

ORIGINAL**RESOLUTION**

**AUTHORIZING APPROVING A 5-YEAR PROGRAMMATIC AGREEMENT
BETWEEN THE VILLAGE OF OAK PARK AND THE ILLINOIS STATE HISTORIC PRESERVATION
OFFICER FOR THE ADMINISTRATION OF CERTAIN PROGRAMS OF THE U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT AND THE ILLINOIS HOUSING DEVELOPMENT
AUTHORITY BY THE VILLAGE AND AUTHORIZING ITS EXECUTION**

BE IT RESOLVED by the Village President and Board of Trustees of the Village of Oak Park, Cook County, State of Illinois ("Village"), in the exercise of their home rule powers that the 5-year Programmatic Agreement between the Village and the Illinois the Illinois State Historic Preservation Officer for the administration of certain programs of the U.S. Department of Housing and Urban Development (HUD) and Illinois Housing Development Authority (IHDA) by the Village is approved and the Village Manager is authorized to execute the Agreement in substantially the form attached.

THIS RESOLUTION shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED this 4th day of June, 2024, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman	✓			
Trustee Buchanan	✓			
Trustee Enyia	✓			
Trustee Parakkat	✓			
Trustee Robinson	✓			
Trustee Straw	✓			
Trustee Wesley	✓			

APPROVED this 4th day of June, 2024


Vicki Scaman, Village President

ATTEST


Christina M. Waters, Village Clerk

ORIGINAL

**PROGRAMMATIC AGREEMENT AMONG
THE VILLAGE OF OAK PARK,
AND THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN PROGRAMS FUNDED BY
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
JUNE 4, 2024, TO JUNE 3, 2029
SHPO LOG # 006112112**

THIS PROGRAMMATIC AGREEMENT (“Agreement”) is entered into as of June 4, 2024, between the Village of Oak Park (Village), the Illinois State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP).

WHEREAS, the Village is a direct recipient of funds from the U.S. Department of Housing and Urban Development (HUD) and Illinois Housing Development Authority (IHDA); and

WHEREAS, in accordance with 24 CFR Part 58.4, HUD recognizes the Village as a Responsible Entity (“RE”) for programs and activities within the Village of Oak Park that are identified in 24 CFR Part 58.1(b); and

WHEREAS, collectively, these programs as enumerated in Appendix A are administered by the Village’s Development Services Department (Department) and provide financial support for a wide variety of activities, including: rehabilitation, new construction, demolition, infrastructure improvements, and other eligible activities; and

WHEREAS, projects that receive such funds constitute “Undertakings,” as defined in 36 CFR 800.16(y), subject to the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800) (Act); and

WHEREAS, as used herein, “SHPO” means the Illinois governmental official appointed or designated pursuant to section §302301.1 of the Act to administer the State Historic Preservation Program or a representative designated to act for the SHPO (see 36 CFR 800.2(c)(1)); and

WHEREAS, the Illinois State Historic Preservation Office currently resides within the Illinois Department of Natural Resources (IDNR), and the Director of IDNR is the duly designated SHPO; and

WHEREAS, the Department has consulted with the SHPO pursuant to the Act; and

WHEREAS, the Department has consulted with the SHPO pursuant to the Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. § 4821) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. § 4851) and their implementing regulations, “General Lead-Based Paint Requirements and Definitions for All Programs” (24 CFR Part 35); and

WHEREAS, the Department and the SHPO have determined that the Department can more effectively fulfill responsibilities under the Act for the specified HUD-funded activities if a programmatic approach is used to delegate Section 106 and other compliance responsibilities to the Department, pursuant to 36 CFR Part 800.14(b); and

WHEREAS, the Village is a Certified Local Government in good standing with a Historic Preservation Commission (Commission) and Qualified Personnel (as defined and further described in Stipulation II.A. below) who will carry out the duties enumerated below; and

WHEREAS, on April 18, 2024 in accordance with 36 CFR 800.14(b)(2), the Department invited the ACHP to participate in the consultation to establish this Agreement, and on May 23, 2024 the ACHP chose not to participate in the consultation; and

WHEREAS, the Native American tribes that have claimed all or part of Cook County as ancestral lands are enumerated in Appendix C; and

WHEREAS, recognizing the government-to-government relationship with federally recognized Indian tribes, the Village invited the tribes enumerated in Appendix C to participate in consultation pursuant to 36 CFR § 800.2(c)(2)(ii); and

WHEREAS, the Village invited all federally recognized Tribes with interests in Cook County, Illinois (Appendix C) to participate in consultation on March 19, 2024, and no tribes chose to participate; and

NOW, THEREFORE, the Department, the SHPO, and the ACHP agree that the programs shall be implemented in accordance with the following stipulations in this Agreement in order to take into account the effect of Undertakings on historic and potentially historic properties.

STIPULATIONS

I. Incorporation of Whereas Clauses

The Department, the SHPO, and the ACHP hereby incorporate by reference the WHEREAS clauses set forth above as if fully set forth herein.

II. Qualified Personnel

A. The Department shall ensure that it maintains staff, whether employed or contracted, hereafter referred to as “Qualified Personnel,” that meets the following enumerated qualifications. Qualified Personnel’s curriculum vitae and, if applicable, proof of successful completion of “The Section 106 Essentials” course shall be submitted to the SHPO for review and concurrence.

1. The Secretary of the Interior’s Professional Qualification Standards for History or Architectural History, as authorized by 36 CFR 61.1(c); and

2. One of the following:
 - a. Successful completion of “The Section 106 Essentials” course given by the ACHP (see: www.achp.gov/training/classroom). To be considered as Qualified Personnel, Contractors must have successfully completed the course at the time of hiring, and Village employees must successfully complete the course within 12 months of hiring or within 12 months of the acceptance of this Agreement and provide proof of that completion to the SHPO; or
 - b. One year of direct experience with the implementation of the Section 106 process; and
 3. Successful completion of at least one ACHP webinar (see: <https://www.achp.gov/training/webinars>) per year on a Section 106 topic. Proof of completion must be submitted to the SHPO with the Certified Local Government Annual Report pursuant to Stipulation XII.F.
- B. The Department shall ensure that all historic preservation work carried out pursuant to this Agreement is carried out by or under the direct supervision of Qualified Personnel.
 - C. The Department shall notify the SHPO of Qualified Personnel changes or vacancies. During periods of Qualified Personnel vacancy, the Department must submit all Undertakings to the SHPO for review under the Act.
 - D. If the Department does not have Qualified Personnel in place for a period longer than 6 months, then this Agreement will terminate, and the Department will comply with 36 CFR §§ 800.4 through 800.6 with regard to Undertakings covered by this Agreement.

III. Activities that constitute an Undertaking and are governed by this Agreement

- A. A project, activity, or program that is partially or wholly funded, licensed, or permitted by the federal programs listed in Appendix A constitutes an “Undertaking” subject in its entirety to this Agreement.
- B. Undertakings that contain ground-disturbing activities must be submitted to the SHPO for archaeological review pursuant to Section 106. The Department’s submission to the SHPO must contain a cover letter that includes the paragraph in Appendix B. If the SHPO determines that there are no significant archaeological resources present in the project area, the SHPO shall return the Undertaking to the Department for continued review pursuant to Stipulation V et seq. of this Agreement. Prior to the initiation of construction activities for all Undertakings that contain ground-disturbing activities, Qualified Personnel shall distribute Appendix D to all workers implementing the Undertaking. If the SHPO determines that the project area contains significant archaeological resources, the Undertaking will not be subject to this Agreement, and the SHPO will complete the Section 106 review of the Undertaking in consultation with the Department.

- C. For the purposes of this Agreement, ground-disturbing activities include but are not limited to the following:
1. Excavation for entirely new footings and new foundations
 2. Installation of entirely new utilities, such as sewer, water, electrical, gas, and leach lines; wells; storm drains; and septic tanks.
- D. For the purposes of this Agreement, ground-disturbing activities do not include the following:
1. Repair, removal, or replacement in kind of existing utilities in the same locations. Utilities include sewer, water, electrical, gas, and leach lines; storm drains; septic tanks; and wells.
 2. Installation of new utilities when those new utilities are replacing existing utilities that must be relocated to meet Village code requirements.
 3. Repair, removal, or replacement in kind of existing, non-historic infrastructure, such as foundations, sidewalks, curbs, driveways.
 4. Replacement of existing porch footings in their current locations.

IV. Tribal Consultation

The Tribes in Appendix C have declined participating in consultations on individual undertakings covered under this Agreement. However, all Tribes in Appendix C must be consulted pursuant to Stipulations IX and X.

V. Determining a Historic Property and an Area of Potential Effects (APE)

- A. When an Undertaking is proposed for a resource, the resource must undergo a determination as set forth in Stipulation V.C, regardless of previous evaluations. Notwithstanding the foregoing, the Qualified Personnel may consider previous evaluations in its determination.

- B. Determining the Area of Potential Effects (APE)

For each Undertaking, Qualified Personnel shall determine an APE, as defined in 36 CFR 800.16(d) and described in 36 CFR 800.4(a).

- C. Determination of a “Historic Property”

1. Qualified Personnel shall review existing information on resources within the APE. For resources not individually listed on the National Register of Historic Places (NRHP), Qualified Personnel shall apply the NRHP criteria. Existing information consulted

must include but is not limited to:

- a. The current list of NRHP properties in the Village
 - b. The current designated local landmarks and districts in the Village
 - c. Historic structures surveys of the Village
 - d. The Illinois Historic Sites survey (1972)
 - e. Designations of significant buildings or buildings of merit cataloged as part of the land use and building condition surveys for official neighborhood plans in the Village and/or other comprehensive building surveys
2. Additional surveys shall be conducted in a manner responsive to the nature of the Undertaking if Qualified Personnel determine additional information is required to adequately assess the presence of historic properties. As appropriate, the focus of identification surveys shall not be property-by-property but may focus on select resources in proportion to, and depending on the location of, the Undertaking.
 3. In the case that Qualified Personnel has questions concerning NRHP eligibility of a certain property or resource, he or she may forward documentation to the Commission for evaluation and recommendation.
 4. In the case that the Commission has questions concerning the NRHP eligibility of a certain property or resource, the Commission may forward documentation to the SHPO for evaluation and recommendation. If the Commission chooses not to accept the recommendation of the SHPO, Qualified Personnel may forward adequate documentation, including the recommendation of the SHPO, to the Keeper of the NRHP for the formal determination of NRHP eligibility, in accordance with 36 CFR 800.4(c)(2). Qualified Personnel shall notify the SHPO of the Commission's decision.
 5. Qualified Personnel may submit NRHP eligibility determinations for properties to the Commission and SHPO concurrently to expedite the Section 106 review.
 6. Properties not listed in the NRHP and reviewed by Qualified Personnel for eligibility in the NRHP will be documented as such by Qualified Personnel, and a copy of the determination will be included in the individual project files and submitted to the SHPO.
- D. A property shall be considered a "Historic Property" when one or more of the following applies:
1. A property is individually listed in the NRHP;
 2. A property is located within the boundaries of an existing NRHP-listed historic district and has been determined by Qualified Personnel to be contributing to that district;

3. A property has been determined by Qualified Personnel to be eligible for individual listing in the NRHP;
 4. A property that Qualified Personnel has determined to be contributing to an area that Qualified Personnel has determined eligible for listing in the NRHP as a historic district, as defined in 36 CFR 67.5;
 5. A property is a National Historic Landmark;
 6. A property is a locally designated landmark, either individually or as part of a landmark district.
- E. If Qualified Personnel determines that there are no Historic Properties present in an Undertaking's APE, Section 106 requirements are satisfied, and the Undertaking can proceed in accordance with 24 CFR Part 58.
- F. Undertakings for which Qualified Personnel determined that no Historic Properties were involved must be re-evaluated under this Agreement if the Undertaking does not proceed within two (2) years of the date of the determination.
- G. Qualified Personnel may elect to submit a Historic Property to SHPO for further review and determination.

VI. Exempt Activities

For Undertakings that involve Historic Properties or are within APEs that contain Historic Properties, as determined by Qualified Personnel, review of the following specific activities is not required because there is limited potential for the activity to result in an adverse effect.

- A. Repair or replacement of electrical, plumbing, heating, and ventilation systems or their components, when no structural alteration is involved. This includes repair or replacement of electrical panels, breakers, circuits, switches, receptacles, plumbing and water lines, drains, sewers, fixtures, water heaters, heating vents, floor furnaces, wall heaters, central heat systems, and gas lines.
- B. Repair or replacement of existing asphalt roofing shingles with new asphalt roofing shingles.
- C. Non-structural, non-permanent interior modifications for handicapped accessibility in kitchens and bathrooms, including grab bars, walk-in/roll-in tubs/showers, etc.
- D. Non-structural interior modifications such as installing smoke/carbon monoxide detectors, weatherstripping, caulking, wall/trim repairing, painting previously painted surfaces, and installing new hardware where no historic hardware is present.
- E. Painting of any exterior component that has previously been painted.

- F. Repair, removal, or replacement in kind of existing utilities in the same locations. Utilities include sewer, water, electrical, gas, and leach lines; storm drains; septic tanks; and wells. Installation of new utilities when those new utilities are replacing existing utilities that must be relocated to meet Village code requirements.
- G. Repair, removal, or replacement in kind of existing, non-historic infrastructure, such as foundations, sidewalks, curbs, driveways.
- H. Replacement of existing porch footings in their existing locations.
- I. Activities involving historic infrastructure, such as but not limited to stone and brick sidewalks, curbs, and roads, and historic street furniture, such as but not limited to street lighting, benches, and water fountains, are NOT exempt from review.
- J. Acquisition, refinance, or acquisition assistance.

VII. Reviewing Undertakings that Affect “Historic Properties”

A. Undertakings that Involve Interior and/or Exterior Rehabilitation of Historic Properties

1. Prior to the initiation of the Undertaking, Qualified Personnel shall review work write-ups, plans and/or specifications for all activities not listed as exempt under Stipulation VI to determine whether they meet *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Standards).
2. Should Qualified Personnel recommend modifications to the plans and specifications to ensure that the project meets the Standards, program recipients shall make the appropriate modifications and submit revised work reports or plans to Qualified Personnel. Should program recipients determine that they cannot make the modifications recommended by Qualified Personnel in order to meet the Standards, the Undertaking will constitute an Adverse Effect, and Qualified Personnel will consult with the SHPO and initiate the consultation process set forth in 36 CFR Part 800.6.
3. If Qualified Personnel determine that an Undertaking will have No Adverse Effect on a Historic Property, the Undertaking may proceed in accordance with 24 CFR Part 58. Documentation shall be placed in individual project files by Qualified Personnel or the Department.

B. Undertakings that Involve the Demolition or Relocation of Historic Properties

For Undertakings that involve the demolition or relocation of a Historic Property, prior to the initiation of the Undertaking, if Qualified Personnel determines that demolition or relocation cannot be avoided, the Undertaking will constitute an Adverse Effect, and the Department will consult with the SHPO and initiate the consultation process set forth in 36

CFR 800.6.

C. Undertakings that Involve “New Construction”

For purposes of this Section C., “New Construction” refers to site preparation for, and construction of, entirely new structures and/or significant extensions to existing, non-historic structures whether or not the site was previously developed.

For Undertakings that involve New Construction within existing or potential NRHP historic districts or within APEs that contain Historic Properties, Qualified Personnel will follow Stipulation III.B and review the portion of the Undertaking concerning the design of the New Construction prior to initiation to ensure that it meets the Standards. If Qualified Personnel determines that the design of the New Construction cannot be made to meet the Standards, the Undertaking will constitute an Adverse Effect, and the Department shall consult with the SHPO and initiate the consultation process set forth in 36 CFR 800.6.

D. Undertakings that Involve Handicapped Accessibility Compliance

For Undertakings on Historic Properties that seek to comply with the American Disabilities Act and other related local and federal requirements, and that are not exempt under Stipulation VI, the Department will explore all alternative methods to provide handicapped accessibility consistent with the Standards. Undertakings that do not meet the Standards will constitute an Adverse Effect, and the Department shall consult with the SHPO and initiate the consultation process set forth in 36 CFR 800.6.

E. Undertakings that Involve Site Improvements and Public Improvements

For Undertakings that involve site and public improvements within existing and potential NHRP historic districts and that are not exempt under Stipulation VI, including, but not limited to, sidewalk and streetscape improvements, repaving of streets with materials different than existing, installation of landscaping, street lighting and street furniture and other infrastructure improvements, will be reviewed by Qualified Personnel prior to initiation to ensure that the Undertaking meets the Standards. If the Undertaking cannot be made to meet the Standards, it will constitute an Adverse Effect, and the Department shall consult with the SHPO and initiate the consultation process set forth in 36 CFR 800.6.

F. Emergency Undertakings

1. When an Undertaking on a Historic Property involves an emergency, Qualified Personnel will conduct an immediate review. The existence of an emergency situation shall be based upon the need to eliminate an imminent threat of the health and safety of residents, as identified by Village or local building inspectors or fire department officials. If Qualified Personnel determines that an Undertaking involves an emergency situation, the Undertaking shall be considered an Emergency Undertaking.

2. The Village shall forward documentation to Qualified Personnel to review immediately upon notification that an emergency exists. Documentation shall include:
 - a. Nature of the emergency;
 - b. Historic Property involved;
 - c. Current condition of the Historic Property, including photographs; and
 - d. Time frame allowed by local officials to respond to, or correct, the emergency situation
 3. In the event of an Emergency Undertaking, the Department shall consult with the SHPO to the greatest extent possible given the particular circumstances. The SHPO shall provide comment within seven days of notification.
 4. If the Emergency Undertaking cannot be made to meet the Standards, it will constitute an Adverse Effect, and the Department shall consult with the SHPO and initiate the consultation process set forth in 36 CFR 800.6., each to the greatest extent possible given the particular circumstances.
- G. If an Undertaking's scope of work has been determined by Qualified Personnel to have No Adverse Effect upon Historic Properties and that scope of work is later modified, Qualified Personnel must review the modified scope of work as set forth in Stipulation VII.

VIII. Resolution of Adverse Effects

When an Undertaking constitutes an Adverse Effect, the Department shall initiate the consultation process set forth in 36 CFR 800.6 and shall submit to the SHPO the Undertaking, including an analysis of alternatives, recent structural reports or assessments of conditions, cost estimates for rehabilitation, programmatic and economic considerations, and marketing studies, as applicable.

IX. Post-Review Discoveries

Pursuant to 36 CFR 800.13(a)(1), if previously unidentified archaeological or historic properties or unanticipated effects are discovered after completion of the reviews described in this Agreement, the Village shall ensure that the procedures below are followed:

- A. The discovering party shall immediately stop all construction activity within a 100-foot radius of the discovery and cease further disturbance. If the discovering party is unaware of the size and scope of the discovery or if the discovery suggests the possible presence of other undiscovered artifacts, potential historic properties, or human remains within the work site, the discovering party shall also immediately stop all construction activity beyond a 100-foot radius of the discovery to the extent appropriate.

- B. The discovering party shall immediately notify Qualified Personnel of the discovery. Qualified Personnel shall photographically document and prepare a description of the discovery and submit the material to the SHPO. Within two business days of receipt, the SHPO will review the material and determine whether the discovery is Native American in origin and eligible for the listing to the NRHP.
- C. If the SHPO determines that the discovery is not of Native American origin and is not eligible for listing to the NRHP, the SHPO shall notify Qualified Personnel that construction may resume in the area of the discovery.
- D. If the SHPO determines that the discovery is not of Native American origin and is eligible for listing to the NRHP, the SHPO shall make a finding of effect.
1. If the effect is not adverse, the SHPO shall notify Qualified Personnel that construction may resume in the area of the discovery.
 2. If the effect is adverse, SHPO and Qualified Personnel shall consult to resolve the adverse effects by altering project plans so that the discovery is avoided and preserved in place. If adverse effects cannot be avoided, Stipulation IX.H must be followed.
- E. If the SHPO determines the discovery is of Native American origin, the SHPO will immediately initiate consultation with Qualified Personnel and the Tribes in Appendix C to help determine the scientific or cultural significance of items found and assist in determinations of NRHP eligibility. If a site visit is warranted, the Tribes in Appendix C shall be invited to attend. The SHPO will have two business days following the site visit and/or Tribal input to determine, in consultation with the Tribes in Appendix C, the NRHP eligibility of the discovery.
- F. If the SHPO determines that the Native American discovery is not eligible for listing on the NRHP, the SHPO will notify Qualified Personnel and the Tribes in Appendix C that construction may resume in the area of the discovery.
- G. If the SHPO determines that the Native American discovery is eligible for listing on the NRHP, the SHPO shall make a finding of effect.
1. If the effect is not adverse, the SHPO will inform Qualified Personnel that construction may resume in the area of the discovery.
 2. If the effect is adverse, the SHPO, Qualified Personnel, and the Tribes shall consult to resolve the adverse effects by altering project plans so that the discovery is avoided and preserved in place. If the adverse effects cannot be avoided, Stipulation IX.H must be followed.

- H. When adverse effects to NRHP-eligible discoveries cannot be avoided, they shall be mitigated through consultation among the SHPO, Qualified Personnel, and the Tribes in Appendix C, as appropriate. The SHPO shall take into account the views of the Tribes in Appendix C, if provided, prior to approving measures to mitigate adverse effects to Native American discoveries. Mitigation measures must be directed by an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (Archaeologist). Once the SHPO accepts in writing the fieldwork component of the mitigation plan, the SHPO may approve the resumption of construction in the area of the discovery. Mitigation measures may include but are not limited to:
1. Preparation and implementation of a mitigation plan in consultation with the SHPO, Qualified Personnel, and (for Native American discoveries) the Tribes in Appendix C
 2. Mitigation of the adverse effect to the discovery through archaeological data-recovery excavation
 3. Photographic documentation and/or scaled mapping of the discovery
 4. Visits to the discovery by Qualified Personnel, the SHPO, and (for Native American discoveries) Tribes in Appendix C
 5. Submission to the SHPO of an approved Phase III data-recovery report
- I. If there is disagreement among the parties regarding the eligibility of a discovery for listing to the NRHP after following the guidelines outlined in National Park Service Bulletins 15 and 38, Qualified Personnel may forward adequate documentation, including the recommendation of the SHPO, to the Keeper of the NRHP for the formal determination of NRHP eligibility, in accordance with 36 CFR 800.4(c)(2).

X. Unanticipated Discoveries of Human Remains

Avoidance and preservation in place is the preferred option for treating human remains. Project construction work shall not resume until the human remains and any associated objects are left in place or removed, and resumption is authorized by the SHPO. If human remains are discovered during construction, the Village shall ensure that the following steps occur:

- A. All activities with a potential to disturb the remains shall immediately cease within a 100-foot radius of the discovery. If the discovering party is unaware of the size and scope of the discovery or if the discovery suggests the possible presence of other skeletal remains within the work site, the party shall also immediately stop all construction activity beyond a 100-foot radius of the discovery to the extent appropriate.
- B. The discovering party shall take all appropriate steps to secure the site and protect the remains. The remains will be covered and/or protected in place in such a way as to minimize further exposure of or damage to the remains.

- C. The discovering party will immediately contact Qualified Personnel and the SHPO, whose contact information is in Appendix D. Qualified Personnel or the Village shall immediately notify local law enforcement and the County Coroner. The Coroner will determine if the remains are human. If the remains are not human, then follow Stipulation IX.
- D. If the Coroner assumes jurisdiction, the discovery is not eligible for the NRHP, and the SHPO shall notify Qualified Personnel that work may resume at the discretion of the Coroner.
- E. If the Coroner does not assume jurisdiction and the remains are determined to be human, the SHPO shall assume jurisdiction and determine, if possible and without further disturbance to the discovery, whether the remains are Native American in origin.
- F. If the human remains are not Native American in origin, the SHPO shall follow procedures outlined in 17 IAC 4170 Parts 210, 400, and 410. Once completed, the SHPO shall inform Qualified Personnel that construction may resume in the area of the discovery.
- G. If the human remains are Native American in origin, the SHPO shall consult with the Tribes in Appendix C, determine whether the remains are eligible for listing on the NRHP, and assess the possible cultural affiliation of the remains.
 - 1. If the remains are not eligible, the SHPO shall defer to the Tribes in Appendix C Tribes as to the treatment and disposition of the remains. Mitigation under Section 106 is not necessary. Upon completion of treatment and disposition, the SHPO will inform Qualified Personnel and the Tribes that construction may resume in the area of the discovery.
 - 2. If the remains are eligible, the SHPO shall, in consultation with the Tribes in Appendix C, make a finding of effect.
- H. If the SHPO determines that NRHP-eligible, Native American remains will not be adversely affected, the SHPO will inform Qualified Personnel and the Tribes in Appendix C that construction may resume in the area of the discovery.
- I. If the SHPO determines that NRHP-eligible, Native American remains will be adversely affected, the SHPO, Qualified Personnel, and the Tribes shall explore measures to avoid the adverse effect by altering project plans so that the human remains and/or burial feature (including funerary objects) are avoided, protected, and preserved in place.
- J. If the NRHP-eligible, Native American human remains and/or burial feature cannot be avoided, the adverse effect to the remains must be mitigated. The SHPO shall arrive at mitigation measures through consultation with Qualified Personnel and the Tribes in Appendix C. Mitigation measures must be directed by an Archaeologist as defined in Stipulation IX.H. Once the SHPO accepts in writing the fieldwork component of the

mitigation plan, the SHPO may approve the resumption of construction in the area of discovery. Mitigation measures may include but are not limited to:

1. Preparation of a treatment plan that includes protocols for disinterment and reinternment of the human remains. SHPO will defer to Tribal recommendations regarding cultural affiliations, disinterment, and reburial of Native American human remains and/or burial feature (including funerary objects, sacred objects, and objects of cultural patrimony)
 2. Recovery of the human remains and/or burial feature (including funerary objects, sacred objects, and objects of cultural patrimony) through standard archaeological methods consistent with the treatment plan. The excavation of human remains must be conducted by a Certified Skeletal Analyst, as defined in 17 IAC 4170.300.f
 3. Additional archaeological data-recovery excavation
 4. Visits to the discovery by Tribes in Appendix C, SHPO, and Qualified Personnel
 5. Submission to the SHPO of an approved Phase III data-recovery report
- K. Nothing in this Agreement shall alter responsibilities for compliance with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.) and its implementing regulations (43 CFR Part 10) regarding disposition of human remains by entities that have control and/or custody of such remains.

XI. Public Involvement

- A. Annually, the Department will notify the public of the programs covered under this Agreement and make available for public inspection documentation of those programs. Included in this documentation will be general information on the types of activities undertaken, information on identified Historic Properties in the community that might be affected by these activities, the amount of program funds available in the current program year, and how interested persons can receive further information on the programs.
- B. At any time during the implementation of this Agreement, should the public raise an objection pertaining to an Undertaking on a Historic Property, Qualified Personnel shall notify the Commission and take the objection into consideration. Program recipients, the Department, the Commission, the SHPO, or the ACHP, when requested by the objector, shall consult to resolve the objection. Program recipients are not required to cease work on the Undertaking while objections are being reviewed, but the Department reserves the right to halt work in light of objections from the public the Department deems valid.

XII. Administration, Monitoring, and Reporting

- A. The SHPO shall provide comments within 30 days for reviews or comments requested by Qualified Personnel or the Commission, with the exception of Emergency Undertakings. In

the event that the SHPO fails to comment within the 30-day time period, the Department can assume that the SHPO concurs.

- B. The SHPO shall conduct periodic training workshops for Qualified Personnel to review the requirements of this Agreement. The SHPO shall also provide guidance related to implementation of the terms of the Agreement.
- C. Documentation shall be available for review by the SHPO following reasonable notice.
- D. The SHPO shall conduct periodic monitoring visits of the Department's project sites and files to ensure compliance this Agreement.
- E. Nothing in this Agreement shall be construed as meaning that the Department cannot request the advice or assistance of the SHPO at any time.
- F. As a component of the Certified Local Government Annual Report, the Department shall summarize activities carried out under the terms of this Agreement. The report will be submitted no later than June 1 of each year this Agreement is in effect. The Annual Report shall include:
 - 1. List of property addresses submitted for review
 - 2. Program in which the Undertaking took place
 - 3. Assertion of NRHP eligibility for evaluated properties
 - 4. The finding of effect for Undertakings involving Historic Properties

XIII. Effective Date and Extension

- A. This Agreement shall be in effect from May 21, 2024, to May 20, 2029, unless terminated earlier due to failure to comply with the terms of the Agreement.
- B. The signatories may collectively agree to extend this Agreement to cover additional calendar years or portions thereof, through an amendment per Stipulation XIV, provided that the original Agreement has not expired.

XIV. Amendments

- A. Any party to this Agreement may request it be amended or modified, whereupon the Department and the SHPO will consult in accordance with 36 CFR 800.14(b) to consider such amendments or modifications.
- B. Any resulting amendments or modifications shall be developed and executed between the Department and the SHPO in the same manner as the original Agreement.

XV. Termination

Any party to the Agreement may terminate the Agreement by providing 30-calendar-days' notice to the other party, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

XVI. Compliance with Agreement

Execution and implementation of this Agreement and carrying out its provisions evidences that the Department has satisfied its responsibilities under Section 106 of the Act for all individual Undertakings of the programs.

XVII. 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.

XVIII. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois, without regard to its choice of laws principles.

XIX. Severability

If any provision in this Agreement, or any paragraph, sentence, clause, phrase, word or the application thereof, in any circumstance, is held invalid, this Agreement shall be construed as if such invalid part were never included herein and the remainder of this Agreement shall be and remain valid and enforceable to the fullest extent permitted by law.

[Signature pages to follow]


PROGRAMMATIC AGREEMENT AMONG
THE VILLAGE OF OAK PARK,
AND THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN PROGRAMS FUNDED BY
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
JUNE 19, 2024, TO JUNE 18, 2029
SHPO LOG # 006112112

ILLINOIS STATE HISTORIC PRESERVATION OFFICER (SHPO)

By: Natalie Phelps Finnie Date: 8/6/2024
Natalie Phelps Finnie, Director and Illinois State Historic Preservation Officer
Illinois Department of Natural Resources

**PROGRAMMATIC AGREEMENT AMONG
THE VILLAGE OF OAK PARK,
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE ADMINISTRATION OF SECTION 106
FOR CERTAIN PROGRAMS FUNDED BY
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
JUNE 4, 2024, TO JUNE 3, 2029
SHPO LOG # 006112112**

VILLAGE OF OAK PARK (Village)

By:  Date: June 6, 2024
Kevin J. Jackson, Village Manager
Village of Oak Park

**REVIEWED AND APPROVED
AS TO FORM**
JUN 04 2024

LAW DEPARTMENT

ATTEST:

By: Christina M. Waters Date: June 10, 2024
Christina M. Waters, Village Clerk
Village of Oak Park

Appendix A

Programs Administered by the Village of Oak Park
U.S. Department of Housing and Urban Development Programs

Community Development Block Grants (CDBG), including:

- 1. Lead Hazard Reduction**
- 2. Single-Family Rehabilitation**
- 3. Multi-Family Rehabilitation**
- 4. Lead Waterline Replacement**

Appendix B

For Undertakings that involve ground disturbance as described in Stipulation III.B, the Department shall submit the Undertaking to the SHPO as directed on the SHPO website (<https://www2.illinois.gov/dnrhistoric/Preserve/Pages/resource-protection-submittal.aspx>). The Undertaking must be accompanied by a letter that contains the following wording in bold type as the first paragraph of the cover letter:

Pursuant to the 2024-2029 Programmatic Agreement (Agreement) between the Village of Oak Park Development Services (Department) and the SHPO, the Department is submitting this Undertaking that involves ground disturbance to the SHPO for an archaeological review. The project is receiving the following HUD funds: [provide list]. If the SHPO determines that the Undertaking poses no adverse effect to significant archaeology, the SHPO will inform the Department, and the Department will complete the review of the Undertaking as per the Agreement. If the SHPO determines that the Undertaking adversely affects significant archaeology, the SHPO will complete the 106 review of the Undertaking in consultation with the Department.

Appendix C

Federally Recognized Tribes with Interests in Cook County, Illinois as of May 19, 2024

We suggest emailed correspondence, when possible, followed with a hard copy via post

Absentee Shawnee Tribe of Oklahoma

Ms. Carol Butler
Cultural Preservation Director
2025 S. Gordon Cooper Drive
Shawnee, OK 74801
cbutler@astribe.com
(405) 275-4030 ext. 6245

Copy:

Ms. Devon Frazier
Tribal Historic Preservation
Officer
2025 S. Gordon Cooper Drive
Shawnee, OK 74801
dfrazier@astribe.com
(405) 275-4030 ext. 6243

Citizen Potawatomi Nation

Ms. Tracy Wind
Tribal Historic Preservation
Officer
1601 South Gordon Cooper
Drive
Shawnee, OK 74801
tracy.wind@potawatomi.org
(405) 878-5830

Delaware Nation

President Deborah Dotson
Post Office Box 825
Andarko, OK 73005
ddotson@delawarenation-nsn.gov
(405) 247-2448

Copy:

Ms. Carissa Speck
Historic Preservation Director
Post Office Box 825
Andarko, OK 73005
cspeck@delawarenation-nsn.gov
(405) 247-2448 Ext. 1403

Delaware Tribe of Indians

Ms. Susan Bachor
Historic Preservation Officer
Post Office Box 64
Pocono Lake, PA 18347
sbachbor@delawaretribe.org
(610) 761-7452

Eastern Shawnee Tribe of Oklahoma

Mr. Paul Barton
Tribal Historic Preservation
Officer
70500 East 128 Road
Wyandotte, OK 74370
PBarton@estoo.net
(918) 238-5151 ext. 1833

Forest County Potawatomi Community

Mr. Benjamin Rhodd
Tribal Historic Preservation
Officer
5416 Everybodys Road
Post Office Box 340
Crandon, WI 54520
Benjamin.Rhodd@fcp-nsn.gov
(715) 478-7354

Hannahville Indian Community

Chairperson Kenneth Meshigaud
N1411 Hannahville B-1 Road
Wilson, MI 49896
tydervien@hannahville.org
(906) 466-2932

Ho-Chunk Nation

Mr. Bill Quackenbush
Tribal Historic Preservation
Officer
Post Office Box 667
Black River Falls, WI 54615
bill.quackenbush@ho-chunk.com

(715) 284-7181

Kansas Kickapoo Tribe

Chairman Lester Randall
824 111th Drive
Horton, KS 66439
Lester.Randall@ktik-nsn.gov
(785) 486-2131

Copy:

Ms. Nellie Cadue
NAGPRA Director
1107 Goldfish Road
Horton, KS 66439
nellie.cadue@ktik-nsn.gov

Kickapoo Tribe of Oklahoma

Chairperson Darwin Kaskaske
P.O. Box 70
McLoud, OK 74851
darwin.kaskaske@okkt.net
(405) 964-7053

Little Traverse Bay Bands of Odawa Indians

Ms. Melissa Wiatrolik
Tribal Historic Preservation
Officer
7500 Odawa Circle
Harbor Springs, MI 49740
MWiatrolik@LTBBODAWA-NSN.GOV
(231) 242-1408

Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe)

Ms. Lakota Hobia
Tribal Historic Preservation
Officer
2872 Mission Drive
Shelbyville, MI 49344
Lakota.Hobia@glt-nsn.gov
(269) 397-1780

Menominee Indian Tribe of Wisconsin

Chairman Ron Corn, Sr.
Post Office Box 910
Keshena, WI 54135
chairman@mitw.org
(715) 799-5100

Copy:
Mr. David Grignon
Tribal Historic Preservation
Officer
Post Office Box 54135-0910
Keshena, WI 54135
dgrignon@mitw.org
(715) 799-5258

Miami Tribe of Oklahoma

Chief Douglas Lankford
Post Office Box 1326
Miami, OK 74355
dlankford@miamination.com
(918) 542-1445

Copy to:
Mr. Logan York
Tribal Historic Preservation
Officer
Post Office Box 1326
Miami, OK 74355
dlankford@miamination.com
(918) 541-7885

Nottawaseppi Huron Band of the Potawatomi

Mr. Douglas Taylor
Tribal Historic Preservation
Officer
1485 Mno-Bmadzewen Way
Fulton, MI 49052
douglas.taylor@nhbp-nsn.gov
(269) 704-8347

Peoria Tribe of Indians of Oklahoma

(email only, no hard copy)

Ms. Burgundy Fletcher
Historic Preservation Specialist
1915 NE Cleveland Avenue
Miami, OK 74355
bfletcher@peoriatribe.com
(918) 544-9234
(918) 540-2535

Prairie Band Potawatomi Nation

Chairman Joseph Rupnick
Government Center
16281 Q Road
Mayetta, KS 66509
josephrupnick@pbnation.org

Pokagon Band of Potawatomi Indians

Mr. Matthew Bussler
Tribal Historic Preservation
Officer
Post Office Box 180
Dowagiac, MI 49047
matthew.bussler@pokagonband-nsn.gov
(269) 462-4316

Sac and Fox Nation of Missouri in Kansas and Nebraska

Tribal Historic Preservation
Officer
Post Office Box 274
Reserve, KS 66434
tribalcouncil@sacfoxks.com
tribaladministrator@sacandfoxnation-nsn.gov
(787) 742-0053 ext. 4002

Sac and Fox Tribe of Oklahoma

Mr. Chris Boyd
Tribal Historic Preservation
Officer
920883 S. Highway 99 Building
A
Stroud, OK 74079
chris.boyd@sacandfoxnation-nsn.gov
(918) 968-3526 ext. 1070

Sac and Fox Tribe of the Mississippi in Iowa

Mr. Johnathan Buffalo
Tribal Historic Preservation
Officer
349 Meskwaki Road
Tahlequah, OK 74464
director.historic@meskwaki-nsn.gov
(918) 871-2838

Shawnee Tribe

Ms. Tonya Tipton
Tribal Historic Preservation
Officer
29 South Highway 69 A
Miami, OK 74354
tonva@shawnee-tribe.com
(918) 542-2441



Appendix D SHPO Archaeology Discovery Guide

Although verification of the presence of cultural resources can be difficult, two clues are the presence of (1) artifacts on an excavated surface or in a spoil pile and (2) soil discolorations or anomalies.



Artifacts, such as those specimens illustrated in the following photographs, are the most common indicators for the presence of archaeological sites. Some of these will be familiar objects and easily recognized, while others may require special expertise to identify.

Stone tools are the most easily recognized pre-contact Native American artifacts present on archaeological sites in Illinois. These can include projectile points (arrowheads and spear tips), celts (axes), adzes, and hoes or spades.



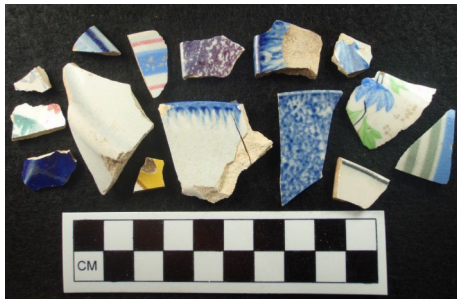
The majority of pre-contact Native American artifact assemblages are comprised of lithic “debitage” or fragments (flakes, chips) of stone (usually chert or flint), which are the byproducts of tool manufacture.



Pre-contact Native American ceramic artifacts are often broken into sherd fragments that can often look like lumps of dried dirt and require careful examination. Some will show signs of deliberate marking and/or decoration.



Artifacts related to Euro-American settlement and habitation may be encountered. These may include ceramics, glass (curved vessel and/or flat window), nails, and bricks.



Architectural features may also be encountered, including structural foundations (with or without cellars) and walls. Other features may include wells and cisterns.



Human remains are the most sensitive of what may be encountered. These, most importantly, must be treated with the utmost respect.

Please note the locations and details of all inadvertently discovered cultural resources are confidential.