

**MEMORANDUM OF AGREEMENT  
AMONG THE  
FEDERAL HIGHWAY ADMINISTRATION  
AND  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
REPLACEMENT OF THE OLD ILLINOIS ROUTE 3 BRIDGE  
OVER MILLER CREEK  
ALEXANDER COUNTY, ILLINOIS**

**WHEREAS**, the Illinois Department of Transportation (IDOT) plans to replace the Old IL Route 3 bridge (Structure #002-0010) over Miller Creek in Alexander County, Illinois (IDOT Sequence #20965, SHPO Log #001033121); and

**WHEREAS**, the Federal Highway Administration (FHWA) may fund the project, thereby making the project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800; and

**WHEREAS**, the FHWA has defined the undertaking's area of potential effects (APE) as the footprint of the proposed bridge replacement (Exhibit A); and

**WHEREAS**, pursuant to 36 C.F.R. Part 800, the FHWA in consultation with the State Historic Preservation Officer (SHPO) has determined that the undertaking will cause an adverse effect to the Old IL Route 3 bridge over Miller Creek (Exhibit B), which has previously been determined eligible for the National Register of Historic Places (NRHP); and

**WHEREAS**, the FHWA has invited the IDOT to participate in consultation and to become an invited signatory to this agreement; and

**WHEREAS**, the FHWA and IDOT invited the following Tribes to enter consultation: Delaware Nation, Kaw Nation, Miami Tribe of Oklahoma, Osage Nation, Peoria Tribe of Indians of Oklahoma, and Quapaw Nation. Three Tribes expressed interest in the undertaking and are considered a Consulting Tribe: Delaware Nation, Miami Tribe of Oklahoma, and Osage Nation; and

**WHEREAS**, FHWA has invited the Delaware Nation, Miami Tribe of Oklahoma, and Osage Nation to sign this MOA as concurring parties; and

**WHEREAS**, the Miami Tribe of Oklahoma (in a letter dated August 26, 2021) and the Osage Nation (in an e-mail dated September 1, 2021), declined to sign as concurring parties in the MOA; and

**WHEREAS**, the FHWA and IDOT provided the public opportunities to comment on the undertaking and to become consulting parties. No comments were received, and no consulting parties stepped forward. Public engagement efforts include: (1) 2019 newspaper notices in Breese-Courier and Cairo Citizen, and (2) 2019 letters sent to Landmarks Illinois, Historic Bridge Foundation, Thebes Historical Society, and Alexander County; and

**WHEREAS**, the IDOT on behalf of FHWA notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect, June 10, 2021 pursuant to 36 CFR Section 800.6(a)(1), and ACHP declined to enter into consultation in a letter dated June 22, 2021; and

**NOW, THEREFORE**, the FHWA, IDOT, and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties.

## **STIPULATIONS**

The FHWA, in coordination with the IDOT, shall ensure that the following measures are carried out:

### **I. MITIGATION**

- A. Historic Illinois Engineering Record (HIER) Level III Recordation.** Prior to the beginning of construction activities, the IDOT will complete Historic Illinois Engineering Record (HIER) level III recordation of the Old Route 3 bridge. The IDOT will submit the draft HIER (95%) to the SHPO, and the IDOT must receive written concurrence from the SHPO that the draft HIER documentation is acceptable prior to the IDOT approving demolition of the bridge. The IDOT will ensure the final HIER (100%) documentation is submitted to the SHPO for approval.
- B. Video Documentation and Dissemination.** The IDOT in consultation with the SHPO shall develop a video that highlights the historical importance of IL Route 3 and the crossing of Miller Creek to the development of nearby communities (Thebes and Gale). The video will be 5-10 minutes in length and will be provided in a format easily accessible to the public and historic bridge enthusiasts. The IDOT shall submit to the SHPO for review the draft video within six (6) month of the removal of the Old IL Route 3 bridge. The IDOT will ensure the final video is submitted to the SHPO for approval and is then provided to consulting parties and other interested groups.

### **II. DURATION**

This agreement will be null and void if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the

undertaking, the FHWA shall either (a) execute an agreement pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, the FHWA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation 6 below. The FHWA 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 FHWA shall make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties and follow the requirements of 36 CFR Section 800.13(b).

### **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 FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:

A. Forward all documentation relevant to the dispute, including any timely advice or comments regarding the dispute from the signatories and the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the FHWA 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 FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. The FHWA 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 FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the agreement, and provide them and the ACHP with a copy of such written response.

C. The FHWA's responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

### **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 signed by all of the signatories is filed with the ACHP.

## **VI. TERMINATION**

If any signatory to this agreement 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 Stipulation 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.

Once the agreement is terminated, and prior to work continuing on the undertaking, the FHWA must either (a) execute an 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 FHWA shall notify the signatories as to the course of action it will pursue.


EXECUTION of this agreement by the FHWA and SHPO and implementation of its terms evidence that the FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

[Signature Pages Follow]

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AMONG THE  
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AND  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
REPLACEMENT OF THE OLD ILLINOIS ROUTE 3 BRIDGE  
OVER MILLER CREEK  
ALEXANDER COUNTY, ILLINOIS**

**Signatory**

FEDERAL HIGHWAY ADMINISTRATION

Signature:  Date: October 4, 2021

Name: Matt Fuller

Title: Environmental Programs Engineer

**MEMORANDUM OF AGREEMENT  
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REGARDING  
REPLACEMENT OF THE OLD ILLINOIS ROUTE 3 BRIDGE  
OVER MILLER CREEK  
ALEXANDER COUNTY, ILLINOIS**

**Signatory**

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER

By: Carey L. Mayer Date: 09/24/2021


Print Name: Carey L. Mayer

Title: Deputy State Historic Preservation Officer

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OVER MILLER CREEK  
ALEXANDER COUNTY, ILLINOIS**

**Invited Signatory**

ILLINOIS DEPARTMENT OF TRANSPORTATION

Signature:  Date: 09-30-21

Name: KEITH ROBERTS

Title: ACTING REGION 5 ENGINEER

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ALEXANDER COUNTY, ILLINOIS**

**Concurring Party**

DELRWARE NATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

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

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



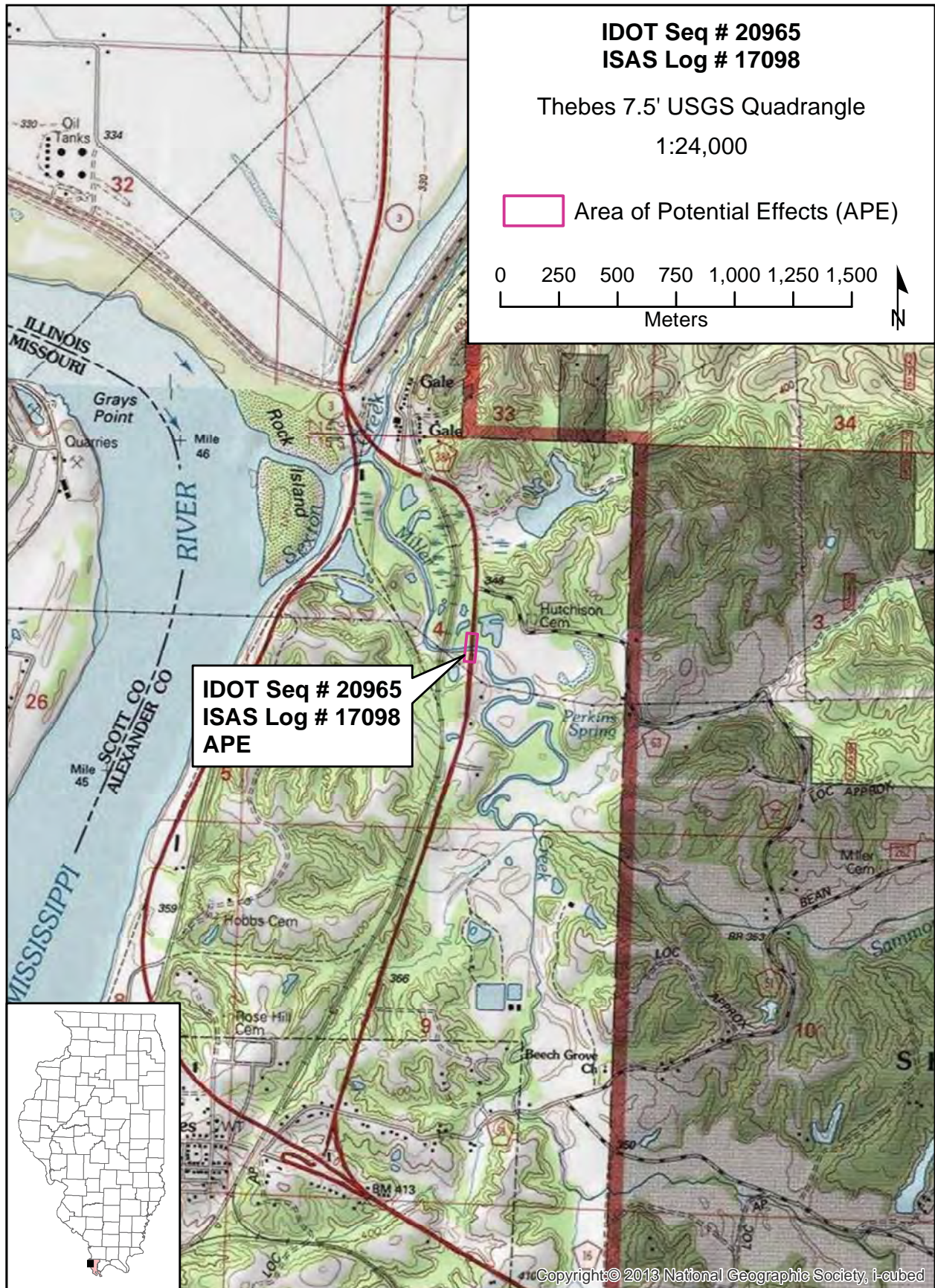
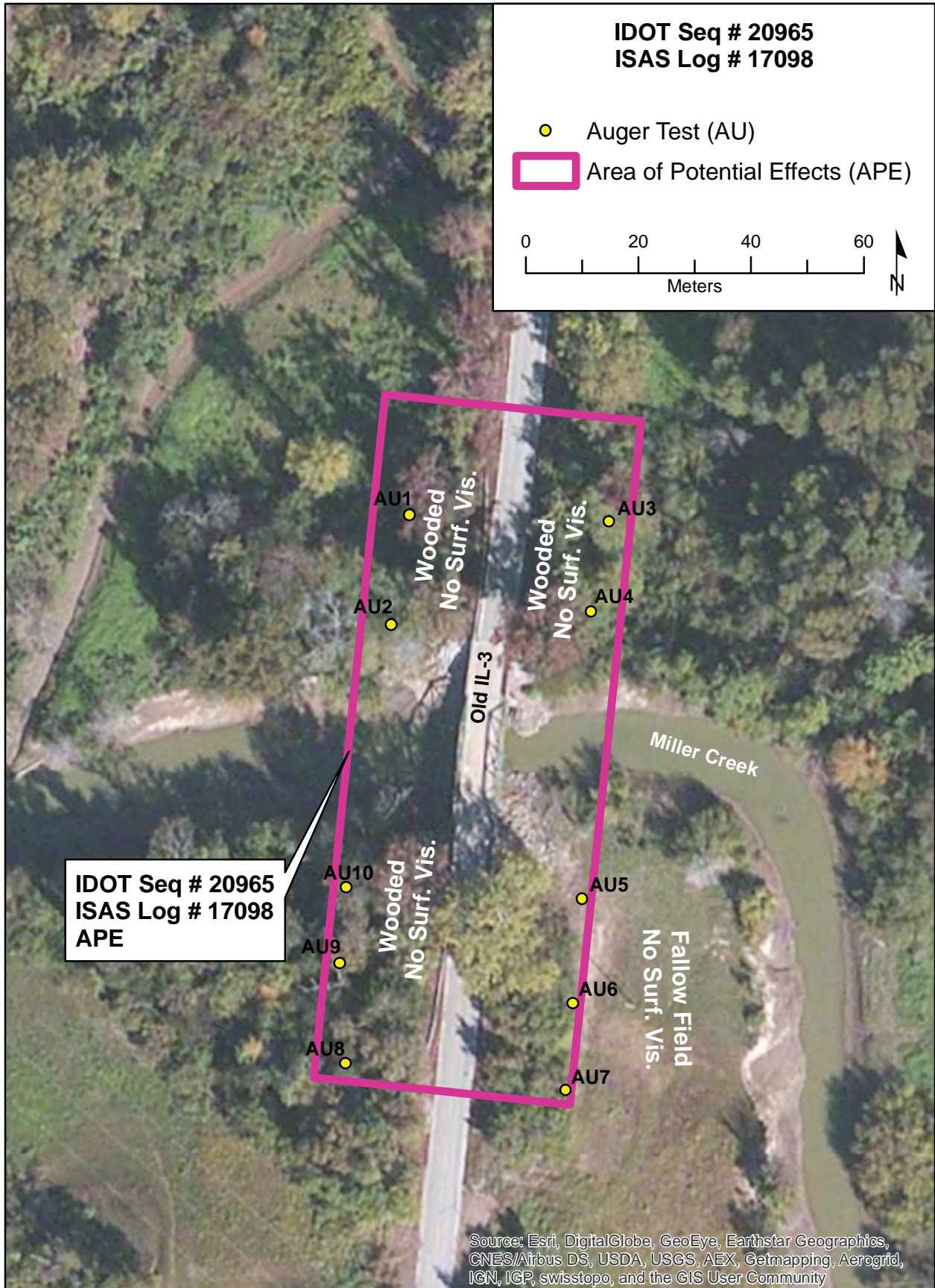
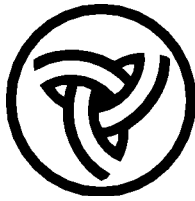


Figure 1





**Figure 2**



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

March 31, 2021

Alexander County  
Thebes  
Old IL 3  
Bridge over Miller Creek  
Structure #002-0010  
IDOT Sequence #20965  
ISAS Log #17098

## FEDERAL 106 PROJECT

### *No Historic Properties Affected -- Archaeology*

Ms. Carol J. Wallace  
Cultural Resources Coordinator  
Illinois State Historic Preservation Office  
Illinois Department of Natural Resources  
1 Old State Capitol Plaza  
Springfield, Illinois 62701

Dear Ms. Wallace:

For the above referenced undertaking, the Illinois Department of Transportation (IDOT) and the Federal Highway Administration (FHWA) propose to replace the bridge over Mill Creek carrying Old IL 3 in Alexander County. The undertaking under the National Environmental Policy Act (NEPA) is a Categorical Exclusion (CE). Architectural resources will be coordinated with your office separately.

Archaeological resources within the 1.48-acre Area of Potential Effects (APE) were examined by Illinois State Archaeological Survey (ISAS) personnel. The attached survey report documents the identification of no sites.

Therefore, in coordination with FHWA, IDOT requests concurrence from the State Historic Preservation Officer (SHPO) in our finding that the undertaking will not affect archaeological properties protected by Section 106 of the National Historic Preservation Act.

In accordance with 36 CFR Part 800.3(c)(4), FHWA and IDOT will proceed to the next step in the Section 106 process if we do not receive a written response from your office within 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Koldehoff', written over a horizontal line.

Brad H. Koldehoff, RPA  
Cultural Resources Unit Chief  
Bureau of Design & Environment



# Illinois Department of Natural Resources

www.dnr.illinois.gov

JB Pritzker, Governor  
Colleen Callahan, Director

Mailing address: State Historic Preservation Office, 1 Old State Capitol Plaza, Springfield, IL 62701

Alexander County  
Thebes  
Old Illinois 3 over Miller Creek  
Section:4-Township:15S-Range:3W  
IDOT Seq #-20965, IDOT-Strct-002-0010, IDOT/ISAS#-17098  
Bridge replacement

PLEASE REFER TO: SHPO LOG #001033121

April 22, 2021

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

Dear Mr. Koldehoff:

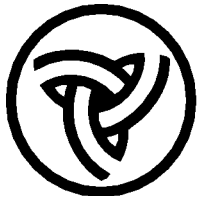
We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance. If further assistance is needed contact Jeff Kruchten, Chief Archaeologist at 217/785-1279 or [Jeffery.kruchten@illinois.gov](mailto:Jeffery.kruchten@illinois.gov).

Sincerely,

Robert F. Appleman  
Deputy State Historic  
Preservation Officer



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

Alexander County  
Thebes  
Old IL 3  
Bridge over Miller Creek  
Structure #002-0010  
IDOT Sequence #20965

March 31, 2021

## FEDERAL 106 PROJECT

### *Adverse Effect – Historic Bridge*

Ms. Carol J. Wallace  
Cultural Resources Coordinator  
Illinois State Historic Preservation Office  
Illinois Department of Natural Resources  
1 Old State Capitol Plaza  
Springfield, Illinois 62701

Dear Ms. Wallace:

For the above referenced undertaking, the Illinois Department of Transportation (IDOT) and the Federal Highway Administration (FHWA) propose to replace the bridge over Miller Creek carrying Old IL 3 in Alexander County. The undertaking under the National Environmental Policy Act (NEPA) is a Categorical Exclusion (CE). Archaeological resources will be coordinated with your office separately.

The only resource identified within the Area of Potential Effects (APE) is the bridge, which is on the IDOT Historic Bridge List and was previously determined eligible for the National Register for Criteria C, see attached. It is an example of a Steel Riveted Pratt Pony Truss. The bridge must be replaced because of its failing condition and because it and Old IL 3 are routinely (several times a year) inundated by highwater levels, often from the nearby Mississippi River.

Therefore, in coordination with FHWA, IDOT requests the concurrence from the State Historic Preservation Officer (SHPO) in our (1) delineation of the APE and (2) determination that replacing the bridge will cause an Adverse Effect because the bridge was been previously determined eligible for National Register, and thus, it is accorded protection under Section 106 of the National Historic Preservation Act.

In accordance with 36 CFR Part 800.3(c)(4), FHWA and IDOT will proceed to the next step in the Section 106 process if we do not receive a written response from your office within 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Koldehoff'.

Brad H. Koldehoff, RPA  
Cultural Resources Unit Chief  
Bureau of Design & Environment





# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

Mailing Address: 1 Old State Capitol Plaza, Springfield, IL 62701

JB Pritzker, Governor  
Colleen Callahan, Director

FAX (217) 524-7525

Alexander County

Thebes

Bridge Replacement (SN 002-0010)  
Old IL 3 over Miller Creek  
IDOT-D-99-064-17, IDOT Seq #-20965  
SHPO Log #014033121

May 4, 2021

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

Dear Mr. Koldehoff:

Thank you for requesting comments from our office concerning the possible effects of your project on cultural resources. Our comments are required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties". This bridge is on the Historic Bridge List and previously determined eligible for listing on the National Register of Historic Places.

We concur with the delineation of the Area of Potential Effect and that the proposal to demolish this bridge constitutes an adverse effect as defined in 36 CFR 800.5.

At this time you should work with this office to develop a plan to mitigate this adverse effect. Please note that the bridge must not be demolished prior to the resolution of the disposition of this historic property.

Please contact CJ Wallace, Cultural Resources Coordinator, at 217/785-5027 or at [Carol.Wallace@illinois.gov](mailto:Carol.Wallace@illinois.gov) with any questions.

Sincerely,

Robert F. Appleman  
Deputy State Historic  
Preservation Officer