PROGRAMMATIC INTER-AGENCY AGREEMENT
BETWEEN THE
ILLINOIS HISTORIC PRESERVATION AGENCY
AND THE
ILLINOIS DEPARTMENT OF MILITARY AFFAIRS
REGARDING IMPLEMENTATION OF THE
ILLINOIS STATE AGENCY HISTORIC RESOURCES PRESERVATION ACT

WHEREAS, the Illinois Historic Preservation Agency (IHPA) has been designated as the lead agency responsible for implementation of the Illinois State Agency Historic Resources Preservation Act (Illinois Complied Statutes, Chapter 20, para 3420/1 et seq.) (the Act); and

WHEREAS, the Illinois Department of Military Affairs (DMAIL) is responsible for the physical, administrative and fiscal management of State of Illinois military facilities and participates in undertakings as that term is defined in para 133c.23, Section 3(f) of the Act; and

WHEREAS, DMAIL is responsible for protecting and preserving archaeological and paleontological resources on public lands owned by DMAIL pursuant to the Illinois Archaeological and Paleontological Resources Protection Act (Illinois Compiled Statutes, Chap 20, para 3435/1 et seq.) (APRPA); and

WHEREAS, DMAIL has undertaken a historic and historical architecture survey of State of Illinois military facilities listed in Appendix A; and

WHEREAS, DMAIL and the IHPA, the State of Illinois agency responsible for facilitation of the Act, agree that, on the date of execution of this agreement, that the State of Illinois military resources listed in Appendix B are either listed on or eligible for listing on the National Register of Historic Places (NRHP); and

WHEREAS, DMAIL and IHPA agree that State of Illinois historic military resources listed in Appendix C will not be subject to IHPA review and comment in accordance with the Act, except for excessing or disposal undertakings of facilities (Appendix C); and

WHEREAS, DMAIL and IHPA agree that DMAIL requirements of Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, supersedes this agreement.

WHEREAS, the Director of the IHPA is authorized under Section 5(d)(3) of the Act to help facilitate state agency compliance with the Act; and

WHEREAS, the Director of the IHPA wishes to enter into an agreement to facilitate compliance by DMAIL with the Act;

NOW, THEREFORE, DMAIL and IHPA concur that this agreement shall be implemented in accordance with the following stipulations to satisfy DMAIL's responsibilities under both Acts.

1. Personnel and Procedures

   A. DMAIL shall have, at all times, on its staff at least one person with demonstrated training in federal and state cultural resource compliance statutes that addresses treatment of archaeology, architecture, architectural history, historic architecture, and history in the state of Illinois. At a minimum, training will consist of IHPA's "Section 106 Workshop: Guidelines for the Protection of Historic Property". This person shall be

responsible for administering the provisions of this agreement and shall be the designated liaison between DMAIL and IHPA. The Environmental Program Manager shall be designated as the DMAIL Historic Preservation Officer (HPO) for compliance coordination. The HPO may delegate historic compliance duties of this agreement to qualified and trained DMAIL staff.

B. DMAIL agrees to establish an internal undertaking reporting procedure. The DMAIL inter-agency liaison will forward undertaking notifications, and any IHPA requested supplemental documentation of undertakings, requiring review to IHPA for review and comment. The liaison will also ensure that adequate records are maintained as evidence of compliance with the Act. As necessary, the liaison shall ensure project coordination with the Illinois Capital Development Board (CDB) for purposes of the Act.

2. Historic Military Resources.

A. For all structures included in Appendix B, DMAIL shall:

1) Undertake all developmental/budgetary planning, capital/maintenance projects and any other activities on the subject properties in accordance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards) and other project specific Secretary of Interior's Standards and Guidelines, i.e. Cultural Landscapes, Archaeology, Documentation, etc.

2) When necessary, consult with IHPA during the project planning process for guidance on historic preservation treatments.

3) For capital projects, request that the CDB, in the "CDB Professional Services Bulletin Request for Qualifications Notifications" for projects on the subject resources, specify that proven experience on projects implementing the Standards is required for all Architectural and Engineering design bidders.

4) Ensure that DMAIL headquarters/regional capital programmers/project managers, site managers and any other DMAIL personnel or contractors involved with projects on the subject properties are adequately briefed and aware of DMAIL's responsibilities in accordance with the Act and the terms of this agreement.

5) Ensure that IHPA review and compliance staff is afforded the opportunity to review and comment on project scopes of work, design documentation and specifications for any work undertaken on the subject properties.

6) Information on archeological site locations exchanged between IHPA and DMAIL will be kept confidential, and will only be used for planning and compliance purposes outlined in this Agreement as appropriate, and as decided through mutual consent by IHPA and DMAIL.

B. DMAIL shall consider nominating the Illinois Historic Military Resources listed in Appendix B to The National Register of Historic Places as policy & resources allow. If any of the properties DMAIL nominates to The National Register of Historic Places are turned down, DMAIL will move them from Appendix B to Appendix C and manage them accordingly.

3. Archaeology

A. If, during any phase of planning, archaeological investigations, or consultation (which includes discussion of alternatives to the proposed undertaking), it is determined that the proposed undertaking will adversely impact archaeological resources, DMAIL reserves the right to discontinue the undertaking. DMAIL will notify IHPA of this decision in writing.

B. DMAIL reserves the right to cease undertakings at any time.

C. DMAIL shall ensure that archaeological investigations and coordination of undertakings required pursuant to the Acts are conducted following the procedures stated below:

1) As early as possible in the planning process, DMAIL shall provide the Archaeology Section of IHPA with undertaking narrative, and location and area-of-impact maps. IHPA will review the documents and will determine the need for a Phase I archaeological reconnaissance survey, except for those procedures and undertakings outlined in Section 5 of this Agreement.

2) DMAIL shall ensure that all phases of archaeological reconnaissance survey required by the IHPA pursuant to undertaking review are implemented. This survey shall be conducted in consultation with IHPA and take into account the IHPA Guidelines for Archaeological Reconnaissance Surveys/Reports. A report of the survey findings shall be submitted to IHPA for review and approval.

3) If, after consultation, DMAIL and IHPA determine that no National Register eligible or potentially eligible archaeological resources are present in the project area, or that the undertaking will not affect identified archaeological resources, no further work is required. IHPA will provide written notification of their determination to DMAIL within 30 days.

4) If, after consultation, DMAIL and IHPA determine that the undertaking may negatively impact identified archaeological resources, the following procedures will be implemented:

a. A Phase II archaeological investigation will be necessary to evaluate the significance of the archaeological resource. IHPA will assist in preparing a scope-of-work statement for such testing and recommend to DMAIL qualified archaeological contractors to perform the work. DMAIL will ensure that Phase II investigations have been conducted prior to the 50% project review and the results submitted to IHPA for review and approval prior to the continuation of project planning. Phase II investigations will be monitored by IHPA for conformance with archaeological standards outlined in Section 3.C.(2) of this agreement. Results of Phase II investigations must include a recommendation for the eligibility for listing on the NRHP for each archaeological site tested. IHPA will comment on the results of Phase II testing and provide their comments to DMAIL in writing within 30 days of receiving the Phase II results.

b. If, after consultation, IHPA and DMAIL determine that the archaeological sites are not eligible for listing on the NRHP, no further archaeological work will be required. IHPA will notify DMAIL in writing of their determination.

c. If, after consultation, IHPA and DMAIL determine that a site or sites eligible for listing on the NRHP occur in the project area and will be adversely affected by the undertaking, IHPA and DMAIL will consult to determine appropriate action to mitigate the impact to the archaeological site(s). Mitigation shall include, but will not be limited to, data recovery for archaeological materials and/or preservation in place in a protected environment. Should data recovery be pursued, IHPA will assist in preparing a scope-of-work statement for Phase III investigations and recommend to DMAIL qualified archaeological contractors to perform the work, including fieldwork, survey, recovery and curation. DMAIL shall ensure that Phase III investigations are conducted at all archaeological sites that cannot be preserved in place. Phase III investigations will be monitored by IHPA for conformance with archaeological standards outlined in Section 3.C.2. of this agreement.

d. Results of Phase III investigations will be submitted to IHPA. IHPA will review the results and provide comments to DMAIL in writing within 30 days of receiving the Phase III results. If, after consultation, IHPA and DMAIL determine that the fieldwork phase of mitigation is complete, no further archaeological work will be required prior to construction start provided agreements are in place for completion of analysis, reporting and curation.

D. All archaeological investigations and personnel qualifications shall conform with Secretary of Interior Standards for Archaeology and Historic Preservation and professional qualifications under 36 CFR Part 61.

E. If, during an undertaking, archaeological resources are discovered, DMAIL agrees that activities affecting the archaeological resource(s) shall be discontinued at the location of the archaeological resource(s) until consultation with the IHPA pursuant to the Act is completed. Notification to the IHPA shall be made within 48 hours of discovery and shall be the responsibility of DMAIL.

1) DMAIL agrees to establish a system whereby DMAIL personnel supervising DMAIL undertakings on federal, state, or private property (such as military training operations) are made aware of the stipulations of this section of the agreement.

2) DMAIL supervisory personnel will brief all participants in DMAIL undertakings on their responsibilities in reporting any archaeological materials that may be encountered during such undertakings. Supervisors will be responsible for notifying the DMAIL cultural resource liaison at DMAIL as soon as possible should any archaeological material be discovered during an undertaking. Activities impacting newly discovered archaeological sites will be terminated or moved until consultation, evaluation and mitigation, if appropriate.

F. This agreement shall be a general permit to conduct archaeological and paleontological investigations on state lands owned, managed, and leased by DMAIL as required by APRPA in lieu of the issuance of individual permits when the project is being reviewed by the IHPA pursuant to the Act. This does not constitute a general permit under the Human Skeletal Remains Protection Act (Illinois Complied Statutes, Chapter 20, para 3440/1 et seq.) (HSRPA). The DMAIL shall notify all archaeological contractors involved in archaeological investigations, and appropriate DMAIL personnel, on such projects that this permit is in effect. DMAIL shall ensure that all materials and records

resulting from the archaeological investigations are curated at the Illinois State Museum (ISM) pursuant to APRPA and HSRPA.

4. Undertakings Requiring Review

A. Undertakings requiring IHPA review will include, but not be limited to, the following classifications for the DMAIL structures listed in Appendix B:

1) Rehabilitation. Undertakings having a physical effect on buildings, structures, or sites listed in Appendix B shall be rehabilitated in accordance with the recommended approaches of the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Standards).

2) Additions. Additions to existing structures listed in Appendix B shall be designed to adhere to the Standards and National Park Service Preservation Brief #14, "New Exterior Additions to Historic Buildings".

3) Demolitions. If an undertaking requires demolition of all or any part of buildings or structures in the list in Appendix B, DMAIL will provide IHPA with the following information concerning the proposed demolition.

a. Reasons for demolition of the buildings or structures;

b. Alternatives considered, including reasons for their rejections;

c. Current photos of the buildings or structures demonstrating their present condition;

d. Structural report including rehabilitation cost.

If IHPA agrees to demolition, the property will be documented in accordance with Illinois Historic American Buildings Survey and Historic American Engineering Record (IL HABS/HAER) Standards in consultation with IHPA, and the documentation will be accepted by IHPA in writing prior to demolition.

If IHPA disagrees with the need for the proposed demolition, the rules in 17 Illinois Administrative Code 4180.400 shall be followed.

4) New construction and site development.

5) Land and building acquisition and disposal. Any land or buildings acquired or disposed of by DMAIL will be submitted to IHPA for review and comment in accordance with the Act.

6) Agricultural leases or DMAIL agricultural activities.

B. Initial documentation required by IHPA for project review.

1) Location map.

2) Site plan.

3) Photos of principle elevations and specific work areas to be rehabilitated or added to.

4) Scope of work statement/project description.

5) Description of any previous disturbance to the area.

5. Undertakings having no effect

A. The following undertakings that take place on public and private lands will be considered to have no effect on historic resources, as defined in the Act, and on archaeological resources, as defined by APRPA.

1) All interior and aboveground exterior rehabilitation or alteration to buildings or structures less than 45 years old.

2) Utilities repair and alteration; to include water, sewer, electrical, steam distribution, telecommunication, heating fuel, radio, television, and video/electronic security systems in a previously disturbed right-of-way or right-of-way previously reviewed by IHPA that resulted in a determination of no historic properties present.

3) Heating, ventilation, air conditioning (HVAC), communication network, and security systems maintenance undertakings not affecting the exteriors of buildings or structures.

4) Sidewalk, street, gutter, bikeway, vehicle parking repair and realignment within previously disturbed right-of-ways.

5) Upgrade or repair of existing internal fire/smoke detection, communication, security, electrical, and external fencing systems.

6) Landscape maintenance that will not hide or detract from the historical features of the area.

7) All maintenance caulking and painting of previously painted surfaces as long as colors specified match as close as possible to the original or existing colors and it does not detract from the historical significance of the property.

8) The installation of exterior or interior storm windows which completely fill the existing opening (no filler panels to be used); the method of operation and meeting rail of the storm unit will align with that of the existing window or, on the interior, a fixed piece of glazing with no intermediate members will be installed; the colors of the storm units will match that of the existing adjacent members.

9) Replacement or modification of non-original lighting fixtures or systems that will not alter or detract from the historical significance of the surrounding features.

10) Exact replacement in kind of all materials as required for maintenance purposes.

11) Utility line construction or rehabilitation with width equal to or less than one meter.

12) Grounds maintenance including mowing, pruning, seeding and any other non-ground disturbing activities.

13) Construction of lanes, paths, or other facilities where such construction takes place within existing public rights-of way.

14) Work on existing roads in urban areas where no more than 10 feet of additional right-of-way, or in rural areas where no more than 15 feet additional right-of-way, is required on either side of the road.

15) Road widening equal to or less than one meter on either side of existing road bed.

16) Sanitary facilities and gray water discharge to include shallow burial by individuals to primitive pit type of toilets to be filled and put back to near original condition.

17) Wheeled vehicle maneuvering cross-country, excluding stream crossings.

18) Post hole and fencing construction.

19) Removal of soil due to contamination from a spill of petroleum or petroleum-like products.

20) Utility line construction or rehabilitation with width equal to or less than one meter.

21) Project areas where previous archaeological assessments have determined either no or nonsignificant resources are present and have been reviewed and approved by the IHPA.

22) Projects within areas of documented land disturbance and not involving structures, and having no potential for buried archaeological resources. DMAIL will consult with IHPA when activities that may satisfy these criteria are to be implemented.

23) Other. Any activity that does not constitute removal of soil greater than 8 inches below the surface over an area less than 2.5 acres. DMAIL will consult with IHPA when activities that may satisfy this criterion are to be implemented. DMAIL will keep a list of such activities and these will be reviewed for possible amendment to this Agreement during the Agreement review period outlined in Section 9.A.

B. For undertakings that take place on public land, as defined in APRPA, DMAIL agrees undertakings 11, 14, 16, 24 and 25 from Section 5.A that are considered to have no effect, shall not occur within 15 meters of previously known historic resources, including historic districts, historic sites, archaeological resources, and known human burial sites or grave markers as defined in HSRPA.

C. To ensure that all other undertakings that have a potential to impact archaeological resources not listed in Section 5.A. and those undertakings listed in Section 5.B. that will occur within 15 meters do not adversely impact archaeological resources on public land, DMAIL agrees to provide IHPA with all documentation required in Section 4.B. of this Agreement for each undertaking until one of the following conditions are met for the project area:

1) The project area has been reviewed at least once by IHPA, and IHPA has provided comments indicating that no historic resources or archaeological resources sites will be adversely affected by the project;

2) DMAIL has established a procedure with the Illinois State Museum to access the Illinois Geological Information System (IGIS) to obtain locations of archaeological sites on DMAIL land for the project area.

D. For all undertakings on public lands that DMAIL does not submit to IHPA for review, DMAIL will keep a project log containing, at a minimum, undertaking description and justification for IHPA review exemption when an undertaking is associated with a building that is listed, or is eligible for listing, on the NRHP (appendix B contains the DMAIL structures listed and eligible for listing, as of the date of signing of this Agreement), or when there is a potential for impact to archaeological resources. This log shall be open for IHPA review upon request.

6. Monitoring and oversight.

A. DMAIL shall maintain undertaking files for a period of two years after undertaking completion, for undertakings performed pursuant to the Agreement. These undertaking files shall be kept current and available for IHPA review at any time. After two years the undertaking files may be destroyed, unless an undertaking is ongoing, or the retention of files is deemed necessary by DMAIL.

B. Periodically, IHPA shall perform on-site inspections of the undertakings and review undertaking files to ensure adherence with this Agreement.

7. In instances where DMAIL will be coordinating with other state and/or federal agencies for permitting, funding, and/or use of public lands, DMAIL will proceed with the provisions of this Agreement, and, when that undertaking requires IHPA review pursuant to the stipulations in the Agreement, notify IHPA that coordination with the other agencies has been initiated. For undertakings requiring IHPA review, DMAIL will specify which agency is to be the lead agency in consultation with IHPA for the appropriate cultural resource compliance laws.

8. Undertakings associated with emergency activities shall proceed pursuant to Section 4(g) of the Act. An undertaking that is necessary to prevent an immediate and imminent threat to life or property shall by exempt from the requirements of this Act. Where possible, IHPA shall be consulted in the determination of the exemption. To the greatest extent possible, DMAIL shall informally consult with IHPA to take historic resources into account during emergency action. In all cases, DMAIL shall provide IHPA with a statement of the reasons for the exemption and stipulate what attempts were made to consider historic resources. IHPA shall have an opportunity to comment on the exemption and action taken. The statement and the comments shall be included in the review period of this Agreement as a guide to future actions.

9. General provisions.

A. The Agreement shall remain in effect for state fiscal years 2017-2022. At that time it shall be reviewed for possible modification and extension.

B. The Agreement may be modified or amended in whole or in part at any time during its term, provided IHPA and DMAIL mutually agree to modifications or amendments in writing.

C. If any portion of the Agreement is found to be invalid by a court of competent jurisdiction or is nullified by subsequent action of the General Assembly, the remaining parts of the Agreement shall remain in full force and effect.

D. The Agreement may be revoked by either party at any time provided 90 day notice is given to the other party. In such instance, the regular procedures for compliance in accordance with Title 17, Chapter 6, Section 4180 of the Illinois Administrative Code shall apply.

10. Execution of the Agreement and carrying out of its terms evidences DMAIL has initiated adequate procedures for compliance with the Illinois State Agency Historic Resources Preservation Act.

2/28/17

Illinois Department of Military Affairs
The Adjutant General

Date

DSHPO

1/9/17

Illinois Historic Preservation Agency
For Director

Date

APPENDIX A

Illinois Department of Military Affairs Historic Properties Surveyed as of May 2008.

01. Bloomington Armory
02. Camp Lincoln – Springfield
03. Champaign Armory
04. Calumet Avenue Armory - Chicago
05. General Richard L. Jones Armory - Chicago
06. Midway Airport Armory - Chicago
07. North Riverside Maintenance Center and Training Site - Chicago
08. Northwest Armory - Chicago
09. Danville Armory
10. Delavan Armory
11. Dixon Armory
12. East St. Louis Armory
13. Effingham Armory
14. Elgin Armory
15. Freeport Armory
16. Galesburg Armory
17. Galva Armory
18. Joliet Armory
19. Kewanee Armory
20. Lawrenceville Armory
21. Litchfield Armory
22. Macomb Armory
23. Mattoon Armory
24. Monmouth Armory
25. Paris Armory
26. Peoria Aviation Facility
27. Pontiac Armory
28. Rock Falls Armory
29. Sullivan Armory
30. Sycamore Armory
31. Urbana Armory
32. West Frankfort Armory

APPENDIX B

Illinois Department of Military Affairs Historic Structures Listed on or Eligible for Listing on The National Register of Historic Places

Structures listed on The National Register of Historic Places

Camp Lincoln Commissary – Springfield	1903

Structures Eligible for Listing on The National Register of Historic Places

01.	General Richard L. Jones Armory – Chicago	1931
02.	Midway Airport Armory – Chicago	1940
03.	Northwest Armory – Chicago	1940
04.	Dixon Armory	1938
05.	Effingham Armory	1958
06.	Elgin Armory	1938
07.	Kewanee Armory	1951
08.	Paris Armory	1954
09.	Sullivan Armory	1954
10.	Urbana Armory	1938

APPENDIX C

List of Illinois Department of Military Affairs Historic Structures **not subject** to Review and Comment Under the Act Due to Diminished Historical Integrity at the Time of Execution of the Subject Programmatic Inter-Agency Agreement.

This Appendix only includes DMAIL properties that were constructed on or before 1977. Any other DMAIL structure constructed after 1977 is also not subject to review and comment under the Act as stated in Section 5 of this agreement.

Structures subject to IHPA review and comment in the event of excessing or disposal of the property.

01.	Champaign Armory	1939
02.	Chicago - Calumet Avenue	1960
03.	Delavan Armory	1939
04.	Freeport Armory	1958
05.	Joliet Armory	1958
06.	Lawrenceville Armory	1939
07.	Litchfield Armory	1958
08.	Macomb Armory	1954
09.	Mattoon Armory	1956
10.	North Riverside Maintenance Center and Training Site	1949
11.	Peoria Armory, OMS & Army Aviation Support Facility	1947-48
12.	Pontiac Armory	1939
13.	Rock Falls Armory	1956
14.	Sycamore Armory	1938
15.	West Frankfort Armory	1958