

**MEMORANDUM OF AGREEMENT  
BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS,  
ROCK ISLAND DISTRICT,  
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE,  
THE ILLINOIS DEPARTMENT OF TRANSPORTATION, AND  
WOODFORD COUNTY, ILLINOIS  
REGARDING THE  
BRIDGE 102-3094 ON COUNTY ROAD 2325 EAST ROAD (TR 202)  
LOCATED OVER PANTHER CREEK,  
WOODFORD COUNTY, ILLINOIS**

**WHEREAS**, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing regulations (36 CFR § 800), the United States Army Corps of Engineers, Rock Island District (hereinafter, District) proposes to grant a permit (CEMVR-OD-P-2018-1461) in accordance with Section 404 of the Clean Water Act of 1972 (33 U.S.C. § 1344) to Woodford County Highway Department authorizing a replacement for bridge 102-3094 on County Road 2235 East (TR 202) over Panther Creek, Woodford County, Illinois (hereinafter, the undertaking), with the Illinois Department of Transportation (IDOT) initially coordinating this action with the Illinois State Historic Preservation Office (hereinafter, SHPO); and,

**WHEREAS**, IDOT and the District have consulted with the Illinois SHPO and the parties have come to an agreement on the undertaking's area of potential effects (hereinafter, APE), as the footprint of the existing bridge, which will be replaced within existing right-of-way (Appendix A); and,

**WHEREAS**, bridge #102-3094 on County Road 2235 East (TR 202) over Panther Creek (hereinafter, the historic property), has been determined eligible for listing in the National Register of Historic Places, 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 historic property; and,

**WHEREAS**, the District has consulted with Woodford County regarding the effects of the undertaking on the historic property and has invited them to sign this Memorandum of Agreement (hereafter MOA); and,

**WHEREAS**, the District has consulted with the IDOT regarding the effects of the undertaking on the historic property and has invited them to sign this MOA; and,

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

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), 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 36 CFR § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, the District, Woodford County, and SHPO 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 the historic property.

### **STIPULATIONS**

#### **I. TERMS**

- A. The District shall ensure that issuance of Permit No. CEMVR-OD-P-2018-1461 is withheld until this Memorandum of Agreement (MOA) has been executed by all signatories.
- B. As mitigation for the proposed adverse effect, the District, Woodford County, and the SHPO require that the historic property shall be documented in the manner described below and for which IDOT has agreed to provide funding.
- C. The IDOT will ensure that their consultant who fulfills professional qualifications standards of the Secretary of the Interior for Architectural History and who has experience with documenting historic bridges, will record the historic property to meet the Historic Illinois Engineering Record (HIER) Level III documentation standard.
- D. Recordation will commence with documentation and photography of the historic property. A paper copy of the draft HIER report will be submitted by the IDOT for SHPO review, and a digital (pdf) copy will be submitted to the District.
- E. Upon SHPO's written acceptance of the draft report, the SHPO will forward their written acceptance to the IDOT with a copy to the District.
- F. When Woodford County has been notified by the IDOT that the SHPO has accepted the draft documentation, they may immediately commence demolition of the historic property.
- G. A final HIER Level III documentation package including two archival paper and digital (CD) copies in an appropriate archival box will be submitted by the IDOT to SHPO. The

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. This Level III package will be submitted to the SHPO by the IDOT no later than six (6) months from the SHPO acceptance of the draft HIER. A digital (pdf) copy of the final HIER document will be submitted to the District by Woodford County.

- H. Upon SHPO's written acceptance of the final HIER package, the SHPO will forward their written acceptance to the IDOT and the District. With this written communication from the SHPO, the Section 106 process will have been concluded.

## **II. DURATION**

This MOA will be null and void if its terms 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 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's proposed resolution, to the ACHP and the signatories. 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 will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation IV, above. If after thirty (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 MOA 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.

Execution of this MOA by the District, SHPO and Woodford County and implementation of its terms is evidence that the District has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

This agreement 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.

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LOCATED OVER PANTHER CREEK,  
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SIGNATORY:

United States Army Corps of Engineers, Rock Island District

*Ward Lenz*

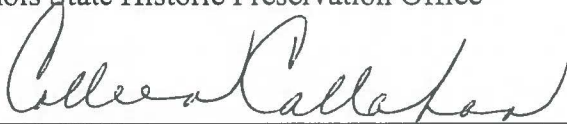
Date 16/May/2019

Ward Lenz  
Regulatory Branch Chief  
United States Army Corps of Engineers, Rock Island District

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SIGNATORY:

Illinois State Historic Preservation Office



Date 4-24-19

Colleen Callahan

Director and State Historic Preservation Officer

Illinois Department of Natural Resources

APPROVED FOR EXECUTION

Date: 4-24-19

Legal Counsel: 

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INVITED SIGNATORY:

Woodford County Highway Department



Conrad Moore

Woodford County Highway Department

Date 04/25/2019

MAY 13 2019

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INVITED SIGNATORY:

Illinois Department of Transportation



Kensil Garnett  
Regional Engineer  
Illinois Department of Transportation

Date 050319



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

