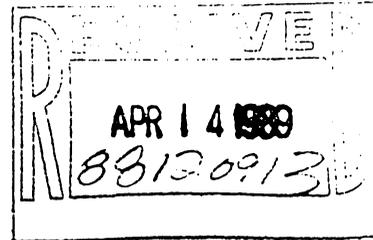


**Advisory
Council On
Historic
Preservation**



The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

APR 11 1989

Mr. Jay W. Miller
Division Administrator
Federal Highway Administration
320 West Washington Street, Room 700
Springfield, IL 62701

REF: Construction of FAP 413
Madison County, Illinois

Dear Mr. Miller:

The enclosed Programmatic Agreement for the referenced project has been accepted by the Council. This acceptance completes the requirements of Section 106 of the National Historic Preservation Act and the Council's regulations. A copy of the Agreement has also been sent to the Illinois State Historic Preservation Officer.

We appreciate your cooperation in reaching a satisfactory resolution of this matter.

Sincerely,

Don L. Klima
Director, Eastern Office
of Project Review

Enclosure

IHPA REVIEW

H/A _____
AC 2/15/89: Reviewed
AR file 4-19-89 AC
File MS DOT

PROGRAMMATIC AGREEMENT

AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE ILLINOIS STATE HISTORIC PRESERVATION AGENCY
FOR THE
FAP 413 PROJECT, MADISON COUNTY, ILLINOIS

WHEREAS, the Federal Highway Administration (FHWA) proposes to assist the Illinois Department of Transportation in the construction of the FAP 413 highway corridor in Madison County, Illinois, and

WHEREAS, the FHWA has determined that this project may have an effect upon properties potentially eligible for the National Register of Historic Places (NRHP) and has consulted with the Advisory Council on Historic Preservation (Council) and the Illinois State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing 106 of the National Historic Preservation Act (16 U.S.C. Section 470f);

NOW, THEREFORE, the FHWA, the Illinois SHPO, and the Council agree that the project shall be implemented in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibilities for the project.

Stipulations

The FHWA will ensure that the following measures are carried out:

I. ARCHAEOLOGICAL SURVEY

A) The FHWA shall ensure that an archaeological reconnaissance survey (Phase I) will be performed in all project areas not previously surveyed. The Phase I survey shall be conducted in consultation with the Illinois SHPO and a report of the survey shall be submitted to the Illinois SHPO for review and approval. An archaeological intensive survey (Phase II) will be performed at all historic properties within the project area to evaluate their National Register eligibility. Phase II testing methodologies shall be formulated in consultation with the Illinois SHPO. A report of the Phase II findings shall be submitted to the Illinois SHPO for review and approval.

B) The Phase I and Phase II surveys will be conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and taking into account the National Park Service publication The Archaeological Survey: Methods and Uses (1978) and the Illinois State Historic Preservation Office Guidelines for Archaeological Reconnaissance Surveys/Reports. The Phase I and Phase II investigations will be implemented by the FHWA and monitored by the Illinois SHPO.

C) In consultation with the Illinois SHPO, the FHWA, shall evaluate properties identified through the Phase II survey against the National Register criteria (36 CFR Part 60.4).

1. For those properties which the FHWA and the Illinois SHPO agree are not eligible for inclusion in the National Register, no further archaeological investigations will be required, and the proposed project may proceed in those areas.

2. If the survey results in the identification of properties that the FHWA and the Illinois SHPO agree are eligible for the National Register, such properties shall be treated in accordance with Part II below.

3. If the FHWA and the Illinois SHPO do not agree on National Register eligibility, or if the Council or the National Park Service so request, the FHWA shall request a formal determination of eligibility from the Keeper of the National Register, National Park Service, whose determination shall be final.

II. ARCHAEOLOGICAL DATA RECOVERY (Phase III)

A) Those sites which the FHWA and the Illinois SHPO agree are eligible for the National Register will be treated in the following manner:

1. The FHWA shall ensure that a data recovery plan addressing substantive research questions is developed in consultation with the Illinois SHPO for the recovery of relevant archaeological data. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties. It shall specify, at a minimum, the following:

0 the property, properties, or portions of properties where data recovery is to be carried out;

0 the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;

0 the methods to be used, with an explanation of their relevance to the research questions;

0 proposed methods of disseminating results of the work to the interested public; and

0 a proposed schedule for the submission of progress reports to the Illinois SHPO.

2. The data recovery plan shall be submitted by the FHWA to the Illinois SHPO for thirty (30) days review and approval. After approval, the FHWA shall then ensure that the data recovery plan is implemented. The Illinois SHPO shall monitor this implementation.

B) The FHWA shall ensure that the data recovery plan is carried out by or under the direct supervision of an archaeologist(s) who meets, at minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

C) The FHWA shall ensure that adequate laboratory time and space are available for analysis of osteological, cultural, and biological materials recovered from the excavations.

D) The FHWA shall ensure that an adequate program of site security from vandalism during data recovery is developed in consultation with the Illinois SHPO, and then implemented by the FHWA.

III. CURATION AND DISSEMINATION OF INFORMATION

A) In consultation with the Illinois SHPO, the FHWA shall ensure that all materials and records resulting from the data recovery conducted for the FAP 413 Project are curated at a repository within the state of Illinois and in accordance with 36 CFR Part 79. If human remains are recovered, the signatories to this Agreement shall consult further to determine the appropriate disposition of the remains.

B) The FHWA shall ensure that all final archaeological reports resulting from actions pursuant to this Agreement will be provided in a format acceptable to the Illinois SHPO, and to the National Park Service for possible peer review and submission to the National Technical Information Service (NTIS). The agency official shall ensure that all such reports are responsive to contemporary standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79). Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize archaeological sites.

IV. PROVISION FOR UNDETECTED ARCHAEOLOGICAL RESOURCES DISCOVERED DURING IMPLEMENTATION

In accordance with 36 CFR Section 800.11(a), if previously undetected archaeological resources are discovered during project activities, the FHWA will cease, or cause to stop, any activity having an effect on the resource and consult with the Illinois SHPO to determine if additional investigation is required. If further archaeological investigations are required any data recovery will be performed in accordance with Part II ARCHAEOLOGICAL DATA RECOVERY (PHASE III) and Part III CURATION AND DISSEMINATION OF INFORMATION of this Agreement. If both the FHWA and the Illinois SHPO determine that further investigation is not necessary, activities may resume with no further action required. Any disagreement between the FHWA and the Illinois SHPO concerning the need for further investigations will be handled pursuant to Part V. DISPUTE RESOLUTION of this Agreement.

Charles B



**Illinois Historic
Preservation Agency**

Old State Capitol • Springfield, Illinois 62701 • (217) 782-4836

217/785-4997

FAP 413 Programmatic Agreement

May 7, 1991

Mr. M. J. Macchio, Engineer of
Location and Environment
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Attention: Dr. John Walthall

Dear Mr. Macchio:

We understand that FAP 413 planning is now ongoing and that archaeological investigations may be initiated in the near future. As you know the FAP 413 Programmatic Agreement (PA), which was signed over two years ago, only sets out SHPO-IDOT interaction in general terms. We wish to clarify those general programmatic statements by raising more specific concerns at this time. These include a number of issues that have presented difficulties in compliance in the past.

1) Adequate deep testing programs and a consideration of buried sites along the proposed corridor are critical to a proper treatment of the cultural resources in the project area. This information is important to understanding the diachronic environmental setting and shifts in land use for area prehistory. We certainly want to see a discussion by all parties of multiple options when planning the mitigation of such buried resources.

2) FAP 413 borrow pit mitigation must be performed in accordance with the standards and guidelines outlined in the PA. Past compliance work in borrow-pit areas has been inadequately funded and monitored because of the ambiguity of its legal status. Regardless of Section 106 obligations such borrow pits clearly fall under the umbrella of the State Agency Historic Resources Preservation Act (Il. Rev. Stat. 1989, Ch. 127, para. 133c21 et seq.). If necessary the State 707 review process can be implemented to deal with these resources through Memorandum of Agreements or other means.



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Page 2

3) Future compliance work done on FAP 413 will require consistent dialogue and interaction between our office, the archaeological contractors and IDOT staff. Written documentation of all proposed testing and mitigation strategies and any agreed upon changes in those strategies will be necessary. Field meetings between the above parties to review the consistency of the work with the proposed research design will take place, at a minimum, once a month. IDOT will provide monthly reports to the SHPO outlining the status of field work.

As this programmatic develops we expect that future situations may dictate modifications of these requirements, however, at present we feel the implementation of these procedures will do much to document and clarify roles and responsibility as compliance work proceeds. If you have any questions concerning these matters please contact me at the above number.

Sincerely,

Thomas E. Emerson
Chief Archaeologist

TEE:bb

cc: FAP 413 Archaeological Contractors