

**PROGRAMMATIC AGREEMENT AMONG
THE COUNTY OF WILL,
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
NOVEMBER 1, 2024, TO OCTOBER 31, 2029
SHPO LOG # 010092619**

THIS PROGRAMMATIC AGREEMENT (“Agreement”) is entered into as of November 1, 2024, between the County of Will (County), the Illinois State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP).

WHEREAS, the County is a direct recipient of funds from the U.S. Department of Housing and Urban Development (HUD) and a subrecipient of HUD funds via the Illinois Housing Development Authority and/or the Illinois Department of Commerce and Economic Opportunity; and

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

WHEREAS, collectively, these programs as enumerated in Appendix A are administered by the County’s Land Use Department, Community Development Division, (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, and Section 106 review and other responsibilities on behalf of other jurisdictions with whom it has intergovernmental agreements, 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 County 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 4, 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 April 19, 2024 the ACHP chose not to participate in the consultation;

WHEREAS, the Native American tribes that have claimed all or part of Will County as ancestral lands are enumerated in Appendix C and the HUD Tribal Directory Assessment Tool (TDAT); and

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

WHEREAS, Federally Recognized Tribes were contacted to participate, but no tribes chose to participate in consultation. Tribes will be contacted on a project-by-project basis for ground disturbing and other projects per HUD guidance and the County has no tribal consultation to sign this Agreement as Signatories or Concurring Parties; and

NOW, THEREFORE, the Department and the SHPO 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 and the SHPO 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 County 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 County 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 and the HUD TDAT must be consulted pursuant to Stipulations IX.. A list of tribes to consult for federally funded projects can be obtained at <https://eais.hud.gov/TDAT/>. All tribes listed on the HUD TDAT will be consulted per federally funded project. All tribes with interest are consulted per project when the project involves any ground disturbing activities and other activities per HUD guidance.

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

- A. When an Undertaking is proposed for a property, the property 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 County
 - b. The current listing of Will County's Register of Historic Places, i.e., current landmark list
 - c. Rural Historic Structural Surveys for the County of Will
 - d. The current landmark list and surveys for the municipalities within Will County participating in the programs included in Appendix A
 - e. The Illinois Historic Sites survey (1972)
 - f. Designations of significant buildings or buildings of merit cataloged as part of the land use and building condition surveys for official neighborhood plans in Will County and/or other comprehensive building surveys Historic structures surveys of the County
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 SHPO Purposes

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 County 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 County 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 County 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. Inadvertent Discoveries

- A. The County shall ensure that its Project Sponsors are made aware that if, during the implementation of a Covered Activity, previously unidentified materials or resources are discovered the Project Sponsor will comply with the following procedures:
1. Immediately stop all construction activity within at least 100 feet of the discovery, leave all uncovered materials in place, cease any further disturbance, and follow the procedure as detailed in IX.A.2.
 2. Immediately notify the County of the discovery and prepare a description of the material or resource and submit the documentation to the SHPO, who will provide notification to SHPO and THPOs within five business days. Within five business days of receipt by SHPO and THPOs, the County, SHPO, and THPOs shall review the documentation and determine whether the material or resource may be of religious or cultural significance to Tribes. If such a determination is made, the County will notify consulting Tribes within five business days of the determination. The County, SHPO, and interested THPOs will then, as appropriate, determine whether the material or resource is of religious and cultural significance to Tribes or has potential NRHP eligibility.
 - a. Following notification to consulting Tribes, The County will consider any comments received from Tribes and SHPO regarding the material or resource. If Tribes do not respond within five business days of receipt of the notification from the County, the County will assume there is not an interest to consult and will continue to follow the protocols in the Agreement.
 - b. If the County determines through consultation with SHPO and THPOs, as appropriate, that the material or resource does not have religious and cultural significance to Tribes and is not eligible for listing in the NRHP, the County shall document the determination and allow SHPO and THPOs five business days to provide comments on the County's determination. Following the determination, the County shall notify the Project Sponsor that construction may resume in the area of the material or resource.
 - c. If the County determines through consultation with SHPO and THPOs, as appropriate, the material or resource may be of religious and cultural significance to a Tribe, the County, SHPO, and interested THPOs will continue Tribal consultation and determine the proper treatment of the material or resource and whether NRHP evaluation is appropriate. If it is determined that evaluating the material or resource for NRHP eligibility is appropriate, the steps in Stipulation V.C.5 will be followed. A site visit for the Tribe(s) will be coordinated upon request. Following any site visit, the County will determine, in consultation with the Tribe(s), the proper course of treatment and, if applicable, the NRHP eligibility of the material or resource. The determination will be documented in a memo via email to the Tribe(s) and SHPO

unless a Tribe(s) requests an alternate method. Any communication with other consulting parties or the public regarding Tribal materials or resources shall be protected from disclosure to the greatest extent permitted by law, including conformance to Section 304 of the NHPA, as amended, and Section 9 of the Archaeological Resource Protection Act, and Executive Order on Indian Sacred Sites, No. 13007, 61 Fed. Reg. 26771 (May 29, 1996).

- d. If the County determines through consultation with SHPO and interested Tribes, as appropriate, that the material or resource is not of significance to Tribes but is eligible for listing in the NRHP, the County shall, in consultation with the SHPO, make a finding of effect.
 - i. If the effect is not adverse, the County shall notify the SHPO, Tribes, and the Project Sponsor that construction may resume in the area of the material or resource.
 - ii. If the effect is adverse, the County, SHPO, and Tribes shall consult to resolve the adverse effects by altering project plans so that the material or resource is avoided and preserved in place if possible. If adverse effects to the material or resource cannot be avoided, Stipulation V must be followed.
- e. When adverse effects to a property of religious and cultural significance to a Tribe(s) and/or to a material or resource that has been determined NRHP eligible cannot be avoided, consultation among the County, SHPO, and the Tribe(s), as applicable, will occur to minimize or mitigate the adverse effects. The County, SHPO, and tribes shall work together to mitigate adverse effects to properties of religious and cultural significance to Tribes.
 - i. The County and SHPO, and Tribe(s), as applicable, will prepare a mitigation plan. The mitigation plan must identify measures to minimize or mitigate the adverse effects and identify any necessary qualifications, expertise, or affiliations for implementation of the plan.
 - f. If there is disagreement among the parties regarding the eligibility of a material or resource for listing in the NRHP, the County may forward adequate documentation, in accordance with 36 CFR § 800.11 to the Keeper of the NRHP for a formal determination of NRHP eligibility, as provided by 36 CFR § 800.4(c)(2).
- B. If the Covered Activity causes unanticipated effects to any NRHP-eligible, listed, or contributing buildings, sites, structures, or objects, the County and the Project Sponsor will comply with the following procedures:

1. Notify the County and immediately cease any activity causing ongoing damage until consultation occurs.
 2. The County will, in consultation with SHPO and Tribes, as appropriate, determine if adverse effects have occurred to the property(ies).
 3. Develop a mitigation plan, in consultation with SHPO and Tribes, as appropriate, that documents treatments to protect historic property(ies) from further damage as well as any minimization or mitigation measures that have been identified through consultation.
- C. If suspected human remains, grave markers, or grave artifacts are encountered during the implementation of a Covered Activity, the County shall require the Project Sponsor implement the following procedures:
1. Immediately cease all activities within the potential to disturb the remains within at least 100 feet of the discovery. The Project Sponsor 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.
 2. Immediately contact the County, SHPO, and THPOs. The County, in coordination with the Project Sponsor, shall notify local law enforcement and the appropriate county coroner within 24 hours of the discovery. The coroner will determine if the remains are human.
 - a. If the coroner assumes jurisdiction, the Project Sponsor will be notified when work may resume.
 - b. If the remains are determined to be human and more than 100 years old, the coroner will not assume jurisdiction pursuant to the Human Remains Protection Act, specifically 17 IAC 4170 Parts 210, 400, and 410.
 3. The County, in coordination with SHPO and Tribes, as applicable, shall determine if the remains are Native American in origin.
 - a. If as a result of coordination, it is determined that the remains are not Native American in origin, the SHPO in consultation with the County, shall follow procedures outlined in Human Remains Protection Act (20 ILCS 3440), specifically 17 IAC 4170 Parts 210, 400, and 410. Once completed, the County shall inform the Project Sponsor that construction may resume.
 - b. If the remains are determined to be Native American in origin, the County, in coordination with SHPO and the Tribes, shall determine the possible cultural

affiliation of the remains and the appropriate treatment for the remains. The County and SHPO shall defer to the Tribes as to the treatment and disposition of the remains. The County, in coordination with the Tribes, will inform the Project Sponsor when or if construction may resume.

- D. Nothing in this Agreement shall alter the County's responsibility to comply 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. or Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470) regarding disposition of human remains by entities that have control and/or custody of such remains.

X. 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.

XI. Administration, Monitoring, and Reporting

- C. 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.
- D. 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.
- E. Documentation shall be available for review by the SHPO following reasonable notice.
- F. The SHPO shall conduct periodic monitoring visits of the Department's project sites and files to ensure compliance this Agreement.
- G. Nothing in this Agreement shall be construed as meaning that the Department cannot request the advice or assistance of the SHPO at any time.
- H. For each year the Agreement is in effect, the Department shall summarize activities carried out under the terms of this Agreement. The report will be submitted to the SHPO 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

XII. Effective Date and Extension

- I. This Agreement shall be in effect from November 1, 2024, to October 31, 2029, unless terminated earlier due to failure to comply with the terms of the Agreement.
- J. 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.

XIII. Amendments

- K. 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.

L. Any resulting amendments or modifications shall be developed and executed between the Department and the SHPO in the same manner as the original Agreement.

XIV. 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.

XV. 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.

XVI. 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.

XVII. 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.

XVIII. 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 COUNTY OF WILL,
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
NOVEMBER 1, 2024, TO OCTOBER 31, 2029
SHPO LOG # 010092619

SIGNATORY

ILLINOIS STATE HISTORIC PRESERVATION OFFICER (SHPO)

By:  Date: 11/12/2024
Natalie Phelps Finnie, Director and Illinois State Historic Preservation Officer
Illinois Department of Natural Resources


PROGRAMMATIC AGREEMENT AMONG
THE COUNTY OF WILL,
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
NOVEMBER 1, 2024, TO OCTOBER 31, 2029
SHPO LOG # 010092619

SIGNATORY

COUNTY OF WILL (County)

By:  Date: 10/21/24
Jennifer Bertino-Tarrant, Chief Executive Officer
County of Will

ATTEST:

By:  Date: 10/25/24
Charles B. Pelkie, Jr., Will County Clerk
County of Will

Appendix A

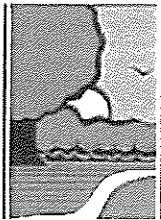
Programs Administered by the County of Will U.S. Department of Housing and Urban Development Programs

1. Community Development Block Grants CDBG)
2. Healthy Homes Grants (HH)
3. Home Investment Partnership Program (HOME)
4. Lead Hazard Control Grant (LHCG)
5. Lead Hazard Reduction Demonstration Grant (LHRDG)
6. Neighborhood Stabilization (NSP)
7. Lead-Based Paint Poisoning Prevention Act, as amended (42 U.S.C. § 4821) and its implementing regulations, “General Lead-Based Paint Requirements and Definitions for All Programs” (24 CFR Part 35)
8. Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. § 4851) and its implementing regulations, “General Lead-Based Paint Requirements and Definitions for All Programs” (24 CFR Part 35)
9. Continuum of Care (CoC) Program
10. Emergency Solutions Grant (ESG)

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 County of Will Land Use Department (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: . 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 Will County, Illinois

We suggest emailed correspondence followed by a mailed hardcopy, unless otherwise noted.

Citizen Potawatomi Nation

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

Forest County Potawatomi Community

Olivia Nunway
Tribal Historic Preservation Officer
5416 Everybodys Road
Post Office Box 340
Crandon, WI 54520
olivia.nunway@fcp-nsn.gov
(715) 478-7354

Hannahville Indian Community

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

Ho-Chunk Nation

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:

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

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

Menominee Indian Tribe of Wisconsin

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

Miami Tribe of Oklahoma

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

Peoria Tribe of Indians of Oklahoma
(email only, no hard copy)

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

Prairie Band Potawatomi Nation

Raphael Wahwassuck
16281 Q Road
Mayetta, KS 66509
RaphaelWahwassuck@pbpnation.org

Pokagon Band of Potawatomi Indians

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
(787) 742-0053 ext. 4002

Sac and Fox Nation of Oklahoma

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

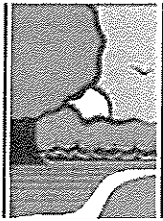
Sac and Fox Tribe of the Mississippi in Iowa

Johnathan Buffalo
Tribal Historic Preservation Officer
349 Meskwaki Road
Tama, IA 52339
director.historic@meskwaki-nsn.gov
(614) 484-3185

Shawnee Tribe

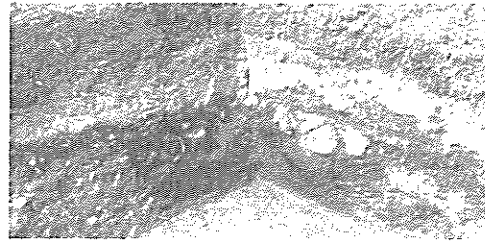
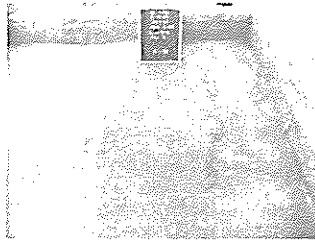
Tonya Tipton
Tribal Historic Preservation Officer
29 South Highway 69 A
Miami, OK 74354
tonya@shawnee-tribe.com
(918) 542-2441

UPDATED 04/02/24 JDK



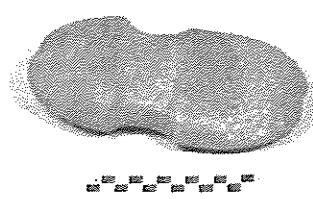
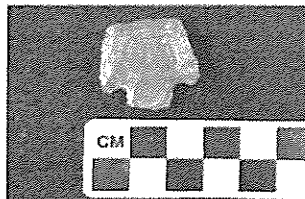
Appendix D SHPO Archaeology Discovery Guide

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.

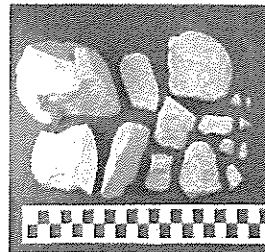
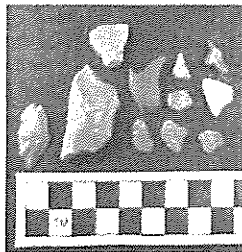


Artifacts, such as those specimens illustrated in the following photographs, are the most common indicators for the presence of archaeological sites. Some of these will be familiar objects and easily recognized, while others may require special expertise to identify.

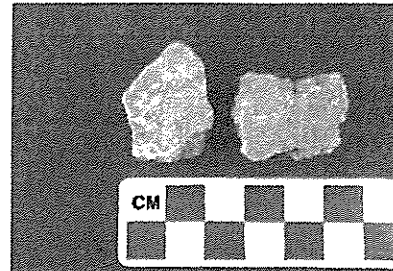
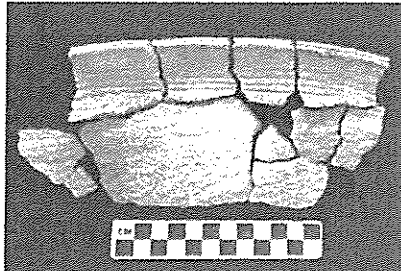
Stone tools are the most easily recognized pre-contact Native American artifacts present on archaeological sites in Illinois. These can include projectile points (arrowheads and spear tips), celts (axes), adzes, and hoes or spades.



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.



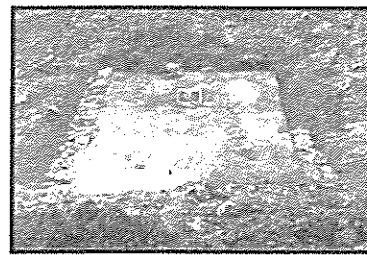
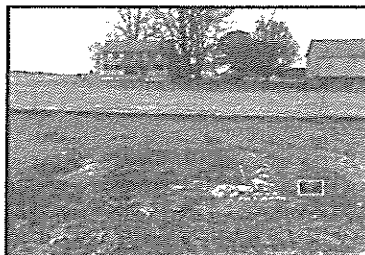
Pre-contact Native American ceramic artifacts are often broken into sherd fragments that can often look like lumps of dried dirt and require careful examination. Some will show signs of deliberate marking and/or decoration.



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.