MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS
ROCK ISLAND DISTRICT, THE METROPOLITAN WATER AND RECLAMATION DISTRICT OF GREATER CHICAGO, AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING THE LOCKPORT POOL REHABILITATION
Amendment Number 1

WHEREAS the Rock Island District (District) of the U. S. Army Corps of Engineers and the Metropolitan Water and Reclamation District of Greater Chicago (MWRDGC) propose rehabilitation (maintenance and repairs) of the Chicago Sanitary and Ship Canal (CSSC) portion of the Illinois Waterway (IWW) between River Miles (RM) 290.0 and 321.7 in Cook, DuPage, and Will Counties, Illinois pursuant to Section 107 of Public Law 97-88 and 97-377 for the operation and maintenance of the CSSC; and

WHEREAS, the undertaking consists of removing right descending CSSC embankment monolith walls (IWW RM 291-291.3) within the Lockport hydro-electric facility forebay wall and replacing that with a Roller compacted concrete (RCC) dam with rip-rap embankment. These alterations constitute an Adverse Effect to the National Register of Historic Places (NRHP) eligible CSSC.

WHEREAS, the District has identified the right descending CSSC embankment monolith walls (IWW RM 291-291.3) within the Lockport hydro-electric facility forebay wall; and

WHEREAS, the District has determined that the undertaking may have an adverse effect on the NRHP-eligible CSSC and has consulted with the Illinois State Historic Preservation Officer (SHPO); the MWRDGC, the Menominee Tribe of Wisconsin; the Sac and Fox Tribe of the Mississippi in Iowa; and over 140 other interested parties pursuant to 36 CFR part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

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

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the District 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 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the District 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.

I. ADDENDED STIPULATIONS

In compliance with **VI. AMENDMENTS** of the executed *Memorandum of Agreement between the United States Army Corps of Engineers Mississippi River Valley Rock Island District, the Metropolitan Water and Reclamation District of Greater Chicago, and the Illinois State Historic Preservation Officer Regarding the Lockport Pool Rehabilitation* the District shall ensure that the following measures are carried out prior to rehabilitation/construction activities:

A. Completion of Illinois Level I Historic American Engineering documentation of the CSSC Channel Extension (IWW RM 291.1 to 291.3) with a documentary Level III report of the using *The Illinois Historic Preservation Guidance Standards and Guidance for Historical, Architectural, and Engineering Documentation: Illinois HABS/HAER Standards* (January 1999). Execution of this stipulation will consist of the following:

1) Five 4x5 negative and five 5x7 print photography of the right descending CSSC embankment monolith walls (IWW RM 291-291.3) within the Lockport hydro-electric facility forebay.
2) Five 4x5 negative and one 5x7 print photography, of the Lockport hydro-electric facility concrete Art Deco cinder building.
3) Two 4x5 negative and one 5x7 print photography of the monument consisting of S. Morgan Smith vertical turbine impeller on access road to Lockport Powerhouse paralleling the canal. According to the plaque on the base, the monument was erected by the canal's Board of Commissioners to honor the MWRDGC preservation of the environment through the generation of hydro-electric power.
4) Five 4x5 negative and one 5x7 print photography of the rough ashlar limestone wall along the exterior side of the access road to Lockport Powerhouse paralleling the canal.
5) The site plan will be presented on 8.5x11 archival bond paper.
6) One sketch drawing of the dam and one sketch drawing of the associated bridge abutments. CAD or suitable substitutions are acceptable in place of sketch drawings.
7) One map depicting details of the site and general area, showing the locations of the photographer and direction of each photograph.
8) The District will award the IL HABS photography project to a consultant of its choice, provided the consultant is qualified to perform the work and agrees to meet IL HABS/HAER Standards.
9) The IHPA will review the required IL HABS/HAER photography submittals, and accept or reject the 100 percent submittal in accordance with IL HABS/HAER Standards.
10) After IHPA acceptance, completed IL HABS/HAER photography will be deposited within the archives section of the Illinois State Historical Library.

The IHPA requires one standard and one gold archival Compact Disk of accepted documentation.

11) No demolition of the right descending CSSC embankment monolith walls (IWW RM 291-291.3) will be undertaken until the final Level III IL HABS/HAER photography is accepted in writing by the IHPA.

B. The Tower House of the CSSC Controlling Works located at IWW RM 168.3 will be restored following The Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. This restoration will include:

1) using new brick on the exterior to match the existing exterior restoration of the Controlling Works Piers L through R. The new brick shall not be replaced in those areas of the structure walls where the sheet metal addition is present; and

2) opening all "bricked in" windows and infill of the windows with the exact type and kind of glass blocks used elsewhere on the building.

VIII. SIGNATORIES AND CONCURRING PARTY

United States Army Corps of Engineers, Rock Island District

Shawn P. McGinley, as Rock Island District Signatory
Colonel, US Army Mark Deschenes
Commander & District Engineer

9-7-12
Date

State of Illinois

Anne Haaker, as Illinois Deputy SHPO Signatory
Illinois Historic Preservation Agency

9.17.12
Date

Metropolitan Water and Reclamation District of Greater Chicago

David St. Pierre, as MWRDGC Concurring Party
Executive Director

8/17/12
Date

Approved as to form and legality:

Ronald M. Hill, as General Counsel for MWRDGC

SM

8/17/12
Date

IN WITNESS WHEREOF, on the day and year first above written, the parties hereto have caused these presents, including Riders and Exhibits, if any, to be duly executed, duly attested and their corporate seals to be hereunto affixed.

THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

By:_____
Cynthia Santos
Chairman, Committee on Finance

ATTEST:

_____
Jacqueline Torres, Clerk

(PERMITTEE'S NAME)

By:_____

Title:_____

ATTEST:

By:_____

Title:_____

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, Brenda F. Holmes, Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Cynthia M. Santos, personally known to me to be the Chairman of the Committee on Finance of the Metropolitan Water Reclamation District of Greater Chicago, a municipal corporation, and Jacqueline Torres, personally known to me to be the Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as said Chairman of the Committee on Finance and said Clerk duly executed said instrument in behalf of the Metropolitan Water Reclamation District of Greater Chicago and caused the corporate seal to be affixed thereto pursuant to the authority given by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago, as their free and voluntary act and as the free and voluntary act and deed of the Metropolitan Water Reclamation District of Greater Chicago, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 27th day of August, A.D. 2013.

Brenda F. Holmes
Notary Public

My commission expires:

3/30, 2014.

OFFICIAL SEAL
BRENDA F HOLMES
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:03/30/14