

**MEMORANDUM OF AGREEMENT  
BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS, ROCK ISLAND  
DISTRICT  
AND THE  
ILLINOIS STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE  
SUGAR CREEK WIND ONE LLC WIND FARM  
LOCATED NEAR LINCOLN AND NEW HOLLAND,  
LOGAN COUNTY, ILLINOIS**

**WHEREAS** the United States Army Corps of Engineers, Rock Island District (Corps) has consulted with the Illinois Historic Preservation Agency (IHPA) concerning the issuance of a permit to the Sugar Creek Wind One LLC (SCWO) for the construction of a wind farm near Lincoln and New Holland, Illinois, in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) [the Act]; and

**WHEREAS**, the Corps has defined the undertaking's area of potential effect (APE) as the Permit Area; and

**WHEREAS**, the IHPA and the Corps concur the proposed undertaking will adversely effect the property located at 1492 600<sup>th</sup> Avenue in Logan County, Illinois, which is considered eligible for listing in the National Register of Historic Places; and

**WHEREAS**, no other properties of historic, architectural or archaeological significance exist within the project area, nor are human remains likely to be encountered; and

**WHEREAS**, the Corps has consulted with SCWO regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a concurring party, and

**WHEREAS**, all parties mutually agree that there is no prudent or feasible alternative to the project as originally proposed, and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), the Corps has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36CFR§ 800.6(a)(1)(iii); and

**NOW, THEREFORE**, the Corps and the Illinois SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

### I. TERMS

- A. The Corps shall ensure that issuance of Permit No. CEMVR-OD-P-2010-364 to SCWO is withheld until this Memorandum of Agreement (MOA) has been executed by all signatories.
- B. The house at 1492 600<sup>th</sup> Avenue in Logan County shall be documented in accordance with the Illinois Historic American Buildings Survey Standards (IL HABS).
- C. Level III documentation shall be prepared by the applicant.
- D. Sketch plans, drawn in computer assisted drafting (CAD) format shall be produced on archivally stable Mylar sheets unless original plans are available, then these shall be reproduced on Mylar sheets.
- E. Digital photographs that meet the National Park Service standards for the National Register of Historic Places shall be taken of the structure, including structure site, exterior elevations, and distinctive features.
- F. Written historic narrative of the structure and a written architectural description of the structure using the IL HABS designated outline format shall be completed.
- G. The SCWO will award the recordation contract to the consultant of its choice, provided the consultant is qualified to perform the work and agrees to meet IL HABS Standards and guidelines
- H. IHPA will review the draft photos and field notes and accept or reject documentation and SCWO will deliver one archival copy and one copy on a gold computer disc to IHPA and a local repository if so requested.
- I. Upon IHPA's written acceptance of the draft IL HABS documentation, SCWO may commence construction activities of the wind farm around the structure.

### 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.

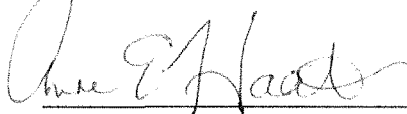
Execution of this MOA by the Corps and SHPO and implementation of its terms evidence that SCWO has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

United States Army Corps of Engineers, Rock Island District


  
\_\_\_\_\_ Date 7 MAR 11  
Shawn P. McGinley  
Colonel, US Army  
Commander and District Engineer

Illinois State Historic Preservation Officer

  
\_\_\_\_\_ Date March 21, 2011  
Ms. Anne Haaker  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency

**CONCURRING PARTIES:**

Sugar Creek Wind One, LLC

  
\_\_\_\_\_ Date  
Mr. Andreas Knauer  
Sugar Creek Wind One, LLC