

INTERAGENCY AGREEMENT
BETWEEN THE
ILLINOIS HISTORIC PRESERVATION AGENCY
AND THE
ILLINOIS DEPARTMENT OF AGRICULTURE
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 (Ill. Rev. Stat., ch. 127, pars. 133c21 et seq.) (the Act); and

WHEREAS, the Illinois Department of Agriculture (IDOA) is responsible for and participates in undertakings as that term is defined in paragraph 133c23, Section 3(f) of the Act; and

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 IDOA wishes to enter into an agreement to facilitate compliance by IDOA with the Act;

NOW, THEREFORE, IDOA and the IHPA concur that this agreement shall be administered in accordance with the following stipulations to satisfy IDOA's responsibilities under the Act.

STIPULATIONS

1. The laws of the State of Illinois administered by the Illinois Department of Agriculture listed in Exhibit A shall be exempt from IHPA review and comment. Actions defined as undertakings within the Act are not present within the current language of these laws and that no ground disturbing activities or structure modifications will occur under the provisions of these laws.

2. The laws determined by the IHPA to contain actions constituting undertakings requiring IHPA review and comment are as follows:

- a) State Fair Act (Ill. Rev. Stat., ch. 127, pars. 1701 et seq.)
Par. 1711 Plans for operations and buildings

IHPA will review and comment on the plans for operations of each State Fairgrounds and its facilities, specifically:

- A) evaluation of, maintenance of, and proposed razing of structures owned, operated, or administered by IDOA which are listed on, determined eligible for listing on, or meet any criteria for listing on the National Register of Historic Places (NRHP) in accordance with 36 CFR 60 of the National Historic Preservation Act of 1966, as amended;

B) new construction; and

C) long range building plan and program.

- b) Agricultural Fair Act (Ill. Rev. Stat., ch. 85, par 651 et seq.)
Par. 670 Use of appropriations – Restrictions Section 20

The IHPA will review and comment before improvements are made with funds from the Fair and Exposition Fund and the Agricultural Premium Fund for the construction and maintenance of auditoriums, exposition buildings, viewing stands, barns, sewers, parking lots, and other related structures and grounds determined by IHPA to be eligible, or potentially eligible, for listing on the NRHP.

- c) Illinois Fertilizer Act of 1961 (Ill. Rev. Stat., ch. 5, par. 55.1 et seq.)
Par. 55.18a Location and operation, Section 18 (a) and (e)

IHPA will review and comment on the construction of facilities where the area of new construction is greater than one (1) acre in size or in areas of known archaeological resources designed for the storage, distribution, and containment of anhydrous ammonia and commercial fertilizers and commercial pesticides.

- d) Production Agriculture Research Programs (Ill. Rev. Stat. ch. 5, par. 2551 et seq.)
Par. 2551, Section 3 Allocation of Funds

IHPA will be notified by IDOA when appropriated funds are allocated to the Colleges of Agriculture at Illinois State University, Southern Illinois University–Carbondale, the University of Illinois, and Western Illinois University for the purpose of improvement of facilities at the listed university's research farms and agricultural experiment stations.

- e) Illinois Conservation Enhancement Act (Ill. Rev. Stat., ch. 5, par. 2401-1, et seq.)

IHPA will review and comment on any lands placed under conservation easement in accordance with this act.

- f) Soil and Water Conservation District Act (Ill. Rev. Stat., ch. 5, par. 106 et seq.)

IHPA shall be notified by the IDOA of the following project types administered under the Illinois Soil Conservation Cost Share Program:

1. grass back and narrow ridge terrace systems within identified archaeological sites, and
2. broad based terrace systems.

Initial identification of archaeological sites will be the responsibility of Department of Agricultural or Soil Conservation Service personnel who conduct field inspections. If archaeological materials are present, this information will be submitted to IHPA on a standardized reporting form for determination of the site's eligibility for listing on the NRHP

The remaining project types including diversions, grassed waterways, grass back and narrow ridge terrace systems with no known archaeological resources, conservation tillage, contour farming, contour strip cropping, field border strips, field windbreaks, livestock exclusion, pasture and hay planting, critical area planting, and water control structures shall be considered to have no effect on historic properties and will not be reviewed by IHPA pursuant to the Act.

If archaeological materials are located during project activities, all activities affecting the resource shall halt until consultation with IHPA is conducted to determine if archaeological investigations will be required.

3. IDOA agrees to establish an internal undertaking reporting procedure, and to designate an interagency liaison. This liaison will forward the undertaking notifications required under Stipulation 2 to the IHPA for review and comment in a timely manner. This notification shall include project description, project location/address, project area map, and project contact person's name and address.

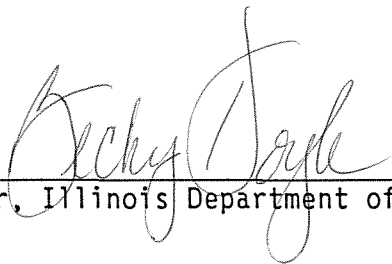
4. IHPA will review amendments to laws administered by IDOA listed in Stipulation 2 and Exhibit A to determine if amended, added, or deleted sections change the status of IHPA review. Amended or added sections requiring review and comment by the IHPA will be added by section number to the list of laws in Stipulation 2. Laws no longer requiring IHPA review and comment by reason of pertinent section deletion will be added to the list of laws exempt from IHPA review indicated in Exhibit A.

5. IHPA will review all future enacted laws administered by IDOA to determine if actions presented shall constitute undertakings as defined in the Act. Those laws determined to contain classes of actions defined as undertakings will be added to the list presented in Stipulation 2 requiring IHPA review. Those laws having no actions defined as undertakings will be added to the list in Exhibit A.

6. IDOA concurs that general operational and contracted low expenditure maintenance on IDOA's NRHP structures is the responsibility of IDOA. IHPA and IDOA agree these maintenance activities are considered undertakings under par. 133c23 section 3(f) of the Act. IHPA and IDOA agree to the following concerning IDOA's maintenance procedures:

- a) Maintenance on IDOA's non-NRHP structures is exempt from IHPA review and comment.
- b) Maintenance on IDOA's NRHP structures to include; electrical, heating/ventilation and air conditioning systems, plumbing, replacement in-kind of missing or damaged glass, window caulking, exterior and interior painting, and replacement in-kind of other material, will be exempt from IHPA review and comment.
- c) IDOA will keep a log of IHPA exempted maintenance undertakings which will be submitted to the IHPA on a semi-annual basis for review. Such a log shall include project descriptions and justification for IDOA's determination of exempt status.
- d) Review and comment by the IHPA of IDOA's maintenance activities not exempted in parts a and b of this stipulation.

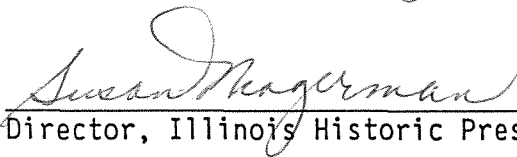
This AGREEMENT may be modified or amended in whole or in part by the mutual written consent of IDOA and IHPA. If any part of this Agreement is found to be invalid by a court of competent jurisdiction or by subsequent action of the General Assembly, the remaining parts of this AGREEMENT shall remain in full force and effect.



Director, Illinois Department of Agriculture



Date



Director, Illinois Historic Preservation Agency



Date