENCY MANAGEMENT AGENCY (IEMA)**

By:  Date: 6 May 2020  
Alicia Tate-Nadeau, Director  
Illinois Emergency Management Agency

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SIGNATORY

ILLINOIS DEPARTMENT OF NATURAL RESOURCES HISTORIC PRESERVATION  
DIVISION AND ILLINOIS STATE HISTORIC PRESERVATION OFFICER (SHPO)

By:  Date: 1-21-20  
Colleen Callahan, Director Illinois Department of Natural Resources  
and State Historic Preservation Officer

**APPROVED FOR EXECUTION**

Date: 1/16/2020

Legal Counsel: 