



CNRMA
7000-31

DEPARTMENT OF THE NAVY
NAVAL STATION GREAT LAKES
2601E PAUL JONES STREET
GREAT LAKES IL 60088-2845

NSGL
7000-31
Ser N5/107
25 Apr 24

MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF THE NAVY,
COMMANDER, NAVY REGION MID-ATLANTIC,
AND
COMMANDING OFFICER, NAVAL STATION GREAT LAKES
AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
PURSUANT to 36 C.F.R. PART 800

Subj: REGARDING DEMOLITION OF PEDESTRIAN BRIDGE S113H, NAVAL STATION GREAT LAKES, GREAT LAKES, ILLINOIS, STATE HISTORIC PRESERVATION OFFICER LOG #014060316

Encl: (1) Area of Potential Effect-Maps and Photographs
(2) National Register Photo Policy Fact Sheet
(3) Mitigation Summary

Support Agreement #: N61463-20240408-15141

WHEREAS, the Department of Navy (Navy) acting through Commander, Navy Region Mid-Atlantic and Naval Station Great Lakes (NSGL), Great Lakes, Illinois proposes to demolish a pedestrian bridge S113H (S113H) to eliminate life-safety hazards and is continuing its consultation with the Illinois State Historic Preservation Officer (SHPO) and other appropriate consulting parties in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. section 306108 (the Act), and its implementing regulations 36 C.F.R. § 800.2; and

WHEREAS, the Navy has determined that the proposed project to demolish S113H will have an adverse effect on resources that are listed in the National Register of Historic Places; and

WHEREAS, the Undertaking includes the complete demolition of S113H with direct impacts; and

WHEREAS, the Undertaking includes efforts to minimize the effect on historic resources within the Naval Station Great Lakes Training Station Historic District (Historic District); and

WHEREAS, the area of potential effect (APE), as shown in Attachment A: State Historic Preservation Office Consultation Package, consists of the Historic District with direct effects to S113H; and

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WHEREAS, S113H is a contributing resource of minor significance to the Historic District, and the SHPO has concurred with that determination in email correspondence dated January 5, 2023; and

WHEREAS, the Navy determined the Undertaking will have an adverse effect on S113H; and

WHEREAS, the Navy determined that the Undertaking will have no effect on archaeological resources as no archaeological resources are within the APE, per a survey conducted in 2000; and

WHEREAS, the SHPO has concurred with the Navy's determination of effect findings and its efforts to minimize the effect listed above in email correspondence dated March 27, 2023; and

WHEREAS, pursuant to 36 C.F.R. § 800.2 (d) the Navy solicited comments on the Undertaking from the interested public, through contacting the National Trust on Historic Preservation, Landmarks Illinois, and by posting a notice on the Naval Station Great Lakes Facebook page from 4 March 2024 through 4 April 2024. The National Trust on Historic Preservation and Landmarks Illinois elected not to participate in the consultation. One pertinent comment was received via Facebook stating a tree was leaning on the bridge, and the bridge hasn't been used in decades; and

WHEREAS, pursuant to 36 C.F.R. § 800.2 (c) (2), the Navy contacted the Forest County Potawatomi Community; the Ho-Chunk Nation of Wisconsin; the Miami Tribe of Oklahoma; the Peoria Tribe of Indians of Oklahoma; and the Sac and Fox Tribe of Mississippi in Iowa to determine if they might attach religious and cultural significance to the property subject to this agreement. Of which the Forest County Potawatomi Community elected to comment in an email dated August 21, 2023; The Ho-Chunk Nation of Wisconsin elected to comment in an email dated August 10, 2023; The Miami Tribe of Oklahoma elected to comment in a letter dated August 21, 2023; The Peoria Tribe of Indians of Oklahoma elected to comment in a letter dated August 28, 2023; and no comments were received from The Sac and Fox Tribe of Mississippi in Iowa. All the contacted tribes, with the exception of the Sac and Fox Tribe of Mississippi in Iowa, indicated the geographic area does not constitute traditional areas that were historically used by members of these Tribes but requested that if human remains, artifacts, or other evidence of Native American presence is encountered, the Navy would stop work and notify their office; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the Navy has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) as indicated in their letter dated August 28, 2023; and

WHEREAS, an executed copy of this Agreement will be filed with the ACHP pursuant to 36 C.F.R. § 800.6(b)(1)(iv); and

NOW, THEREFORE, the Navy and the SHPO agree that, upon the Navy's decision to proceed, this Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties.

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STIPULATIONS: The Navy shall ensure that the following measures are carried out:

1. Digital documentation of S113H

a. The Navy shall document the pedestrian bridge. A 2006 Naval Station Great Lakes architectural survey included a digital, representative image of the bridge. A 2011 ICRMP documented the structure as non-eligible for listing on the NRHP. The documentation shall contain the following information; to the extent, it is available:

(1) Digital photographs that meet or exceed the most recent National Register *Photo Policy Fact Sheet*, as shown in Attachment B. The photographs will document the breadth of the structure, to include the foundations and undercarriage; and

(2) Compiled existing measured drawings, of the bridge, adding up-to-date information to the body of knowledge, which includes partials plans from 1942, 1946, and 1988.

(3) Updated SHPO survey inventory forms with up-to-date, accurate data.

(4) The final documentation photography shall be completed prior to any construction activities occurring.

(a) If the Navy is unable to document the bridge due to security concerns, an obstruction, or another unforeseen issue, the Navy shall provide the reason(s) unable to document the bridge, alternative documentation (i.e. another view, redaction of specific information, etc.) completed, or a statement that there are no feasible alternatives to the documentation in a memorandum for the record.

(b) The memorandum for the record shall be included in the final documentation for retention and provided to the SHPO along with the written notice in Stipulation I.A.v.

(5) Upon completion of the documentation, the Navy shall retain a complete digital record at NSGL and the documentation shall be provided to SHPO for retention.

2. Archaeological Resources

a. The proposed project will include ground disturbance to remove the foundation of the structure and adjacent stairs, and the Navy has determined that the Undertaking will have no effect on archaeological resources and the SHPO has concurred with that determination in a letter dated 23 June 2016.

b. If during the course of the project, the Navy finds that ground disturbance will have an effect on archaeological resources, NSGL will continue consultation with SHPO in accordance with 36 CFR 800.3.

(1) If during the course of ground disturbing activities a significant archaeological resource or site is inadvertently encountered during removal of debris, the Navy shall proceed in accordance with the process outlined in Stipulation C of this agreement, Post-Review Encounters.

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c. Post-Review Encounters

(1) In the event that a previously unidentified archaeological resource is encountered during ground disturbing activities, all construction work involving subsurface disturbance shall be halted in the area of the resource and in the surrounding area where further subsurface deposits may reasonably be expected to occur. Within two (2) working days the Navy shall have an archaeologist meeting the SOI *Professional Qualifications Standards* inspect the work site and determine the extent and nature of the affected archaeological property. The SHPO and other parties, as deemed appropriate by the archaeologist, shall be consulted in setting the boundaries of the archaeological resource. Construction work may then proceed in the project area outside of the site boundaries.

(2) The Navy shall notify the SHPO and, if appropriate, the ACHP within two (2) working days of the encounter in accordance with 36 C.F.R. § 800.13(b)(3). If the archaeological resource is, or has the potential to be, of Native American origin, the Navy shall also notify any Federally recognized Indian tribes that might attach religious and cultural significance to the affected property. The notifications shall describe the Navy's assessment of National Register eligibility of the property and the proposed actions to resolve the adverse effects. In accordance with 36 C.F.R. § 800.13 (b)(3), the SHPO, federally recognized tribes, as appropriate, and the ACHP shall respond within two (2) working days of the notification.

(3) If the resource is determined by the Navy, in consultation with the SHPO, to meet the National Register Criteria (36 C.F.R. § 60.4), the Navy shall ensure compliance with 36 C.F.R. § 800.13. Work in the affected area may not proceed until the development and implementation of appropriate data recovery or other recommended mitigation procedures. The Navy shall provide the SHPO, and make available to consulting parties and the interested public, a report on the mitigation actions when they are completed.

(4) If in consultation with the SHPO, a determination is made that the located resource is not eligible for inclusion on the National Register of Historic Places, work may resume in the affected area.

d. Human Remains

(1) Human remains and associated funerary objects of Native American origin (prehistoric or historic) encountered during the course of actions taken as a result of this Agreement shall be treated in a manner consistent with the provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and its implementing regulations, 43 C.F.R. § 10. Treatment must include consultation with any federally recognized tribes with an interest in the project, project area, or region.

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(2) The Navy shall treat all burial sites, human remains and funerary objects with dignity and respect. The Navy will follow the applicable federal laws related to the treatment of buried human remains including the National Historic Preservation Act (16 U.S.C 470 et seq.), Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and the Archaeological Resources Protection Act (16 U.S.C. 470 et seq.), and other guidance including the OPNAV Instruction 11170.2B *Navy Responsibilities Regarding Undocumented Human Burials* of November 2015 , and the Advisory Council on Historic Preservation's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects: Explanation and Discussion of June 2023*

ADMINISTRATIVE CLAUSES:

1. Dispute Resolution. Should the SHPO object in writing to any action carried out or proposed by the Navy with respect to the implementation of this Agreement within thirty (30) calendar days, the Navy shall consult with the SHPO to resolve the objection. If the Navy determines that the objection cannot be resolved, the Navy shall request comments of the Advisory Council on Historic Preservation pursuant to 36 C.F.R. Part 800.

2. Anti-Deficiency Act. The Anti-Deficiency Act, 31 U.S.C. sections 1341, 1342 and 1517(a), prohibits federal agencies from incurring an obligation of funds in advance or in excess of available appropriations. All requirements set forth in this Agreement requiring the expenditure of Federal Government funds are expressly subject to the availability of appropriated funds. Nothing in this agreement shall be interpreted to require obligation or expenditure of funds in violation of the Anti-Deficiency Act. This MOA does not provide for reimbursement or funding between the Navy and the SHPO or other identified consulting parties.

3. Amendments. Any party to this Agreement may request that it be amended, whereupon the parties will consult to consider such amendment in accordance with 36 C.F.R. Part 800. The amendment shall be agreed to in writing by all signatories and will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

4. Termination. Any signatory to this Agreement may terminate it by providing thirty (30) calendar days' notice to the other parties, explaining the reason for the termination. The parties shall consult during the 30-day period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Navy shall comply with 36 C.F.R. § 800.3 through 800.7 with regard to the consultation on the demolition of Pedestrian Bridge S113H.

5. Points of Contact. Points of contact for the parties to this agreement are listed in V(A), V(B), and V(C). Should points of contact or contact information change during the life of this agreement, written notice shall be provided to all parties.

- a. CNRMA
Dr. Christopher L. McDaid,
(757) 341-0925 or christopher.l.mcdaid.civ@us.navy.mil

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- b. NSGL
John Haggerty, (847) 688-5395 x162 or john.haggerty24.civ@us.navy.mil
- c. IL SHPO
CJ Wallace, (217) 785-5027 or Carol.Wallace@Illinois.gov

6. Counterparts; Facsimile or PDF Signatures. This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement. A facsimile or Pdf copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

7. Duration. The effective date of this Agreement shall be the date of the last signature. This agreement shall expire if its terms are not carried out within six (6) years from the date of its execution, unless the responsible parties agree in writing to an extension for carrying out its terms. This agreement will be reviewed no less than midway through the effective period, in accordance with a three (3) year review cycle.

EXECUTION of this Agreement by the Navy and the SHPO, and implementation of its terms, is evidence that the Navy has taken into account the effects of this Undertaking on historic properties and afforded SHPO and the ACHP opportunity to comment, satisfied the requirements of Section 106 of the National Historic Preservation Act, and may proceed with the project.

Nothing in this agreement serves to create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its officers or any person.

Each of the undersigned certifies that he or she has full authority to bind the party that he or she represents for purposes of entering into this agreement.

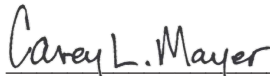


S. M. YARGOSZ

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J. A. HELLER
Executive Director

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

BY: 

CAREY L. MAYER, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources

5/13/2024
DATE