MEMORANDUM OF AGREEMENT
BETWEEN THE ROCK ISLAND DISTRICT CORPS OF ENGINEERS AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE PROPOSED MODIFICATIONS TO THE ILLINOIS
WATERWAY PROJECT OFFICE IN PEORIA, ILLINOIS

WHEREAS, the U.S. Army Corps of Engineers, Rock Island District ("District") proposes to construct modifications to several of the structures at the Illinois Waterway Project Office (IWPO) to create additional flat storage space and a breakwater structure; and

WHEREAS, the undertaking consists of filling in the Marine ways and a portion of the boat harbor structures within the IWPO footprint, and construction of a breakwater dike extending from the southeastern most corner of the boat harbor into the Illinois River; and

WHEREAS, the District, in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16USC470), has defined the Area of Potential Effect (APE) for the project as the footprint of the IWPO and adjacent breakwater structure footprint; and

WHEREAS, the District has applied the criteria of adverse effect in 36 CFR 800.5(d)(2) and determined that the proposed modifications to the Marine way and boat harbor may have an adverse effect on the IWPO which is included in the Illinois Waterway Navigation System Facilities multiple property National Register of Historic Places (NRHP) listing; and

WHEREAS, the Illinois Historic Preservation Agency ("IHPA") was afforded the opportunity to participate in and comment upon this proceeding to ensure that historic properties affected by the construction are taken into account; and

WHEREAS, the Corps has notified the Advisory Council on Historic Preservation ("Council") of its finding of adverse effects pursuant to 36 CFT 800.6(a)(1) and the Council has chosen not to participate in the consultation.

NOW, THEREFORE, the Corps and the IHPA agree that the undertaking shall be implemented in accordance with the following stipulations in order to account for the adverse effects of the undertaking on the IWPO and that these measures shall constitute full and adequate mitigation measures under the National Historic Preservation Act.

I. STIPULATIONS

The District shall ensure that the following measures are carried out prior to rehabilitation / construction activities:

A. Completion of a historic context report for the IWPO. Execution of this stipulation will consist of the following:

   a. The report shall include a discussion of the Marine ways and the Boat Harbor in their historic context

   b. A discussion of the replacement of Derrick Boat No. 3, The Pekin, and The Atlas.

   c. A series of detailed, color photographs of the Marine ways and the Boat Harbor structures to document the current condition.

   d. The IHPA shall review and accept the 90% submittal of the historic context report

   e. Upon completion and acceptance of the report two standard and two gold archival Compact Disk of the report shall be submitted. One copy of each shall be submitted to the IHPA.

   f. No demolition or construction of Marine way or Boat Harbor shall be undertaken until the 90% historic context report has been accepted in writing by the IHPA

B. Independently, but in concert with the proposed modifications to the Marine ways and Boat Harbor, the roof on Garage No. 303 located at the IWPO shall be replaced following the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

   a. Replace existing system with an in kind model to reflect the current facilities characteristics. Replace the membrane system with a similar looking and aspect system with modern materials to witness extended wearing life. Provide tie down system and pressure relief capabilities to reduce uplift force and potential for dramatic failure. Re-paint wood vehicle door headers and concrete barrier systems to existing colors.

II. **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, the Corps may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation IV below.

III. **DISPUTE RESOLUTION**

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Corps shall consult with such party to resolve the objection. If the Corps determines that such objection cannot be resolved, the Corps will:

A. Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the Advisory Council on Historic Preservation (ACHP). The ACHP shall provide the Corps with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The Corps' responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

IV. 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.

V. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation IV, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the Corps must either (a) execute an MOA pursuant to 26 CFR § 800.6 or (b) request, take into account and respond to the comments of the ACHP under 36 CFR § 800.7. The Corps shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Corps and SHPO and implementation of its terms evidence that SCWO 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, Rock Island District

FOR _____ Date 04 OCT 12

Mark J. Deschenes
Colonel, US Army
Commander and District Engineer

Illinois State Historic Preservation Officer

_____ Date Oct. 16, 2012

Ms. Anne Haaker
Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency