



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

RECEIVED

JAN 17 2020

HUTCHISON ENGINEERING, INC

January 14, 2020

Operations Division

SUBJECT: CEMVR-OD-P-2019-0613

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

NAME	✓	INITIALS
JEH		
JRB		
MVM		
AWM		

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, Rock Island District (District) received an application from the Pike County Highway Department in Pike County, Illinois for replacement of bridge 075-3162 on Spring Creek Road (TR376) over the South Prong of Spring Creek, Pike County, Illinois. This is Rock Island District Permit Application No. CEMVR-OD-P-2019-0613.

We are providing a fully executed original Memorandum of Agreement (MOA) at Enclosure 1. A digital copy in PDF format of the MOA is also included on the CD at Enclosure 2. In addition, please find correspondence and other documentation setting out the history of this project on the CD at Enclosure 2. This MOA addresses adverse effects to potential historic properties and is provided for filing with your office, as per 36 CFR 800.

If you have any questions regarding this matter, please contact me at (309) 794-5380, or write to our address above, ATTN: Regulatory Branch (Brant Vollman).

Sincerely,

Brant Vollman
Archaeologist
Regulatory Branch

Enclosures

Copies Furnished:

State Historic Preservation Office - IDNR
Attn: Review & Compliance
1 Old State Capital Plaza
Springfield, Illinois 62701

Mr. Thomas Winkleman
Hutchison Engineering, Inc.
1801 West Lafayette Avenue
Jacksonville, Illinois 62651

Mr. Chris Johnson
Pike County Highway Department
P.O. Box 414
Pittsfield, Illinois 62363

Mr. Brad Koldehoff
Illinois Department of Transportation
Bureau of Design and Transportation
2300 S. Dirksen Parkway
Springfield, Illinois 62764

RECEIVED

JAN 17 2020

MUTCHISON ENGINEERING, INC

**MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS,
ROCK ISLAND DISTRICT,
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
ILLINOIS DEPARTMENT OF TRANSPORTATION, AND
PIKE COUNTY HIGHWAY DEPARTMENT,
REGARDING THE
BRIDGE 075-3162 ON SPRING CREEK ROAD (TR 376)
LOCATED OVER SOUTH PRONG OF SPRING CREEK,
PIKE COUNTY, ILLINOIS
SHPO LOG #004110918**

WHEREAS, Pike County proposes to replace Spring Creek Road Bridge #075-3162 over the South Prong of Spring Creek (hereinafter, Bridge) in coordination with the Illinois Department of Transportation (hereinafter, IDOT) requiring the United States Army Corps of Engineers, Rock Island District, (hereinafter, District) to grant a permit (CEMVR-OD-P-2019-0613) (hereinafter, Permit) to the Pike County Highway Department (hereinafter, Pike County) in accordance with Section 404 of the Clean Water Act of 1972 (33 U.S.C. § 1344) authorizing the replacement of the Bridge; and

WHEREAS, the issuance of the Permit for the replacement bridge will allow the demolition of the Bridge; and

WHEREAS, the issuance of the Permit constitutes an Undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended, (54 U.S.C. § 306108) and its implementing regulations (36 CFR § 800) (hereinafter, Act); and

WHEREAS, the Director of the Illinois Department of Natural Resources (hereinafter, IDNR) is the duly designated Illinois State Historic Preservation Officer (hereinafter, SHPO); and

WHEREAS, IDOT and the District have defined and the SHPO concurs that the Undertaking's area of potential effects (hereinafter, APE) is the footprint of the Bridge that will be replaced within the existing right-of-way (see Appendix A); and

WHEREAS, the Bridge has been determined eligible for listing in the National Register of Historic Places (hereinafter, NRHP), and no other properties of historic, architectural, or archaeological significance are known to exist within the APE, nor are human remains likely to be encountered; and

WHEREAS, the District has determined, and SHPO concurs, that the Undertaking will have an adverse effect on the Bridge; and

WHEREAS, the District has consulted with IDOT and Pike County regarding the effects of the Undertaking on the Bridge and has invited them to sign this Memorandum of Agreement (hereinafter, MOA) as Invited Signatories; and

WHEREAS, all parties mutually agree that there is no prudent or feasible alternative to the Undertaking as proposed; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the District has notified the Advisory Council on Historic Preservation (hereinafter, ACHP) of its adverse effect determination with specified documentation by way of e106 process on August 29, 2019, and the ACHP has chosen not to participate in the consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the District shall ensure that issuance of the Permit is withheld until this MOA has been executed by all signatories, at which point Permit verification will include a Special Condition requiring compliance with Stipulation I.B of this MOA; and

NOW, THEREFORE, the District, Pike County, IDOT, and SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this MOA in order to mitigate the adverse effects of this Undertaking to the NRHP-eligible property as a result of this Project.

STIPULATIONS

I. MITIGATION

- A. Pike County will ensure that the Bridge is not removed until Pike County receives written approval from IDOT.
- B. The Bridge shall be documented in the manner described below and for which IDOT will provide funding and oversight.
- C. IDOT shall retain a consultant who meets the Secretary of the Interior's Qualifications (36 CFR Part 61, https://www.nps.gov/history/local-law/arch_stnds_9.htm) for Architectural History and has experience with documenting historic bridges to record the Bridge to the Level III documentation standards set forth in the Historic Illinois Engineering Record (hereinafter, HIER).
- D. Recordation will commence with documentation and photography of the Bridge. IDOT shall submit paper and digital copies of the draft HIER report to the SHPO and District for review. The draft HIER package shall consist of photographs, measured drawings, and

a project narrative. The narrative will include historical context statements and a written architectural description of the Bridge using the HIER designated outline format.

- E. Upon receipt of the SHPO's written acceptance of the draft HIER report by the District and IDOT, Pike County may immediately commence demolition of the Bridge.
- F. IDOT shall submit a final HIER Level III documentation package including two archival paper and digital (CD) copies in an appropriate archival box to the SHPO. The final HIER package shall consist of photographs, measured drawings, and a project narrative. The narrative will include historical context statements and a written architectural description of the structures using the HIER designated outline format. Photographs of the historic property will be produced and submitted per the HIER requirements. IDOT shall submit the final Level III package to the SHPO no later than six (6) months from the issuance date of the Permit.
- G. Upon its acceptance of the final HIER package, the SHPO will submit the package to the Abraham Lincoln Presidential Library in Springfield, Illinois, for archiving. Upon receipt of the SHPO's written acceptance of the final HIER package by the District and IDOT, the Section 106 process will have been concluded.

II. DURATION

This MOA shall terminate if its Stipulations are not carried out within three (3) years from the date of its execution. Prior to such time, the District may consult with the other signatories to reconsider the terms of this MOA and amend it in accordance with Stipulation IV below.

III. DISPUTE RESOLUTION

Should any signatory or concurring 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 the signatories 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's 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 takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. The District will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time 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 takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA and provide them and the ACHP with a copy of such written response.
- C. The District's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IV. 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 and is filed with the ACHP.

V. TERMINATION

If any signatory to this MOA determines that its terms become impossible to carry out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation IV, above. If after within (30) days an amendment has not been reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the Undertaking, the District must either (a) execute another Memorandum of Agreement pursuant to 36 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.

This MOA is binding upon the signatories hereto not as individuals, but solely in their capacity as officials of their respective organizations and acknowledges proper action of each organization to enter into the same.

VI. COUNTERPARTS; FACSIMILE OR .PDF SIGNATURES

This MOA 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.

EXECUTION of this MOA by the District, IDOT, Pike County, and the SHPO and the implementation of its terms evidences that the District has afforded the ACHP an opportunity to comment on the effects of the Undertaking in compliance with the Act.

(Signature Pages Follow)

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ILLINOIS DEPARTMENT OF TRANSPORTATION, AND
PIKE COUNTY HIGHWAY DEPARTMENT,
REGARDING THE
BRIDGE 075-3162 ON SPRING CREEK ROAD (TR 376)
LOCATED OVER SOUTH PRONG OF SPRING CREEK,
PIKE COUNTY, ILLINOIS
SHPO LOG #004110918**

SIGNATORY:

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

Ward Lenz Date 10/Jan/2020
Ward Lenz
Regulatory Branch Chief
United States Army Corps of Engineers, Rock Island District

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INVITED SIGNATORY:

PIKE COUNTY HIGHWAY DEPARTMENT (Pike County)



Date 12-17-19

Mr. Chris Johnson, County Engineer
Pike County Highway Department

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SIGNATORY:

ILLINOIS STATE HISTORIC PRESERVATION OFFICER (SHPO)



Date 12-19-19

Colleen Callahan, Director and State Historic Preservation Officer
Illinois Department of Natural Resources

APPROVED FOR EXECUTION

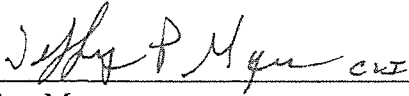
Date: 12/19/19

Legal Counsel: 

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INVITED SIGNATORY:

Illinois Department of Transportation (IDOT)

 *Jeffery P. Myers* CW

Date 12-19-19

Jeffery Myers
Regional Engineer
Illinois Department of Transportation

APPENDIX A: Map Showing Area of Potential Effects (APE)

