

INTERAGENCY AGREEMENT
BETWEEN THE ILLINOIS DEPARTMENT OF CONSERVATION
AND THE ILLINOIS HISTORIC PRESERVATION AGENCY

This Agreement between the Illinois Historic Preservation Agency and the Illinois Department of Conservation shall establish procedures for complying with the Illinois State Agency Historic Resources Preservation Act (State 707) (Ill. Rev. Stat. ch 127, par. 133c21 et seq.), the Human Grave Protection Act (HGPA) (Ill. Rev. Stat. ch 127, par. 2661 et seq.), and the Archaeological and Paleontological Resources Protection Act (APRPA) (Ill. Rev. Stat. ch. 127, par. 133c01 et seq.).

Section I.: Compliance with the State Agency Resources Preservation Act (707)

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 (State 707) (ILL. REV. STAT. ch. 127, par. 133c21 et seq.); and

WHEREAS, THE Illinois Department of Conservation (IDOC) is responsible for and participates in "undertakings" as that term is defined in Section 3(f) of the State 707).

WHEREAS, the Director of IHPA is authorized under Section 5(d)(3) of the State 707 to help facilitate State agency compliance with the Act; and

WHEREAS, the Director of IDOC wishes to enter into an agreement to facilitate compliance by IDOC with the State 707; and

WHEREAS, the IDOC has agreed to begin a comprehensive survey of lands managed by IDOC;

WHEREAS, IDOC must submit descriptions of undertakings with maps, photographs and addresses, as applicable, to IHPA for review and comment pursuant to Paragraph 4(a) of the State 707.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The classes of exempt undertakings listed below shall be considered to have no effect and need not be reviewed under the State 707.

2. IDOC has and will continue to have personnel qualified pursuant to the Archaeological and Paleontological Resources Preservation Act (Ill. Rev. Stat. ch. 127, par. 133c9) who shall be responsible for reviewing the undertakings permitted under this agreement to ensure whether those undertakings fit within the classes of exempt undertakings listed below. Such personnel shall ensure a review system is in place so that no undertakings exempted under this agreement shall damage, destroy, or disturb archaeological or paleontological resources protected under APRPA on lands under IDOC control or management.

3. IDOC will keep a record of such review in which the IDOC cultural resource coordinator made a determination that the undertaking was an exempted class of undertaking. This record shall be submitted to IHPA on a semi-annual basis. Such a record shall include project description with map and explanation of IDOC's determination that the project will have no effect and need not be reviewed under the State 707. This explanation shall include sufficient project description to justify its inclusion within a class of exempt undertaking.

4. It is understood that the attached classes of exempt undertakings shall not occur adjacent to or within previously known historic resources as defined by the State 707 including historic districts, historic sites, and archaeological resources.

5. It is understood that the attached classes of exempt undertakings shall not occur adjacent to or within any known human burial site or grave marker as defined pursuant to the Human Grave Protection Act (Ill. Rev. Stat. ch. 127, par. 2661 et seq.).

6. If during construction of any IDOC managed project, if any historic resources are discovered, IDOC agrees that construction activities that would affect the historic resource shall be discontinued until consultation with the IHPA pursuant to the State 707 is completed. IDOC shall establish an internal system of notification between land managers and the cultural resource coordinator to ensure prompt notification of discovery of historic resources. Notification to IHPA shall be within 72 hours of discovery and shall be the responsibility of the IDOC cultural resources coordinator.

7. If during construction of any Capital Development Board managed project, any historic resources are discovered, IDOC shall notify the personnel conducting the construction activities of their responsibility to report the discovery to the CDB project manager. IDOC shall also notify IHPA of this discovery within 72 hours.

8. Appendix A (attached) is a list of IDOC managed properties considered to be archaeologically sensitive and therefore, shall be treated in accordance with procedures pursuant to Section 4(a) of the State 707 when undertakings are proposed within these areas. These properties shall be the focus of comprehensive surveys conducted by IDOC to identify and evaluate historic properties as stipulated in Section IV. of this Agreement.

9. Appendix B, attached, is a list of the remaining properties managed by IDOC. Within twelve (12) months from the date of signing of this Agreement, IDOC shall provide to IHPA maps defining archaeologically sensitive areas within these properties.

10. As lands are acquired by IDOC, IHPA and IDOC will determine through consultation whether these properties will be amended to Appendix A or Appendix B.

Section II. Compliance with the Archaeological and Paleontological Resources Protection Act

WHEREAS, the Illinois Historic Preservation Agency (IHPA) has been designated to implement the Archaeological and Paleontological Resources Protection Act (APRPA) (ILL. REV. STAT. ch. 127, par. 133c.01 et seq.); and

WHEREAS, the IHPA is authorized to issue permits for the exploration or excavation of archaeological and paleontological resources located on State of Illinois owned lands managed by the Illinois Department of Conservation under Section 6 (a) of the APRPA; and

WHEREAS, the Director of the Illinois Department of Conservation wishes to enter into an agreement to facilitate compliance by IDOC with APRPA;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. This Agreement shall be a general permit to conduct archaeological and paleontological investigations on State of Illinois owned lands managed by IDOC in lieu of the issuance of individual permits when the project is being reviewed by the IHPA pursuant to the State Agency Historic Resources Preservation Act.
2. This Agreement in no way negates the responsibility of the IDOC to comply with the State Agency Historic Resources Preservation Act (ILL. REV. STAT. ch. 127, par. 133c21 et seq.), the Human Grave Protection Act (ILL. REV. STAT. ch. 127, par. 2661 et seq.), the non-permit aspects of APRPA, and any or all applicable historic resource protection laws.
3. IDOC has and will continue to have personnel qualified to ensure implementation of the APRPA pursuant to Section 9 of the APRPA.

Section III. Compliance with the Human Grave Protection Act

WHEREAS, the Illinois Historic Preservation Agency (IHPA) has been designated to implement the Human Grave Protection Act (HGPA) (Ill. Rev. Stat. ch. 127, par. 2661 et seq.); and

WHEREAS, the IHPA is authorized to issue permits for the exploration or excavation of human graves and grave markers located on lands managed by the Illinois Department of Conservation under Section IV of the HGPA; and

WHEREAS, the Director of the Illinois Department of Conservation wishes to enter into an agreement to facilitate compliance by IDOC with the HGPA;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The IDOC shall provide an inventory of all known human burial sites located on lands managed by the IDOC with completed Illinois Burial Site Inventory Forms in conjunction with the IDOC Lands archaeological surveys mandated pursuant to Section IV of this Agreement.

2. IDOC shall complete Illinois Burial Site Inventory forms for all known prehistoric and historic burial areas within lands managed by IDOC in a timely manner through consultation with the IHPA.

3. This Agreement shall be a general permit to conduct archaeological investigations on human burial sites on property managed by IDOC in lieu of the issuance of individual permits when the project is being reviewed by the IHPA pursuant to the State Agency Historic Resources Preservation Act. This is no way exempts IDOC from compliance with non-permit aspects of the HGPA.

4. The IDOC shall notify the IHPA as required pursuant to the Human Grave Protection Act of any vandalism, looting and desecration of human burial sites and grave markers occurring on IDOC lands.

5. The IDOC shall consult with IHPA concerning land management issues which are or will affect a human burial site or grave marker. If necessary, the IDOC shall submit information sufficient to receive a permit to resolve the land management issues.

Section IV: Comprehensive Surveys of IDOC Properties

WHEREAS, the IDOC is charged with administering the historic resources under their control by Section 1 of the State Agency Historic Resources Preservation Act (Ill. Rev. Stat. ch. 127, par. 133c21);

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Each state fiscal year IDOC will conduct comprehensive archaeological reconnaissance surveys and National Register evaluations of lands managed by them on a scheduled basis in consultation with the IHPA.

a) Criteria for selecting IDOC lands to be comprehensively surveyed shall include, but not limited to,

1) previously identified archaeological sites within properties which are eligible or potentially eligible for the National Register of Historic Places;

2) property has a high potential for prehistoric and/or historic sites based on environmental considerations; and

3) properties which have been planned for extensive development.

b) Proposals to conduct comprehensive archaeological surveys shall be submitted to IHPA for review and comment.

c) All work will be conducted according to the Illinois Historic Preservation Agency Phase I archaeological reconnaissance survey guidelines.

d) Upon completion of the survey, a draft report will be submitted to the IHPA for review and comment.

- e) After taking into account IHPA's comments, IDOC shall submit a final report with maps, site forms and National register forms to IHPA.
- f) After submission and acceptance of final report, IDOC and IHPA shall consult on the eligibility or potential eligibility of identified sites. Those sites determined eligible for the National Register shall have National Register forms completed and submitted to IHPA.
- g) Modification of Appendix A shall be made as the comprehensive surveys are conducted to determine areas of low archaeological potential within those properties surveyed. As these areas are identified, the classes of exempt undertakings considered to have no effect listed in Section I of this Agreement shall apply.

2. Within six (6) months of ratification of this agreement, IDOC will develop a plan for an architectural survey of buildings and structures under its management, including establishment of a building and structures survey report format containing the required information below. The first priority will be those buildings and structures scheduled for capital improvements in state fiscal year 1992. The second priority will be those buildings and structures scheduled for capital improvements in state fiscal years 1993-97.

The architectural survey shall include, at a minimum, the following information:

- a) good, current photographs of all facades of each building 40 years old or older at the property
- b) date of construction of each building;
- c) dates and description of all previous structural modifications of each building;
- d) original and current use of each building; and
- e) any known historic or architectural significance associated with each building.
- f) project address with map locating structures

Completed survey reports will be submitted to IHPA for review. IHPA will determine the eligibility for listing on the National Register of Historic Places (NRHP) of all surveyed buildings and structures.

Undertakings on IDOC's buildings and structures considered eligible for listing on the NRHP will require project documentation submitted to IHPA for review to ensure compliance with the Secretary of Interior's Standards and Guidelines for the Rehabilitation of Historic Buildings. Undertakings on IDOC's buildings and structures considered ineligible for NRHP listing will be exempt from IHPA review and comment.

Section V. General Provisions

This Agreement may be modified or amended in whole or in part by the mutual written consent of IHPA and IDOC. 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.

If IDOC does not have personnel qualified pursuant to the Archaeological and Paleontological Resources Preservation Act (Ill. Rev. Stat. ch. 127, par. 133c9) to conduct the cultural resource compliance required by this Agreement, the Agreement shall be considered null and void.

Mark French

Director, Illinois Department of Conservation

4/3/91

Date

Susan Magruman

Director, Illinois Historic Preservation Agency

4-5-91

Date

Appendix A

Archaeologically Sensitive Properties

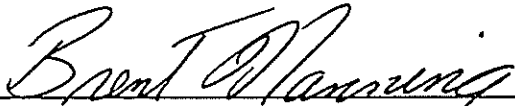
1. Pere Marquette State Park
2. Starved Rock State Park
3. Pike County Conservation Area
4. Horseshoe Lake (Alexander County)
5. Horseshoe Lake (Madison County)
6. Giant City State Park

AMENDMENT TO INTERAGENCY AGREEMENT

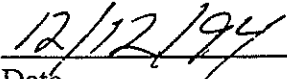
Pursuant to Section V (General Provisions) of the 1991 Interagency Agreement between the Illinois Department of Conservation and the Illinois Historic Preservation Agency concerning the implementation of the Illinois State Agency Historic Preservation Act (20 ILCS 3420, 1992), it is mutually agreed that the following modifications will be implemented.

Section I. Class of Exempt Undertakings

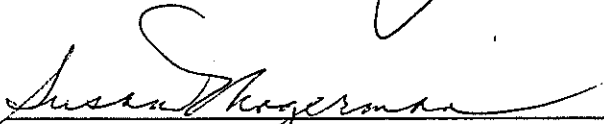
1. Size of exemptions is upgraded from 2.5 acres to 5 acres.
3. Width of road widening is upgraded from one to three meters.



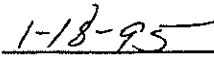
Director, Illinois Department of Conservation



Date



Director, Illinois Historic Preservation Agency



Date