

MEMORANDUM OF AGREEMENT
BETWEEN
ST. CLAIR COUNTY
INTERGOVERNMENTAL GRANTS DEPARTMENT
AND
THE UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE SAUGET BUSINESS PARK
AT SAUGET, ST. CLAIR COUNTY, ILLINOIS

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WHEREAS, St. Clair County Intergovernmental Grants Department, hereinafter known as Grantee, using Community Development Block Grant (CDBG) funds made available by the U.S. Department of Housing and Urban Development is providing infrastructure for the Sauget Business Park, at Sauget, St. Clair County, Illinois, as proposed by the Village of Sauget, hereinafter known as Applicant; and

WHEREAS, Grantee, in receiving such Federal funds, has agreed to be the lead Federal Agency pursuant to 24 CFR 58.4 Assumption authority; and

WHEREAS, the United States Department of Transportation Federal Highway Administration, hereinafter known as USDOT, is providing an access road for the Sauget Business Park, at Sauget, St. Clair County, Illinois, as proposed by the Village of Sauget, hereinafter known as Applicant; and

WHEREAS, Grantee has determined that the proposed project's area of potential effects, as defined in 36 CFR 800.2(c), to include the archaeological sites 11-S-332, 11-S-333, 11-S-334, 11-S-345, 11-S-459, 11-S-823, and 11-S-944, which have been determined eligible for listing on the National Register of Historic Places; and

WHEREAS, Grantee and USDOT have determined that the construction of the planned development may have an adverse effect on these historic properties; and

WHEREAS, USDOT has determined that the proposed access road's area of potential effects, as defined in 36 CFR 800.2(c), includes the archaeological site 11-S-823 which has been determined eligible for listing on the National

Register of Historic Places; and

WHEREAS, Grantee and USDOT have determined that the construction of the planned infrastructure will have an adverse effect on historic properties, and have consulted with the Illinois State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (Council), and consulted with the Peoria Tribe of Oklahoma pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act 16 U.S.C. Section 470f) to resolve such adverse effects to historic properties; and

WHEREAS, Grantee and USDOT have consulted with the Illinois State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. Section 470 (NHPA), and its implementing regulations (36 CFR Part 800) to resolve the adverse effects to historic properties; and

WHEREAS, Grantee, USDOT, and SHPO have also invited the Applicant and the Illinois Department of Transportation, hereinafter known as IDOT to participate in the consultation and to concur in this Programmatic Agreement and they have agreed; and

WHEREAS, Grantee and USDOT has determined that the construction of the planned development may have an adverse effect on the historic properties; and

WHEREAS, no other sites of historical or archaeological significance exist within the area of potential effects; and

WHEREAS, Grantee and USDOT has consulted with the Illinois State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. Section 470 (NHPA), and its implementing regulations (36 CFR Part 800) to resolve the potential adverse effect of historic properties; and

WHEREAS, Grantee has agreed to be the lead Federal Agency; and

NOW, THEREFORE, Grantee, the USDOT, the SHPO and the Council agree that upon Grantee's and the UDSOT's decision to proceed with the issuance of funding, USDOT, IDOT, and

applicant shall ensure that the following stipulations related to archaeological site 11-S-823 are implemented within the proposed access road right-of-way in order to take into account the effects of the undertaking on historic properties; Grantee will ensure the following stipulations are implemented within the right-of-way of the Sauget Business Park in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

Grantee shall ensure that the following measures are carried out within the right-of-way of the Sauget Business Park:

- 1) Prior to ground disturbance or construction activities within the boundaries of any historic properties, the applicants' archaeologist shall determine the location of subsurface archaeological features. This work will be done in accordance with the scheduling plan (Attachment A) and the treatment plan (Attachment B).
- 2) With the exception of the Curtis Steinberg Road Site 11-S-823 the historic properties will be treated in the following fashion.
 - A. After the subsurface features have been identified the Grantee, shall consult with SHPO regarding development of a plan for avoidance of the historic property by means of a preservation covenant (Attachment C) which may allow a bituminous parking surface.
 - B. If, after consultation with SHPO, SHPO and Grantee agree that avoidance is not feasible, Applicant shall do a Phase III investigation in accordance with a Data Recovery Plan that is approved by SHPO and agreed upon by Grantee.
 - C. If in portions of the sites, which contain no burials, the Grantee chooses they may bury the sites to protect the resources. With the exception of parking lots no other buildings can be constructed in these areas. These areas will also be protected by a preservation covenant (Attachment C).
 - D. Grantee shall ensure that a data recovery plan addressing substantive research questions is

developed in consultation with the Illinois SHPO for the recovery of relevant archaeological data. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties. It shall specify, at a minimum, the following:

- i. -the property or portion thereof where data recovery is to be carried out;
- ii. -the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
- iii. -the methods to be used, with an explanation of their relevance to the research questions;
- iv. -proposed methods of disseminating results of the work in the interest of the public; and
- v. -a proposed schedule for the submission of reports to the SHPO.

- E. The data recovery plan shall be submitted by the Grantee to the SHPO for thirty (30) days review and comment. After receipt of the SHPO's comments, the Applicant shall ensure that the data recovery plan is implemented.
- F. GRANTEE shall ensure that the data recovery plan is carried out by or under the direct supervision of an archaeologist who meets, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (48FR 44738k-9).
- G. GRANTEE shall ensure that adequate laboratory time and space are available for analysis of osteological, cultural, and biological materials recovered from the excavations.
- H. GRANTEE shall ensure that an adequate program of site security from vandalism during data recovery is developed in consultation with the Illinois SHPO, and implemented.
- I. If burials are discovered during the investigations covered by this Programmatic Agreement, required notifications (20 ILCS 3440, 17 IAC 4170) of the discovery will be made to the county coroner, then following authorization

under the Human Skeletal Remains Protection Act (20 ILCS 3440, 17 IAC 4170) and its Rules, it and any associated burial artifacts will be removed following procedures for recordation and reporting that are similar to those established under the Act. No excavation of human remains will be performed except under the direction of a Certified Skeletal Analyst (17 IAC 4170.300(f)). Disposition of human remains and burial artifacts will be accomplished as determined under the provisions of the Act and its Rules.

- 3) Grantee, USDOT, IDOT and Applicant shall ensure that the following measures are carried out within the proposed right-of-way of the Curtis Steinberg Road Site 11-A-823:
 - A. Prior to any ground disturbance or construction at the Curtis Steinberg Road Site 11-S-823, the applicants' archaeologist shall determine the location of subsurface archaeological features.
 - B. After the subsurface features have been identified the Applicant shall consult with SHPO regarding development of a plan for avoidance of any burials by means of a preservation covenant (Attachment C) which shall limit the use of the property to passive recreational use.
 - C. In portions of the sites the grantee may excavate and record the non-burial archaeological features.
 - D. Grantee, IDOT, and USDOT shall ensure that a data recovery plan addressing substantive research questions are developed in consultation with the Illinois SHPO for the recovery of relevant archaeological data. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties. It shall specify, at a minimum, the following:
 - i. -the property or portion thereof where data recovery is to be carried out
 - ii. -the research questions to be addressed through the data recovery, with an explanation of their relevance and

- importance;
 - iii. -the methods to be used, with an explanation of their relevance to the research questions;
 - iv. -proposed methods of disseminating results of the work in the interest of the public; and
 - v. -a proposed schedule for the submission of reports to the SHPO.
 - E. The data recovery plan shall be submitted by the Applicant to the SHPO for thirty (30) days review and comment. After receipt of the SHPO's comments, the Applicant shall ensure that the data recovery plan is implemented.
 - F. GRANTEE shall ensure that the data recovery plan is carried out by or under the direct supervision of an archaeologist who meets, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (48FR 44738k-9).
 - G. GRANTEE shall ensure that adequate laboratory time and space are available for analysis of osteological, cultural, and biological materials recovered from the excavations.
 - H. GRANTEE shall ensure that an adequate program of site security from vandalism during data recovery is developed in consultation with the Illinois SHPO, and implemented.
- 4) APPLICANT shall submit a written Annual Progress Report to SHPO, Grantee and IDOT by September 1st every year until the parties agree that the terms of this MOA are fulfilled.
- 5) CURATION AND DISSEMINATION OF INFORMATION
- A. In consultation with the SHPO, Grantee, IDOT, and USDOT shall ensure that all materials and records resulting from archaeological survey and data recovery conducted for the project are curated at a repository within the State of Illinois and in accordance with 36 CFR Part 79.
 - B. Grantee, IDOT, and USDOT shall ensure that all final archaeological reports resulting from actions pursuant to this agreement will be provided in a format acceptable to the SHPO and the National Park Service for possible peer

review and submission to the National Technical Information Service (NTIS). The agency official shall ensure that all such reports are responsive to contemporary standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42FR 5377-79). Precise location data may be provided only in a separate appendix if it appears that its release could jeopardize archaeological data.

6) DISPUTE RESOLUTION

Disputes regarding the completion of the terms of this Programmatic Agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Advisory Council on Historic Preservation to assist in resolving the dispute.

7) Modification or Termination

Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.

Execution of this MOA by Grantee, the USDOT, the Advisory Council for Historic Preservation, and the Illinois SHPO and implementation of its terms, shall constitute evidence that Grantee and the USDOT have taken into account the effects of the undertaking on historic properties as required by Section 106 of the National Historic Preservation Act of 1966, as amended.

This agreement shall be null and void if its terms are not carried out within Five (5) years from the date of its execution, unless the signatories agree in writing for an extension for carrying out its terms.

St. Clair County Intergovernmental Grants Department

By: Thelma Chelina Date: 2/4/02

The United States Department of Transportation;
Federal Highway Administration

By: David J. Vary Date: 7/23/02

The Advisory Council on Historic Preservation

By: [Signature] Date: 2/20/02
for Christopher Quinto
Illinois State Historic Preservation Officer

By: Anne Edwards Date: 1-15-02

CONCUR:

The Village of Sauget

By: Paul Langert Date: 4/7/02

The Illinois Department of Transportation

By: Bruce A. Dinsdale Date: 4/9/02