# ILLINOIS PROTOTYPE PROGRAMMATIC AGREEMENT BETWEEN THE US DEPARTMENT OF AGRICULTURE, ILLINOIS NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE, AND ILLINOIS STATE HISTORIC PRESERVATION OFFICER, REGARDING CONSERVATION ASSISTANCE

**WHEREAS,** the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

**WHEREAS,** NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs), and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part 800.10; and

**WHEREAS**, NRCS has determined that the requirement to take into account the effects to historic properties of its undertakings may be more effectively and efficiently fulfilled through the use of a Prototype Programmatic Agreement (Prototype Agreement); and

**WHEREAS**, the NRCS Illinois State Office has consulted with the Illinois State Historic Preservation Officer (SHPO) and followed the instructions in the Advisory Council for Historic Preservation (ACHP) letter that accompanied the Prototype Agreement, dated November 21, 2014; and

**WHEREAS**, NRCS also is responsible for fulfilling the requirements of the National Environmental Policy Act (NEPA), including the use of categorical exclusions, and coordinating NEPA and Section 106 reviews, as appropriate; and

**WHEREAS,** NRCS developed this Prototype Agreement in consultation with the National

Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes (Tribes), Native Hawaiian organizations (NHOs), interested historic preservation organizations, (such as the National Trust for Historic Preservation), and the Advisory Council on Historic Preservation (ACHP); and

**WHEREAS**, in accordance with 36 CFR Part 800.14(b)(4), the ACHP has designated this agreement as a Prototype Agreement, which allows for the development and execution of subsequent prototype agreements by individual NRCS State Office(s) (Illinois Prototype Agreements) to evidence compliance with Section 106; and

**WHEREAS**, this Illinois Prototype Agreement conforms to the NRCS Prototype Agreement as designated by the ACHP on November 21, 2014, and therefore, does not require the participation or signature of the ACHP when the NRCS State Office and the SHPO agree to the terms of the Illinois Prototype Agreement; and

**WHEREAS**, this Prototype Agreement replaces the 2002 nationwide "Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers relative to Conservation Assistance," as amended in 2011 and 2012, which expired on November 20, 2014; and

**WHEREAS**, the NRCS State Conservationist is the responsible federal agency official within the state for all provisions of Section 106, including consultation with the SHPO, NHOs, and government-to government consultation with Indian tribes to negotiate the Illinois Prototype Agreement; and

**WHEREAS**, the Illinois Prototype Agreement does not apply to undertakings occurring on or affecting historic properties on Tribal lands, as defined by 54 U.S.C. 300319 of the NHPA, without prior agreement and execution of an Illinois Prototype Agreement with the concerned Indian tribe; and

**WHEREAS**, the NRCS has consulted with the Illinois SHPO to enter into this Illinois Prototype Agreement as a signatory party; and

**WHEREAS**, the NRCS has consulted with Indian tribe(s) and NHOs and has invited Indian tribe(s) and NHOs to enter into Illinois Prototype Agreements as a signatory, invited signatory, or concurring party; and

**WHEREAS**, this Prototype Agreement does not modify the NRCS's responsibilities to consult with Indian tribes and NHOs on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe or NHO, and recognizes that historic properties of religious and cultural significance to an Indian tribe or NHO may be located on ancestral homelands or on officially ceded lands near or far from current settlements; and

**WHEREAS**, when NRCS conducts individual Section 106 reviews for undertakings under this Illinois Prototype Agreement, it shall identify and invite other agencies, organizations, and individuals to participate as consulting parties; and

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

## STIPULATIONS

NRCS shall ensure that the following stipulations are met and carried out:

### I. Applicability.

a. Once executed by the NRCS and the Illinois SHPO, this Illinois Prototype Agreement sets forth the review process for all NRCS undertakings subject to Section 106 in Illinois.
b. Execution of this Illinois Prototype Agreement supersedes any existing State Level Agreement with Illinois SHPO executed under the previous NRCS nationwide Programmatic Agreement, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).
c. This Illinois Prototype Agreement applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).
d. This Illinois Prototype Agreement applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the Illinois NRCS State Office.

### II. Roles and Professional Qualifications.

a. The NRCS Illinois State Conservationist is responsible for oversight of its performance under this Illinois Prototype Agreement.
b. NRCS Illinois shall ensure all NRCS staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Illinois State senior historic preservation professional staff member (the Cultural Resources Specialist (CRS), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, NHOs, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effect (APE).
c. The Illinois State Conservationist is responsible for consultation with the Illinois SHPO, to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another federal agency.

d. The NRCS Illinois CRS shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO and Indian tribes, and discussions with the landowner. The CRS shall monitor and oversee the work and reporting of all NRCS field office personnel and professional service consultants. The CRS shall also assist the State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a).
e. NRCS field office personnel involved in implementing this Illinois Prototype Agreement, after completion of NRCS' web, classroom, and field awareness training acquired through USDA's AgLearn training site, shall work with the CRS, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).
f. The CRS in Illinois shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). The NRCS may use professional service contractors or consultants or partners to assist with cultural resources compliance studies. NRCS shall ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards.
g. NRCS remains responsible for all consultation with the SHPO, Indian tribes and Tribal Historic Preservation Officers (THPOs), and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional services consultants or to producers/applicants for conservation assistance.
h. In accordance with Section 1242 of the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002, PL 107-171, since 2003 some NRCS funded undertakings will be planned and designed by private contractors, called Technical Service Providers (TSPs). The responsibility for determining the effect these projects will have on cultural resources will remain with NRCS. Each project will be reviewed in the same manner that NRCS planned and designed undertakings are reviewed according to the terms of this agreement.
i. Illinois SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by NRCS Illinois shall consult and provide a response to NRCS within 30 calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.
j. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this agreement, as appropriate.

**III. Training.**

a. NRCS shall require personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training modules and the ACHP's Section 106 *Essentials* webinar for NRCS employees.
b. NRCS shall require the CRS and/or other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS Federal Preservation Officer (FPO). Training must be completed within the first calendar year after execution of this Illinois Prototype Agreement. NRCS personnel shall review and update training

completion with their supervisors and include their training in their Individual Development Plans.
c. NRCS may invite the SHPO staff to participate in presentations at agency classroom or field trainings.
d. NRCS shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

**IV. Lead Federal Agency.**

a. Regarding any undertaking for which the NRCS is the lead federal agency for Section 106 purposes per 36 CFR Part 800.2(a) (2), NRCS staff shall follow the terms of this Illinois Prototype Agreement. NRCS shall notify the SHPO of its involvement in the undertaking and the involvement of the other federal agencies.
b. For any undertaking for which the NRCS is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this Illinois Prototype Agreement shall not apply to that undertaking. If the lead federal agency agrees, NRCS may follow the approved alternative procedures in place for that agency.

**V. Review Procedures.**

a. In consultation with the Illinois SHPO, NRCS shall identify those undertakings with little to no potential to affect historic properties and list those undertakings in Appendix A. Upon the determination by the CRS that a proposed undertaking is included in Appendix A, the NRCS is not required to consult further with the SHPO for that undertaking. A list of undertakings with the potential to affect historic properties comprises Appendix B.
b. The lists of undertakings provided in Appendices A and B may be modified through consultation and written agreement between the NRCS State Conservationist and the SHPO without requiring an amendment to this Illinois Prototype Agreement. The NRCS State Office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale for classifying the practices accordingly.
c. Undertakings identified in Appendix B shall require further review as outlined in Stipulation V. a. The NRCS shall consult with the SHPO to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to implementing the undertaking.

1. NRCS may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.
2. The NRCS shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.
3. Where the NRCS proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO shall have 30 calendar days from receipt of this documented description and information to review it and provide comments. The NRCS shall take into account all timely comments.

i. If the SHPO, or another consulting party, disagrees with NRCS' findings and/or

determination, it shall notify the NRCS within the thirty (30) calendar day time period. The NRCS shall consult with the SHPO or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS shall follow the dispute resolution process in Stipulation VIII below.

ii. If the SHPO does not respond to the NRCS within the thirty (30) calendar day period and/or the NRCS receives no objections from other consulting parties, or if the SHPO concurs with the NRCS' determination and proposed actions to avoid adverse effects, the NRCS shall document the concurrence/lack of response within the review time noted above, and may move forward with the undertaking.

4. Where a proposed undertaking may adversely affect historic properties, NRCS shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects. Should the proposed undertaking have the potential to adversely affect a known NHL, the NRCS shall, to the maximum extent possible, undertake such planning and actions that may be necessary to minimize harm to the NHL in accordance with 54 U.S.C. 306107 of the NHPA and 36 CFR Part 800.6 and 800.10, including consultation with the ACHP and respective National Park Service, Regional National Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

d. NRCS will conduct archaeological surveys and will submit reports, to include Archaeological Survey Short Report (ASSR) forms and other documentation, to SHPO for review and comment. When no archaeological sites have been located by the archaeological survey, NRCS may proceed with the proposed undertaking. Reports for negative surveys must be submitted to SHPO on a quarterly basis. All positive and negative reports submitted to SHPO, will include two (2) hard copies and one (1) compact disc (CD) for submission to the Inventory of Illinois Archaeological Sites (IIAS) data file maintained by staff at the Illinois State Museum (ISM) housed under the Illinois Department of Natural Resources (IDNR).The NRCS further agrees that access to specific site location data will be restricted to the CRS, the NRCS field personnel installing conservation practices adjacent to the cultural resource, and the landowner. Specific site location information for individual projects will be maintained in a secure cultural resources file kept in the field offices and will not be available to the public.

e. Curation: NRCS personnel will not collect artifactual material during routine field inspections. However, if a professional survey, evaluation testing, or mitigation is required, NRCS shall ensure that all materials and records resulting from cultural resources surveys or data recovery activities on federal or state property are curated by the Illinois State Museum. The NRCS shall ensure that all records resulting from cultural resource surveys or data recovery activities on private property are curated by the Illinois State Museum or an equivalent curation facility in accordance with 36 CFR Part 79. Subject to the landowner's permission, all objects resulting from cultural resources surveys or data recovery activities are maintained by the Illinois State Museum or equivalent research institution until their analysis is complete and they are returned to their owner(s). Although landowners will be encouraged to donate artifactual material, it is understood that objects collected on private land remain the property of the landowner(s) unless the landowner(s) donates the material to the Illinois State Museum or equivalent research institution.

**VI. Emergency and Disaster Management Procedures (Response to Emergencies).**

a. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS'

Emergency Watershed Protection (EWP) Program regarding immediate threat to life and property requiring response within 5 days) in consultation with the SHPO. These procedures are provided in Appendix C.

**VII. Post-review Discoveries of Cultural Resources or Historic Properties and Unanticipated Effects to Historic Properties.**

a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS shall consult to seek avoidance or minimization strategies in consultation with the SHPO, to resolve adverse effects in accordance with 36 CFR Part 800.6.

b. The NRCS shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance, or their contractor, shall cease construction and immediately notify the NRCS State Conservationist's Office, CRS, supervisory NRCS personnel for the area, and the landowner/applicant.

1. NRCS CRS shall inspect the discovery and, in consultation with the local NRCS official (field office supervisor or Area Conservationist), concerned Indian tribes, the SHPO, the NRCS State engineering or program supervisor, as appropriate), the landowner/producer (whomever NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal or cultural resources experts in addition to the CRS.
2. All NRCS contact with media shall occur only under the direction of the NRCS Public Affairs Officer, as appropriate, and the State Conservationist.
3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.
4. NRCS CRS shall notify the SHPO and the ACHP after the discovery and describe NRCS' assessment of the National Register eligibility of the property, as feasible, and propose actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.
5. The SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.
6. NRCS shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.
7. NRCS shall provide a report to the SHPO and the ACHP of the actions when they are completed.

c. When human remains are discovered, the NRCS shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act (NAGPRA), and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS shall also refer to the

ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation.

1. The county coroner will be notified within 48 hours of discovery. Upon non-criminal context verification, SHPO will be notified of discovery.
2. If the remains are not part of an on-going police investigation and are over one hundred years old, then NRCS will follow the procedures outlined in 20 ILCS 3440, known as the Human Skeletal Remains Protection Act. If the remains are less than one hundred years old, then NRCS will contact the Illinois Department of Public Health and follow procedures outlined in the Vital Records Act (410 ILCS 535).
3. Appropriate tribal contacts for the area of discovery will be made according to Illinois NRCS tribal consultation policy found in Appendix D.
4. Planning and construction activities at the site can recommence only after the NRCS State Conservationist and the SHPO agree that the plan for treatment of the human remains has been completed.

**VIII. Dispute Resolution.**

a. Should any consulting or signatory party to this Illinois Prototype Agreement object to any actions proposed or the manner in which the terms of the agreement are implemented, the NRCS State Conservationist and CRS shall consult with such party to resolve the objection. If the State Conservationist determines that such objection cannot be resolved, he or she will:

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist 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, NRCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.
2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

b. The NRCS Illinois State Office responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.
c. Any consulting party to the Illinois Prototype Agreement may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.
d. At any time during the implementation of the Illinois Prototype Agreement, a member of the public may submit an objection pertaining to this agreement to the NRCS State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, the SHPO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS State Conservationist shall notify the SPO, FPO, SHPO of the outcome of this process.

## IX. Public Involvement

The NRCS State Conservationist shall seek comment from the Illinois State Technical Committee (which is comprised of various conservation organizations and individuals) in the development of this Illinois Prototype Programmatic Agreement. Public participation provisions that recognize the rights of private and tribal landowners must guide NRCS procedures designed to address regulations in 36CFR800.2(d). The majority of NRCS projects in Illinois involve one landowner on private land and the public is not notified of the project scope. When project complexity and scope involves multiple landowners, as in watershed planning, then public meetings are held to involve the public in the planning process and to inform them of the project effects on historic properties.

## X. Annual Reporting and Monitoring.

a. Every year following the execution of this agreement, until it expires or is terminated, the NRCS Illinois State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendix A as well as undertakings that required further review (Appendix B); a summary of the nature and content of meetings held with SHPO; and an assessment of the overall effectiveness of the Illinois Prototype Agreement. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS' efforts to carry out the terms of this agreement.

1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.
2. The State Conservationist shall use the state report to assess the need for annual meetings with the SHPO each federal fiscal year (October 1 to September 30).

b. The State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the prototype agreement and submit a written (email) report following this review to the SPO (Deputy Chief for Science and Technology).
c. The NRCS State Conservationist or SHPO may request that the ACHP participate in any annual meeting or agreement review.

## XI. Compliance with Applicable State Law and Tribal Law (when on Tribal Lands).

NRCS shall comply with relevant and applicable state law, including permit requirements on state land, and with relevant and applicable tribal law, when on tribal lands.

## XII. Tribal Consultation

Following guidelines for tribal consultation for non-tribal and ancestral lands found in 36CFR800.3 (f)(2), the NRCS in Illinois has established consultation protocol guidelines consistent with other states that form the NRCS Central Region. Using a regional approach to consultation will assure consistency among states that share ancestral land used by the same tribes. Appendix D is the Illinois Tribal Consultation Policy document. This document states the

procedures for tribal contacts through the State Conservationist where the tribe currently holds residence and a list of tribes with interests in Illinois.

**XII. Duration of Prototype Agreement.**

This Illinois Prototype Agreement will be in effect for five (5) years from the date of execution unless amended or terminated pursuant to Stipulation XIII below. If the NRCS and SHPO agree, this document may be extended for periods of five years with the submission of an addendum by NRCS.

**XIII. Amendment and Termination.**

a. This Illinois Prototype Agreement may be amended if 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 NRCS FPO, SPO, and the ACHP.
b. If any signatory to this Illinois Prototype Agreement, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII.A. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.
c. If this Illinois Prototype Agreement is terminated, or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in Illinois.
d. NRCS will consider requests from other USDA agencies to become a signatory to the State-based Prototype Agreement following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, NCSHPO, and Indian tribes/THPOs, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this Illinois Prototype Agreement.

Execution of this Illinois Prototype Agreement by the NRCS and SHPO and implementation of its terms evidence that NRCS has taken into account the effects of its undertakings in Illinois on historic properties and afforded the ACHP a reasonable opportunity to comment.

**Signatory Parties**

Ivan N. Dozier
State Conservationist
Illinois Natural Resources Conservation Service

Date 3/28/17

Heidi Brown-McCreery
State Historic Preservation Officer
Illinois Historic Preservation Agency

Date 3.22.17

## APPENDIX A

## LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW

Pursuant to Stipulation V. a. above, in consultation with the Illinois SHPO, the NRCS, through the qualified CRS as described in Stipulation II. b., has determined that the following undertakings have little or no potential to affect historic properties. The NRCS is not required to consult further with the SHPO under Section 106 for any undertaking that is included in this appendix.

### Conservation Practices Applicable in Illinois

Access Control
Air Filtration and Scrubbing
Alley Cropping
Amendments for Treatment of Agricultural Waste
Building Envelope Improvement
Combustion System Improvement
Conservation Cover
Conservation Crop Rotation
Contour Buffer Strips
Contour Farming
Contour Orchard and Other Fruit Area
Cover Crop
Drainage Water Management
Early Successional Habitat Development/Management
Farmstead Energy Improvement
Fence
Field Border
Firebreak
Fishpond Management
Forage and Biomass Planting
Forage Harvest Management
Herbaceous Weed Control
Herbaceous Wind Barriers
Integrated Pest Management
Irrigation Water Management
Lighting System Improvement
Mine Shaft and Adit Closing
Monitoring Well
Mulching

**APPENDIX A Continued**

Multi-Story Cropping
Nutrient Management
Pond Sealing or Lining
Prescribed Burning
Prescribed Grazing
Pumping Plant
Residue and Tillage Management
Restoration and Management of Declining Habitats
Riparian Herbaceous Cover
Roof Runoff Structure
Roofs and Covers
Salinity and Sodic Soil Management
Silvopasture Establishment
Sprinkler System
Stormwater Runoff Control
Stripcropping
Structures for Wildlife
Tree/Shrub Pruning
Tree/Shrub Site Preparation
Upland Wildlife Habitat Management
Waste Facility Closure
Water Well Decommissioning
Wetland Wildlife Habitat Management
Woody Residue Treatment

**Other NRCS Activities:**

Conservation Planning
Highly Erodible Land Determination
Soil Survey Coring
Wetland Determination

## APPENDIX B

## LIST OF UNDERTAKINGS REQUIRING SECTION 106 REVIEW

**Conservation Practices Applicable in Illinois**

Access Road
Agrichemical Handling Facility*
Anaerobic Digester*
Animal Mortality Facility*
Aquatic Organism Passage
Channel Bed Stabilization
Composting Facility*
Constructed Wetland
Denitrifying Bioreactor
Dike
Diversion*
Dry Hydrant
Emergency Animal Mortality Management
Grade Stabilization Structure
Heavy Use Area Protection
Irrigation Pipeline
Irrigation System, Microirrigation
Irrigation System, Surface and Subsurface
Lined Waterway or Outlet
Pond
Saturated Buffer
Seasonal High Tunnel System
Sediment Basin
Shallow Water Management for Wildlife
Solid/Liquid Waste Separation Facility*
Spring Development
Stream Crossing
Stream Habitat Improvement and Management
Streambank and Shoreline Protection
Structure for Water Control
Subsurface Drain*
Surface Drain, Field Ditch
Terrace
Trails and Walkways
Underground Outlet*
Vegetated Treatment Area
Vertical Drain
Waste Separation Facility
Waste Storage Facility*
Waste Transfer*
Waste Treatment Lagoon*
Water and Sediment Control Basin
Water Well*

**APPENDIX B Continued**

Watering Facility
Wetland Creation, Enhancement and Restoration

**Conservation Practices Requiring Review Only When Intrusive**

*The following conservation practices may affect cultural resources unless they are installed under two different situations. First, the installation of the practice will not exceed the depth, extent, or type of previous cultivation(s). Second, if the land has not been previously cultivated, and the installation of the practice will result in no ground disturbance, no further cultural resources consideration is needed. All tree/shrub planting areas are reviewed for the presence of human burials.*

Brush Management (Mechanical)
Clearing and Snagging
Critical Area Planting
Filter Strip
Forest Stand Improvement (Mechanical)
Grassed Waterway
Hedgerow Planting
Livestock Pipeline (trenching width greater than 6 inches)
Riparian Forest Buffer
Tree/Shrub Establishment
Windbreak/Shelterbelt Establishment
Windbreak/Shelterbelt Renovation

**For Conservation Practices noted by an Asterisk (*)**
**Barnyard Conservation Practice Exemption**

*NRCS policy concerning installation of structural practices in barnyards is that barnyards in continual use for over 10 years do not need to be reviewed when planning for installation of runoff practices and waste control. However, if the following situations apply, consult with the cultural resources specialist even if the practice shows up on the list below:*

- *Filter strips and diversions requiring land grading outside of the heavy use area are not exempt and must still be reviewed for cultural resources.*
- *Because historically significant farm landscapes may be adversely affected by the addition of new above ground facilities, above ground waste storage units installed on farmsteads over 50 years old must be reviewed for their visual effect on cultural appearance.*

*The practices that qualify for potential barnyard conservation practice exemption are:*

Agrichemical Handling Facility
Anaerobic Digester
Animal Mortality Facility
Composting Facility
Diversion
Solid/Liquid Waste Separation Facility
Subsurface Drain
Underground Outlet
Waste Storage Facility
Waste Transfer
Waste Treatment Lagoon
Water Well

## APPENDIX C

## PROCEDURES FOR EMERGENCY RESPONSE

Emergencies: NRCS emergency work procedures are implemented by the State Conservationist in response to requests from a local government for assistance after a disaster event(s). (Procedures are found in the NRCS National Emergency Watershed Protection Program Manual, 2nd ed., under Parts 510-515, Emergency Watershed Protection.) The two types of emergency work recognized are "exigent" situations that are done within 10 days of fund obligation and emergency situations that are completed within 220 days of fund obligation.

a. The State Conservationist will notify SHPO and ACHP as soon as practicable of the declaration of emergency with the date(s) that emergency work and procedures are in effect. Notification to SHPO and ACHP will be commensurate with that to NRCS National Headquarters (NHQ), i.e., within 10 days of the disaster event or 2 days after access is permitted to damaged areas. NRCS will take into account SHPO and ACHP comments received within 7 days of notification for all subsequent emergency work.

b. Exigent situations. The SHPO shall be notified of NRCS funds obligated for exigent situations. NRCS funds for exigent situations are obligated and work completed 10 days after receipt of funds or the site becomes accessible. Exigent notification should include the types and amounts of funds obligated, circumstances creating the urgent and compelling situation, work to be undertaken, and any consideration of historic properties, as appropriate. NRCS will document and avoid adverse impacts to cultural resources encountered during urgent and compelling work to the fullest extent practicable.

c. Emergency situations. For emergencies, NRCS must prepare the project information in the form of Damage Survey Reports (DSR) for funding approval. The Cultural Resources Specialist will consult the Illinois Archaeological Database and NRCS will take into account all cultural resources information provided by the CRS in preparing DSR's and specifications therein.

    1) If cultural resources are recorded or there is indication of high probability for historic properties in the DSR area, the CRS will be involved in assessing impacts to those properties and performing additional consultation prior to repair work.
    2) If cultural resources are not recorded in the DSR area, the CRS or NRCS personnel certified in the National Cultural Resources Training Program, in conjunction with CRS oversight, will perform Field Inspections prior to emergency repairs. The use of non-specialist NRCS personnel for such inspections will be governed by the scale of disaster and relief response needed, and will be indicated during consultations with SHPO. Should a cultural resource be discovered, the CRS/CRC will be notified, who will immediately notify the SHPO. The CRS will evaluate the resource. The State Conservationist will make a final decision based on the CRS's evaluation, consultation on a appropriate course of action with the SHPO, and the need to protect

life and property. The SHPO will be informed immediately regarding the determination by the State Conservationist.

d. SHPO will be provided copies of all final reports of NRCS emergency work activities involving cultural resources. Final reports are due to the NRCS Chief within 60 days of emergency work completion. Copies of all emergency work reports will be available upon request.

e. In major disasters, NRCS may elect to waive all or part of its cultural resources responsibilities under 36 CFR Part 78. This type of waiver is applied for by the NRCS Chief or official designee. For single event disasters confined to one State or territory, the State Conservationist is the Chief's designee and may apply directly. For disasters that involve several states, the NRCS Chief or official designee at NHQ may coordinate a single application; otherwise, the State Conservationist will do so independently. The first step in obtaining a waiver under 36 CFR 78 is initiated by completing the Emergency Waiver Worksheet. The State Conservationist will complete worksheet information in consultation with the CRS. The CRS will provide cultural resources guidance and technical oversight and assist in avoiding adverse impacts to cultural resources when conditions permit.

The completed Emergency Waiver Worksheet must be signed by the NRCS Chief or designee and sent to the Secretary of Interior. Copies will be sent to the ACHP, SHPO and NHQ. Notification must take place within 12 days after signing the waiver.

The Secretary of Interior will review the waiver to determine if it is consistent with the intent of the NHPA. The Secretary must comment within 5 days of receipt of the waiver notification. The Secretary can then accept the waiver without comment, make recommendations to the NRCS Chief, or terminate the waiver. Termination of the waiver by the Secretary is final.

If the time period specified in the waiver is still in effect when comments are received from the Secretary, then NRCS will consider these comments as well as any comments received (during the 5 day comment period) from the ACHP or SHPO. NRCS will consider these comments before deciding to continue, withdraw, or modify the waiver. NRCS may either accept or reject the Secretary's recommendations. If the recommendations are rejected, then rationale must be provided explaining the reasons for rejection. Information copies of the decision will be forwarded to the ACHP, SHPO, and appropriate NRCS offices.

If the waiver is no longer in effect when comments are received from any of the commenting parties, then these comments should be considered in "similar future emergencies".

Complete documentation of NRCS actions during the waiver period will be provided to the Secretary within 15 working days after the waiver has expired. Information copies will be provided to the ACHP, SHPO, and appropriate NRCS offices.

## APPENDIX D

## ILLINOIS TRIBAL CONSULTATION POLICY

The purpose of this guidance is to promote effective cultural resources consultation, particularly with regard to ancestral lands, with non-resident tribes.

A. Consultation is required when NRCS conducts conservation planning in these conditions:
   - When assistance is on Tribal land (currently, four properties in Illinois in Cumberland, DeKalb, LaSalle, and Peoria counties). Refer to document: "Tribal Land Holdings in Illinois"
   - American Indian human remains are present in the "Area of Potential Effect" in any county. State Cultural Resources Specialist will determine presence of human remains.
   - Assistance is on Traditional Religious or Culturally significant areas identified by Tribes in any county. State Cultural Resources Specialist will determine the presence of such areas.

B. Procedures for General Tribal Consultation:
   1. The State Conservationist is responsible for government-to-government consultation with Tribes. For NRCS assistance, this responsibility cannot be delegated to another agency. Ultimately, tribal liaisons and technical personnel may conduct the daily tasks of collaboration and consultation, when agreed upon by Tribal and NRCS leadership.
   2. The document entitled: "NRCS Area Counties and Tribal Interests" will be used as a basic reference which defines Tribal ancestral land interests.
   3. The State Conservationist will contact the State Conservationist of the location where the Tribe is resident to obtain tribal contact information and received guidance on how to proceed, based on the current cultural resource tribal consultation protocols in place. Depending on the protocols in place, consultation may be assisted by the State Conservationist of the resident state, or may occur directly between the tribe and the requesting State Conservationist.
   4. The document entitled: "Tribal Point of Contact List" may be used as a basic reference if no established protocol is available from the resident State.

C. Contact Procedures:
   1. When Farm Bill programs are applied to any of the four Tribal land holdings in Illinois, and NRCS is <u>responsible for the outcome</u>, the District Conservationist shall notify the Assistant State Conservationist for Field Operations, who will notify the State Conservationist. The District Conservationist will also notify the State Tribal Liaison.

   2. When Brief Conservation Technical Assistance is requested on any of the four Tribal land holdings in Illinois, assistance may be provided without formal tribal consultation. The District Conservationist will notify the State Tribal Liaison of the brief assistance.

3. When American Indian human remains or areas of religious and/or cultural significance may be affected by NRCS-controlled projects, the Cultural Resources Specialist will inform the State Tribal Liaison, the Assistant State Conservationist for Field Operations, and the State Conservationist.

**Best Practices in Tribal Consultation**
**(Ten guidelines taken from Title 410-National Instruction)**

- Build on existing consultative relationships with American Indian Tribes.
- Institutionalize consultation and collaboration procedures.
- Include, at a minimum, the following specifics in the agreements/protocols: primary contacts; how contacts are made; which lands are covered; when consultation should take place; what practices, programs or activities are covered; timeframes; procedures for settlement of disputes; and procedures for cancellation or amendment of the agreement/protocol.
- Initiate consulting on specific/new matters as early as possible in the project of program planning process.
- Establish training programs on consultation procedures and protocols in conjunction with Tribes within the State.
- Maintain NRCS' reputation of honesty and integrity in working with Tribes.
- Know the Tribes in your service area.
- Maintain government-to-government relationship by interacting at appropriate levels of authority or governmental stature.
- Focus cultural resources consultation protocols and agreements on pertinent issues for both NRCS and the individual sovereign Tribe.
- On tribal lands that cross State Boundaries, State conservationists are encouraged to work together.

To apply these guidelines to States with non-resident tribes, like Illinois, the list may be amended to seek assistance from those States where Illinois tribes now reside:

- Know the tribes who have interest in their ancestral lands (refer to Illinois document: "NRCS Area Counties and Tribal Interests")
- State conservationists with ancestral lands are encouraged to work with the State conservationists where the tribes now reside, to follow established protocol in the resident State.

## Tribal Land Holdings in Illinois

1. **Cumberland County – Miami Nation of Oklahoma**
   Acquired in 2003, the tribe is owner/operator on Farm #4994, Tract #3169, consisting of 29.8 acres. The previous owner had an EQIP contract that expired in good standing in 2004, and the life span of the practices was maintained for the required ten years through 2010. However, it is not currently in the Farm Bill programs. In FY 2012, the Hurricane Creek watershed may be designated as a priority watershed in EQIP by the Local Work Group, and thus additional assistance may be available for conservation implementation if requested. Consultation could be initiated by contacting the Tribal Historic Preservation Officer (THPO), Diane Hunter.

2. **DeKalb County – Prairie Band Potawatomi Nation**
   In 2008 the tribe purchased approximately 120 acres of land adjacent to Chief Shabbona State Park in an area that was formerly owned by the Potawatomi and ceded to the US government by treaty. Tribe is currently seeking legal assistance to reclaim treaty land in adjacent areas, which would include the State Park, a Forest Preserve and a country club. We have provided brief CTA by providing conservation cover seeding standards and list of county contractors to work on drainage issues. Tribe does not participate in any Farm Bill program in Illinois. Contact is Chris DeCoteau in Mayetta, Kansas. No Tribal Historic Preservation Officer is designated.

3. **LaSalle County – Ho-Chunk Nation**
   The tribe was given 4.88 wooded acres adjacent to Starved Rock State Park. The parcel does not have a farm or tract number. Previous IDNR contact was with Rich Brown, located at the tribal headquarters in Black River Falls, Wisconsin, telephone number: 1-800-944-1652 or 1-715-284-2852. Tribe does have a Tribal Historic Preservation Officer, who is William Quackenbush.

4. **Peoria County – Winnebago Tribe of Nebraska**
   The tribe owns 5.9 acres within the Wildlife Prairie State Park boundaries near Edwards. In 2001 the Peoria field office met with Carl Kron to assess resources for habitat restoration for both forest and meadow habitats. STC William Gradle corresponded with John Blackhawk, tribal Chairperson, on species composition at the site. Another contact is David Smith, also at tribal headquarters in Winnebago, Nebraska. The parcel is not currently in the Farm Bill programs, and the intent of this land is as a repatriation site for reburial of Indian human remains. The Tribal Historic Preservation Officer is Henry Payer.

Note: Under the National Historic Preservation Act, NRCS consults with American Indian tribes within four contexts:

1 Tribes with tribal land and THPOs who have assumed the State Historic Preservation Officer (SHPO) responsibilities for these tribal lands. In this case the SHPO does not participate in consultation unless a private or individual landowner within the reservation boundaries requests it.

2 Tribes with tribal land and THPOs who have not assumed all the SHPO responsibilities. Both the THPO and SHPO consult on undertakings on tribal lands and the THPO's special knowledge is given priority.

3 Tribes with tribal lands who do not have a THPO. The SHPO retains prmary consultation responsibility for agreements. The tribal government consults if it wishes because of its special sovereign status.

4 Tribes with no tribal lands in the State but interest in properties of traditional religious and cultural importance or with tribal lands in the State but interest in these properties beyond the boundaries of their current reservation lands. These tribes may wish to work with NRCS as consulting parties regarding resources off tribal lands (but are not signatories on agreements). Because of their sovereign status, the tribal governments must be given the opportunity to participate as consulting parties.

Most of Illinois NRCS assistance will fall under category #4. See list of "NRCS Area Counties and Tribal Interests".

9/28/2011

# NRCS Area Counties and Tribal Interests

(Updated September 2016)

| Area 1 Counties: | Tribes: |
|---|---|
| Boone | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Bureau | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox; also Kickapoo (NAGPRA) |
| Carroll | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Cook | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| DeKalb | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| DuPage | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| Grundy | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox; also Kickapoo (NAGPRA) |
| Henry | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Jo Daviess | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Kane | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| Kankakee | Kickapoo, Miami, Peoria, Potawatomi |
| Kendall | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| Lake | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| LaSalle | Ho-Chunk, Kickapoo, Miami, Peoria, Potawatomi, Sac & Fox |
| Lee | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Marshall | Ho-Chunk, Kickapoo, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| McHenry | Ho-Chunk, Miami, Peoria, Potawatomi, Sac & Fox |
| Mercer | Ho-Chunk, Iowa, Miami, Osage, Peoria, Sac & Fox |
| Ogle | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Putnam | Ho-Chunk, Kickapoo, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Rock Island | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox; also Iowa (NAGPRA) |
| Stark | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Stephenson | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Whiteside | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Will | Ho-Chunk, Kickapoo, Miami, Peoria, Potawatomi, Sac & Fox |
| Winnebago | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |

Note: Menominee listed as co-residents at two Potawatomi villages in southwest Winnebago County in early 1800s.

| Area 2 Counties: | Tribes: |
|---|---|
| Adams | Ho-Chunk, Iowa, Miami, Osage, Peoria, Sac & Fox |
| Brown | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Calhoun | Ho-Chunk, Kaw, Miami, Osage, Peoria, Sac & Fox |
| Cass | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| Christian | Kickapoo, Miami, Osage, Peoria |
| Fulton | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Greene | Kaw, Kickapoo, Miami, Osage, Peoria |
| Hancock | Ho-Chunk, Iowa, Miami, Osage, Peoria, Sac & Fox |
| Henderson | Ho-Chunk, Iowa, Miami, Osage, Peoria, Sac & Fox |
| Jersey | Kaw, Kickapoo, Miami, Osage, Peoria |
| Knox | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Logan | Kickapoo, Miami, Osage, Peoria |
| Macoupin | Kaw, Kickapoo, Miami, Osage, Peoria |
| Mason | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| McDonough | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Menard | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| Montgomery | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| Morgan | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| Peoria | Ho-Chunk, Iowa, Miami, Osage, Peoria, Potawatomi, Sac & Fox; also Kickapoo (NAGPRA) |
| Pike | Ho-Chunk, Iowa, Kaw, Miami, Osage, Peoria, Sac & Fox |
| Sangamon | Kickapoo, Miami, Osage, Peoria |
| Scott | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| Schuyler | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox; also Kickapoo (NAGPRA) |
| Tazewell | Kickapoo, Miami, Osage, Peoria, Potawatomi |
| Warren | Ho-Chunk, Miami, Osage, Peoria, Potawatomi, Sac & Fox |
| Woodford | Ho-Chunk, Kickapoo, Miami, Osage, Peoria, Potawatomi |

| Area 3 Counties: | Tribes: |
|---|---|
| Champaign | Kickapoo, Miami, Osage, Peoria; also Potawatomi (NAGPRA) |
| Clark | Kickapoo, Miami, Peoria |
| Coles | Kickapoo, Miami, Osage, Peoria |
| Crawford | Kickapoo, Miami, Peoria |
| Cumberland | Kickapoo, Miami, Peoria |
| DeWitt | Kickapoo, Miami, Osage, Peoria |
| Douglas | Kickapoo, Miami, Osage, Peoria |
| Edgar | Kickapoo, Miami, Peoria |

| | |
|---|---|
| Effingham | Kickapoo, Miami, Peoria |
| Fayette | Kickapoo, Miami, Osage, Peoria |
| Ford | Kickapoo, Miami, Peoria; also Potawatomi (NAGPRA) |
| Iroquois | Kickapoo, Miami, Peoria; also Potawatomi (NAGPRA) |
| Jasper | Kickapoo, Miami, Peoria |
| Livingston | Ho-Chunk, Kickapoo, Miami, Peoria, Potawatomi |
| Macon | Kickapoo, Miami, Osage, Peoria |
| McLean | Iowa, Kickapoo, Miami, Osage, Peoria |
| Moultrie | Kickapoo, Miami, Osage, Peoria |
| Piatt | Kickapoo, Miami, Osage, Peoria |
| Shelby | Kickapoo, Miami, Osage; also Peoria (NAGPRA) |
| Vermilion | Kickapoo, Miami, Peoria |

| **Area 4 Counties:** | **Tribes:** |
|---|---|
| Alexander | Delaware, Kaw, Miami, Osage, Peoria |
| Bond | Kaw, Kickapoo, Miami, Osage, Peoria, Ponca |
| Clay | Kickapoo, Miami, Peoria |
| Clinton | Kaw, Miami, Osage, Peoria, Ponca |
| Edwards | Kaw, Miami, Osage, Peoria, Ponca |
| Franklin | Kaw, Miami, Osage, Peoria, Ponca |
| Gallatin | Delaware, Kaw, Miami, Osage, Peoria, Ponca |
| Hamilton | Kaw, Kickapoo, Miami, Osage, Peoria, Ponca |
| Hardin | Kaw, Miami, Osage, Peoria, Ponca |
| Jackson | Kaw, Miami, Osage, Peoria, Ponca |
| Jefferson | Kaw, Miami, Osage, Peoria, Ponca |
| Johnson | Kaw, Miami, Osage, Peoria, Ponca |
| Lawrence | Delaware, Kickapoo, Miami, Peoria |
| Madison | Kaw, Kickapoo, Miami, Osage, Peoria, Ponca |
| Marion | Kaw, Miami, Osage, Peoria |
| Massac | Kaw, Miami, Osage, Peoria, Ponca |
| Monroe | Kaw, Miami, Osage, Peoria, Ponca |
| Perry | Kaw, Miami, Osage, Peoria, Ponca |
| Pope | Kaw, Miami, Osage, Peoria, Ponca |
| Pulaski | Kaw, Miami, Osage, Peoria, Ponca |
| Randolph | Delaware, Kaw, Miami, Osage, Peoria, Ponca |
| Richland | Miami, Peoria |
| St. Clair | Kaw, Miami, Osage, Peoria, Ponca |
| Saline | Kaw, Kickapoo, Miami, Osage, Peoria, Ponca |
| Union | Kaw, Miami, Osage, Peoria, Ponca |

| | |
|---|---|
| Wabash | Kaw, Kickapoo, Miami, Osage, Peoria, Ponca; also Delaware (NAGPRA) |
| Washington | Kaw, Miami, Osage, Peoria, Ponca |
| Wayne | Kaw, Miami, Osage, Peoria, Ponca |
| White | Kaw, Miami, Osage, Peoria, Ponca; also Delaware (NAGPRA) |
| Williamson | Kaw, Miami, Osage, Peoria, Ponca |

Note: 18th century Shawnee settlements south of Kaskaskia along Illinois River, south of Grayville along Wabash River and along Ohio River. Cherokee group now in Oklahoma crossed southern Illinois in 1838-39 from Golconda to Anna to Cape Girardeau and spent the winter in northwest Union County.

Other Tribes with historically documented interests in Illinois:

Ottawa/Odawa/Chippewa/Ojibwa sometimes show up listed as co-residents with Potawatomi in Illinois in the late 18th and early 19th centuries. However, the Indian Claims Commission has ruled that all of the "United Bands/Three Fires" villages in Illinois are Potawatomi.

Villages in northeastern Illinois in late 17th and early 18th centuries may show Miami name. While the Wea and Piankeshaw Tribes are associated with the Miami language, since 1856 they are legally part of the Peoria Tribe, not the Miami Tribe, and they were independent from the Miami prior to that. The Indian Claims Commission ruled that Miami interests lie east of a line in northwestern Indiana, and that Wea (now Peoria Tribe) interests lie west of the line (all areas in Illinois).

# Tribal Point of Contact List

(Updated September 2016)

**Choctaw Nation of Oklahoma**

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**The Delaware Nation**

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**Kickapoo Traditional Tribe of Texas (?)**

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**Kickapoo Tribe of Oklahoma**

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**Ponca Tribe of Indians of Oklahoma**

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**Potawatomi Nation-Hannahville Indian Community**
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**Sac and Fox Nation of Mississippi in Iowa (Meswaki)**
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**Sac and Fox Nation of Missouri**
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**Sac and Fox Nation of Oklahoma**
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**Absentee Shawnee Tribe of Oklahoma**
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**Eastern Shawnee tribe of Oklahoma**

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**Winnebago Tribe of Nebraska**

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## APPENDIX E

## GLOSSARY OF ACRONYMS USED IN THIS DOCUMENT

| | |
|---|---|
| **ACHP** | **Advisory Council on Historic Preservation** |
| **APE** | **Area of Potential Effect—from ACHP regulations 36 CFR Part 800** |
| **CEQ** | **Council on Environmental Quality** |
| **CRS** | **Cultural Resources Specialist (NRCS—meets Secretary of Interior's Professional Qualification Standards, generally an archaeologist or historian)** |
| **DHS** | **Department of Homeland Security** |
| **EWP** | **Emergency Watershed Program (NRCS program)** |
| **FEMA** | **Federal Emergency Management Agency** |
| **FPO** | **Federal Preservation Officer** |
| **NCSHPO** | **National Conference of State Historic Preservation Officers** |
| **NEPA** | **National Environmental Policy Act** |
| **NHL(s)** | **National Historic Landmark(s)** |
| **NHO** | **Native Hawaiian Organization** |
| **NHPA** | **National Historic Preservation Act** |
| **NHQ** | **National Headquarters** |
| **NRCS** | **Natural Resources Conservation Service** |
| **NRHP** | **National Register of Historic Places** |
| **SHPO** | **State Historic Preservation Officer** |
| **SPO** | **Senior Policy Official (NRCS)** |
| **THPO** | **Tribal Historic Preservation Officer** |
| **USDA** | **United States Department of Agriculture** |