

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS, ROCK ISLAND DISTRICT,
AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE,
A Division of THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES
REGARDING
MODIFICATIONS TO THE ILLINOIS AND MICHIGAN CANAL SEGMENT
LOCATED IN THE CITY OF OTTAWA, LASALLE COUNTY, ILLINOIS**

WHEREAS, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers, Rock Island District (hereafter, "District") proposes to grant a permit (CEMVR-OD-P-2018-0278) (hereafter, "Permit") in accordance with Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403) to the City of Ottawa, Illinois (hereafter, "the City") authorizing activities associated with modifications to the Illinois and Michigan Canal (hereafter, "I&M Canal) segment in Ottawa, LaSalle County, Illinois (hereafter "Undertaking"); and,

WHEREAS, the District has consulted with the Illinois State Historic Preservation Office, a Division of the Illinois Department of Natural Resources (hereafter "IL SHPO") pursuant to the regulations promulgated at 36 C.F.R. Part 800 implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and,

WHEREAS, the District has defined the Undertaking's area of potential effect (hereafter, "APE") as the Permit area (see Appendix A) in accordance with 33 CFR Part 325, Appendix C; and,

WHEREAS, the I&M Canal was listed as a National Historic Landmark ("NHL") in 1964; and,

WHEREAS, the District has determined that aspects of the proposed modification project on the I&M Canal constitute an adverse effect to the I&M Canal; and,

WHEREAS, the IL SHPO concurred with the District's recommendations regarding the adverse effects to the I&M Canal; and,

WHEREAS, the District has consulted with the City regarding the effects of the Undertaking on the I&M Canal and has invited the City to sign this Memorandum of Agreement (hereafter, "MOA") as a Concurring Party (see Appendix B); and,

WHEREAS, the District has consulted with the Illinois Department of Natural Resources (hereafter, "IL DNR") and the IL SPHO regarding the effects of the Undertaking on the I&M Canal and has invited the IL DNR and the IL SPHO to sign this MOA as a Concurring Party (see Appendix B); and,

WHEREAS, the District has consulted with the National Park Service (hereafter, "NPS")

regarding the effects of the Undertaking on the I&M Canal and has invited the NPS to participate in this MOA as an Advisory Party (see Appendix B); and,

WHEREAS, the District has consulted with the Canal Corridor Association (hereafter, "CCA") regarding the effects of the Undertaking on the I&M Canal and has invited the CCA to sign this MOA as a Concurring party (see Appendix B); and,

WHEREAS, in accordance with 36 CFR § 800.6(a)(1) and 36 CFR § 800.10(b), the District has notified the Advisory Council on Historic Preservation (hereafter, "ACHP") of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36CFR§ 800.6(a)(1)(iii);

NOW, THEREFORE, the District, the IL SHPO, and the IL DNR agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on Historic Properties.

STIPULATIONS

- I.** The District shall ensure that issuance of Permit No. CEMVR-OD-P-2018-0278 to the City is withheld until this Memorandum of Agreement (MOA) has been executed by all signatories (see Appendix B).
- II.** The City will ensure that the following measures are carried out upon issuance of the Permit:
 - A.** The City shall prepare a Brick Street Inventory (BSI) and Master Preservation Plan (MPP). Details of the BSI & MPP are included in Appendix C of this MOA.
 - B.** The City will collaborate with the IL DNR and CCA in LaSalle, Illinois to develop and install one or more interpretive signs and complete an educational event. Details of the signage and event are included in Appendix C of this MOA.
 - C.** The City will collaborate with the IL DNR to remove graffiti from the Civilian Conservation Corp (CCC) era picnic structure at the intersection of the I&M Canal and the Lateral Canal. Details of the graffiti removal are included in Appendix C of this MOA.
 - D.** Post-Review Discoveries
 1. In the event that previously unidentified archeological resources are discovered during ground-disturbing activities within the area of potential effects, the City will immediately cease construction work involving ground disturbance in the area of the resource and in the surrounding area where further archeological resources can reasonably be expected to occur and will notify the District, IL SHPO and the NPS of the discovery.
 2. An IL DNR Archaeologist will inspect the work site and determine the extent of the affected archeological resource. Construction work may then continue in the area outside the archeological resource as defined by the District, IL SHPO and NPS in consultation with the IL DNR Archaeologist.

3. Within 7 days of the original notification of discovery, the IL DNR Archaeologist will provide the District, IL SHPO and NPS with an evaluation of the discovery's potential to contribute to the NHL status of the I&M Canal. The City and IL DNR may extend this 7-day calendar period one time by an additional 7 days by providing written notice to the District, IL SHPO and NPS prior to the expiration date of said 7-day calendar period.
4. If the newly identified resource is determined to be a contributing element to the NHL status of the I&M Canal, the IL DNR in agreement with the City, will submit a treatment plan to the District.
5. Construction activities in the affected Permit area shall resume pending either:
 - a) determination that the located resources do not contribute to the NHP status of the I&M Canal, or
 - b) approval and implementation of the required treatment plan.
6. Any disputes concerning the evaluation or treatment of previously unidentified archeological resources will be resolved as provided in Section V of this MOA entitled Dispute Resolution.

III. ACCIDENTAL DISCOVERY OF HUMAN REMAINS OR HUMAN BURIALS

All human burials in the state of Illinois are protected by law: (20 ILCS 3440/) Human Skeletal Remains Protection Act. In the event that human remains or burials are encountered during archaeological investigations or construction activities, The City, or the IL DNR or its designated representative will immediately cease work in the area of discovery, take appropriate steps to secure the site, and notify law enforcement and the county coroner.

IV. PROFESSIONAL QUALIFICATIONS

All archeological work carried out pursuant to this MOA shall be conducted by or under the direct supervision of an archaeologist who meets, at a minimum, the Secretary of the Interior's Qualifications Standards (48 FR 44738-9, September 29, 1983).

V. DISPUTE RESOLUTION

Should any signatory party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the District shall consult with such party to resolve the objection. If the District determines that such objection cannot be resolved, the District will:

- A. Forward all documentation relevant to the dispute, including the District' proposed resolution, to the ACHP. The ACHP shall provide the District with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the District shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. The District will then

make a final decision on the dispute and proceed accordingly.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day period, the District may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the District shall prepare a written response that considers any timely comments regarding the dispute from the signatories to the MOA, and provide the signatories and the ACHP with a copy of such written response.
- C. The District shall ensure all actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VI. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the District may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Paragraph VII below.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Paragraph VII, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

If the MOA is terminated as provided above, and prior to work continuing on the Undertaking, the District must either (a) execute an MOA pursuant to 26 CFR § 800.6 or (b) request, take into account and respond to the comments of the ACHP under 36 CFR § 800.7. The District shall notify the signatories as to the course of action it will pursue.

Unless otherwise agreed to by the Signatory Parties, this MOA shall terminate after its execution by the District and by IDNR-SHPO, and implementation of its terms is evidence that the District has taken into account the effects of this Undertaking on Historic Properties and has afforded the ACHP an opportunity to comment.

IX. EFFECTIVE DATE

The effective date of this MOA shall be the last date of execution by a Signatory Party to this MOA. (See Appendix B)

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AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE,
A Division of THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES^[A1]**

**REGARDING
MODIFICATIONS TO THE ILLINOIS AND MICHIGAN CANAL SEGMENT
LOCATED IN THE CITY OF OTTAWA, LASALLE COUNTY, ILLINOIS**

SIGNATORY:

UNITED STATES ARMY CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
(DISTRICT)

Ward Lenz Date 26/June/2018
Mr. Ward Lenz
Chief, Regulatory Branch
Operations Division

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LOCATED IN THE CITY OF OTTAWA, LASALLE COUNTY, ILLINOIS**

SIGNATORY:

ILLINOIS STATE HISTORIC PRESERVATION OFFICE, and
THE Illinois Department of Natural Resources

 Date 7/3/18
Wayne Rosenthal, Director for
Illinois Department of Natural Resources, and
Illinois State Historic Preservation Officer

APPROVED FOR EXECUTION

Date: 7/3/18

Legal Counsel: 

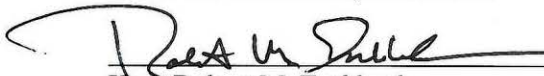
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LOCATED IN THE CITY OF OTTAWA, LASALLE COUNTY, ILLINOIS**

CONCURRING PARTIES:

CITY OF OTTAWA, ILLINOIS

 _____ Date 6/25/18

Hon. Robert M. Eschbach
Mayor
City of Ottawa, Illinois

JUN 21 2018

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**REGARDING
MODIFICATIONS TO THE ILLINOIS AND MICHIGAN CANAL SEGMENT
LOCATED IN THE CITY OF OTTAWA, LASALLE COUNTY, ILLINOIS**

CONCURRING PARTIES:

THE CANAL CORRIDOR ASSOCIATION

 Date June 21, 2018

Ms. Ana Koval

Director

The Canal Corridor Association

Appendix A

Project Map: Area of Potential Effects

PLANS FOR THE PROPOSED I & M CANAL REWATERING WALNUT ST. TO GUION ST. FOR THE CITY OF OTTAWA 2018

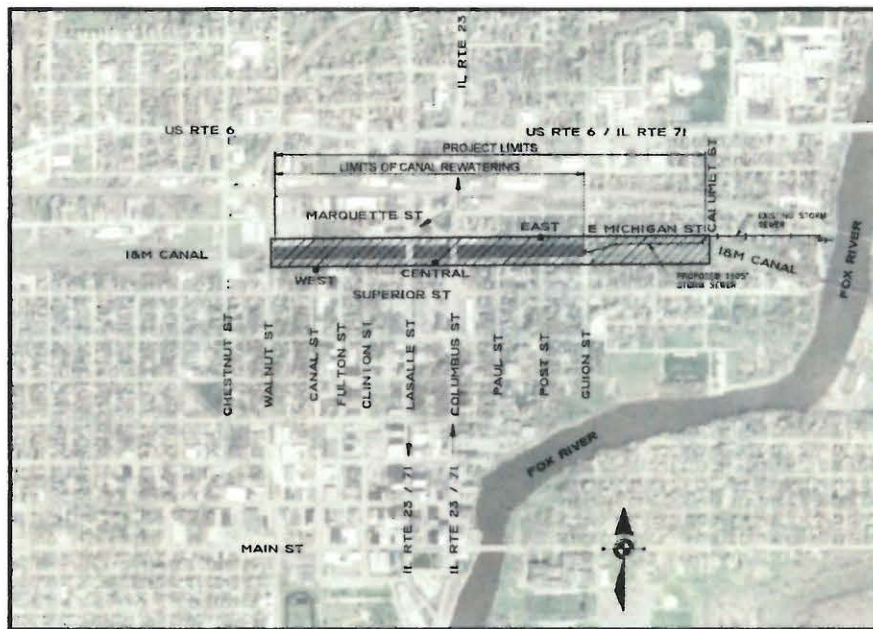
INDEX to DRAWINGS

SHEET NO.	TITLE
1	COVER SHEET
2	GENERAL NOTES
3	DETAILED PLAN
4-6	CANAL RE-GRADING PLAN & PROFILE SHEETS
7	STORM SEWER PLAN & PROFILE SHEET
8	PERMANENT SOIL PLAN
9-11	DETAILS
12	STRUCTURAL NOTES AND DETAILS
13	ELECTRICAL SITE PLAN
14	ELECTRICAL DETAILS AND SPECIFICATIONS
15-17	CANAL CROSS SECTIONS

Point #	Benchmark	Elevation	Station	Offset
101	BWA	490.92	335+13	54.9 LT
102	BWB	490.88	335+52	62.8 LT
103	BWC	491.41	335+32	59.4 LT
104	BWD	469.93	330+83	62.6 LT
105	BWE	488.75	348+63	61.8 LT
106	BWF	485.25	343+88	63.6 LT
107	BWG	460.38	341+53	65.9 LT
108	BWH	497.42	335+38	65.0 LT
109	BWI	488.35	336+85	65.5 LT
110	BWJ	487.17	334+38	69.5 LT
111	BWK	458.78	335+40	69.4 LT



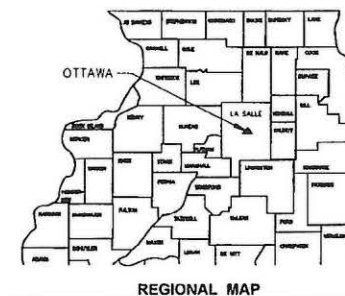
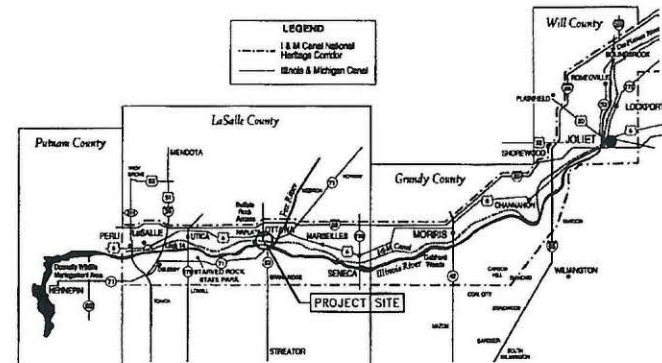
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or
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www.callcall.com



- PORTA JOHN LOCATIONS**
- EAST E. MICHIGAN ST @ POST ST
 - CENTRAL NEAR CANAL BOAT / TOLLHOUSE
 - WEST CANAL ST @ CCC SHELTER

PROJECT LOCATION MAP

SCALE: NOT TO SCALE



REGIONAL MAP

**PRELIMINARY FOR
JOINT PERMIT APPLICATION
FEBRUARY 7, 2018
NOT FOR CONSTRUCTION**

I hereby certify that this engineering document was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Illinois.

Signature: *Gary A. Pika*
Date: April 5, 2018 Proj No: D62-49568



My registration expires on November 30, 2019

COVER SHEET

OTTAWA CANAL REWATERING PROJECT

CITY OF OTTAWA JOB 01 08 34-17-02 OTTAWA, ILLINOIS
F:\E:\UNCLERED\OTAWA\MPL\PROJECTS\TARIFF\102 8th CANAL PLANS-SPEC\1023\DRAWINGS\1000 DMS\COVER.DWG

SHEET NO.
1
OF
17

NO.	REV	DATE
1	ISSUE LOCATION MAP FOR PROJECT LIMITS	4/5/2018

SCALE	AS NOTED
DRAWN BY	MEG
CHECKED BY	CAP
DATE	FEBRUARY 2018



1138 Duane Street
Springfield, Illinois 62764
TEL 618-453-2380

Project Design Firm
Engineers & Architects
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Appendix B

Parties

Signatory Parties

- **U.S. Army Corps of Engineers**
- **Illinois Department of Natural Resources,
Illinois State Historic Preservation Officer**

Concurring Parties

- **City of Ottawa**
- **Canal Corridor Association**

Advisory Parties

- **National Park Service**
- **Advisory Council on Historic Preservation**

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Director of Community Development / City Engineer
City of Ottawa
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Ottawa, IL 61350

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Springfield, Illinois 62702-1271

Ms. Dawn Cobb
Office of Realty and Environmental Planning
Illinois Department of Natural Resources
1 Natural Resources Way
Springfield, Illinois 62702-1271

Ms. Ana Koval
The Canal Corridor Association
754 First Street
LaSalle, Illinois 61301

Appendix C

Details for the City of Ottawa I&M Canal Re-Watering Project Mitigation Stipulations

Stipulation II (A):

The City of Ottawa Brick Street Inventory (BSI) and Preservation Master Plan (PMP) shall include the following information and be subject to the following:

1. The City of Ottawa BSI & PMP may be based on the City of Bloomington, Illinois and / or the City of Galesburg, Illinois Brick Street Inventory and Preservation Management Plans; and,
2. As the previous BSI for the City of Ottawa, currently dated to 1990, the BSI portion of the current plan shall include a revised, updated and complete inventory of all brick streets in the City of Ottawa; and,
3. The PMP portion shall contain a context statement on par with the Section 7 of a National Register of Historic Places nomination.
4. The PMP portion shall develop a hierarchy and action plan for the maintenance and rehabilitation of all historic brick streets within the City, in accordance with the Secretary of the Interior's Standards (www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm); and,
5. The City of Ottawa BSI & PMM shall be provided to the IL SHPO for review and comment at the 50%, 75% and 95% stages of development.
6. The final City of Ottawa BSI & PMM shall be completed within two (2) years of the date on the MOA.

Stipulation II (B):

The City will collaborate with the IL DNR and the Canal Corridor Association in LaSalle, Illinois to develop and install one or more interpretive signs and complete an educational event.

1. The interpretive signage shall be similar in design to other interpretive signage along the Canal installed by the Canal Corridor Association. The educational event shall be focused on the impact of the I&M Canal and the early development of the City of Ottawa.
2. The City of Ottawa and the Canal Corridor Association shall provide plans to the IL SHPO for review and comment at the 50%, 75% and 95% development stages for the signage and the final subject matter for the educational event.
3. Unless otherwise agreed to by the Parties, the educational event shall be completed within two (2) years after the date on the MOA.

Stipulation II (C):

The City will collaborate with the IL DNR to remove graffiti from the Civilian Conservation Corps (CCC) era picnic structure as follows:

1. The City will collaborate the IL DNR to remove graffiti from the CCC era picnic shelter structure at the intersection of the I&M Canal and the Lateral Canal. Graffiti to be removed is located on the north side of the shelter, facing the Canal.
2. Unless otherwise agreed to by the Parties, the graffiti removal shall be completed within two (2) years after the date on the MOA.