

**MEMORANDUM OF AGREEMENT AMONG  
THE VILLAGE OF SIDELL,  
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, AND  
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE DEMOLITION OF AN ELEVATED WATER-STORAGE TANK  
IN SIDELL, ILLINOIS  
(SHPO LOG #012083118)**

**WHEREAS**, the Village of Sidell (Village) plans to demolish the elevated water-storage tank (Tank) located at the northeast corner of Main Street and Chicago Street in Sidell, Vermilion County, IL, and construct a new elevated water-storage tank on a different site (Undertaking); and

**WHEREAS**, the Undertaking will utilize a Public Water Supply loan, partially funded by the U.S. Environmental Protection Agency and administered by the Illinois Environmental Agency (IEPA), which makes the Undertaking subject to review under Section 106 of 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**, IEPA and the Village have consulted with the Illinois State Historic Preservation Office (SHPO), a Division of the Illinois Department of Natural Resources (DNR), pursuant to the regulations promulgated at 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (Act); and

**WHEREAS**, the SHPO currently resides within DNR, and the Director of DNR is the duly designated State Historic Preservation Officer; and

**WHEREAS**, on November 27, 2018 the SHPO determined that the Tank is eligible for listing on the National Register of Historic Places (NRHP) under criteria A and C at the local level of significance; and

**WHEREAS**, the SHPO has determined that the Undertaking will have an adverse effect on the Tank that is eligible for listing on the NRHP; and

**WHEREAS**, the SHPO and Village have agreed that a local-level recordation effort will suffice in mitigating the adverse effect,

**WHEREAS**, on June 21, 2021, in accordance with 36 CFR § 800.6(a)(1) and 36 CFR § 800.10(b), the Village has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

**NOW, THEREFORE**, the Village, IEPA, and SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this Memorandum of Agreement (Agreement) in order to mitigate the adverse effects of this Undertaking to the NRHP-eligible property as a result of this project.

## **STIPULATIONS**

### **I. MITIGATION**

The Village, in coordination with IEPA, shall retain the Public Service Archaeology & Architecture Program as historical contractor (Contractor), with Dr. Kevin McGowan as Project Specialist, Christopher Flynn as Historian, Susan Brannock-Gaul as Photographer, and Marcy Prchal as Architectural Historian. The Contractor shall implement the following:

- A. Research and develop a written context and history for the Tank and its associated water system, focusing on its place in the context of water and infrastructure development in communities of similar size, its construction and history, and its place in the community. Resources consulted shall include literature and online-records searches, local-community resources, and records at the University of Illinois.
- B. Conduct field research on the Tank.
- C. Digitally photograph the Tank.
- D. Create a press release highlighting the research findings.
- E. Submit digital versions of the draft context and history, photographs, and press release to the SHPO and Village for review and comment.
- F. Revise the materials to incorporate any comments received.
- G. Digitally submit the final materials to the SHPO and Village.
- H. Following SHPO review and acceptance of the final materials, print the photographs and submit them to the Village to provide a selection from which a public display can be created. The Village will issue the press release and release the research to the local public library, the news media, the *Sidell Report* (local newspaper), the *Champaign News-Gazette*, and the *Danville Commercial News* for publishing a local news story.
- I. Provide SHPO with documentation of the issuance of the press release.

### **II. DURATION**

This Agreement shall be effective until such time as all of its terms are satisfied or it is amended or terminated and replaced. Prior to such time, IEPA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation V AMENDMENTS below. IEPA shall notify the signatories as to the course of action it will pursue.

### **III. POST-REVIEW DISCOVERIES**

If potential historic properties are discovered or unanticipated effects on historic properties found, the Village shall consult with the SHPO immediately and make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties. In the event of an unanticipated discovery of human remains or burials, the Village understands and agrees that it must immediately stop work within the area of discovery

and consult with the SHPO.

#### IV. DISPUTE RESOLUTION

Should any signatory to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the Village shall consult with the signatories to resolve the objection. If the signatories cannot agree regarding a dispute, the signatories shall utilize the procedures provided in Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 306108, and its implementing regulations (36 CFR Part 800).

#### V. AMENDMENTS

This Agreement 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 is signed by all of the signatories.

#### VI. TERMINATION

If any signatory to this agreement determines that its terms become impossible to carry out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulations IV and V above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

#### VII. 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.

#### VIII. DISTRIBUTION OF AGREEMENT

In order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv), upon the execution of this Agreement and prior to approving the Undertaking, the Village must transmit to the ACHP the executed Agreement along with the documentation specified in Section 800.11(f).

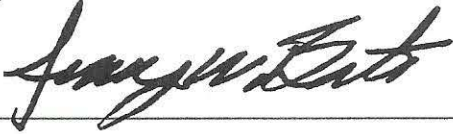
EXECUTION of this Agreement and implementation of its terms evidences that the Village, IEPA, and SHPO have afforded the ACHP an opportunity to comment on the effects of the Undertaking in compliance with the Act.

[Signature Pages to follow]

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**SIGNATORY**

Village of Sidell

Signature:  Date: 7-23-2021  
Name: TERRY W. BALES  
Title: MAYOR

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**SIGNATORY**

Illinois Environmental Protection Agency

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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**SIGNATORY**

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER (SHPO)

By: Carey L. Mayer Date: 07/23/2021  
Carey L. Mayer, AIA  
Deputy State Historic Preservation Officer  
Illinois Department of Natural Resources