

**MEMORANDUM OF AGREEMENT
BETWEEN
UNITED STATES ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
AND
ILLINOIS HISTORIC PRESERVATION AGENCY
REGARDING
CLARK ISLAND RENOVATION PROJECT
(COEC-200600176, IHPA #002041206),
BATAVIA, KANE COUNTY, ILLINOIS
1 June 2006**

WHEREAS the United States Army Corps of Engineers, Chicago District (COEC) plans to permit the Clark Island Renovation Project (undertaking) pursuant to Section 404 of the Clean Water Act of 1970 and Section 10 of the River and Harbor Act of 1899; and

WHEREAS the undertaking consists of proposed bank stabilization of Clark Island on the Fox River to include removal of an existing bridge and rehabilitation of several other structures and

WHEREAS, COEC has defined the undertaking's area of potential effect (APE) as Clark Island and bank approaches; and

WHEREAS COEC has determined that the undertaking may have an adverse effect on Clark Island, which is eligible for listing in the National Register of Historic Places, and has consulted with the Illinois State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470f); and

WHEREAS, COEC has consulted with Illinois Department of Natural Resources (DNR) which intends to provide grant funds and the Batavia Park District which will be responsible for the implementation of the undertaking and has invited them to sign this MOA as a concurring parties;

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), COEC has notified the Advisory Council on Historic Preservation (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, COEC and the 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 historic properties.

STIPULATIONS

COEC shall ensure that the following measures are carried out:

1. The design specifications of the stone structures are modified to meet the Secretary of the Interior's Standards for Rehabilitation (Standards). The Batavia Park District will provide the SHPO with plans and specifications for review and approval to ensure compliance with the Standards. No construction activities shall begin prior to receipt of the approval of the SHPO in writing.

2. One historic suspension bridge will remain in place for future rehabilitation. The historic suspension bridge proposed for removal is dismantled and the portions stored for reconstruction. Prior to dismantling the bridge, it is recorded to Level 1 Standards of the Illinois Historic American Engineering Record in consultation with our office.

3. The Park District, ~~the SHPO~~ and the SHPO agree to explore reconstruction of the bridge to be disassembled at an alternate location on Clark Island. If none can be found within twenty four months of consultation that the parties agree are feasible in terms of either engineering or financing, the signatories will have deemed to comply with the Memorandum of Agreement (MOA).

IV. DURATION

This MOA will be null and void if its terms are not carried out within two (2) years from the date of its execution. Prior to such time, COEC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.


VIII. 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 is filed with the ACHP.

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

SIGNATORIES:

United States Army Corps of Engineers

 Date 20 JUN 06

Illinois Historic Preservation Officer

 Date 6-28-06

CONCURRING PARTY:

Batavia Park District

 Date 6-23-06