MEMORANDUM OF AGREEMENT
BETWEEN THE UNITED STATES ARMY GARRISON-
ROCK ISLAND ARSENAL
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER

REGARDING THE DEMOLITION OF BUILDINGS 54, AND 141 AT THE ROCK ISLAND ARSENAL IN ROCK ISLAND, ILLINOIS

WHEREAS, the United States Army (ARMY) plans to demolish Buildings 54, and 141; and

WHEREAS, the Buildings 54, and 141 contribute to the Rock Island Historic District which is listed on the National Register of Historic Places; and

WHEREAS the undertaking consists of demolition of two brick structures, the removal of the debris from RIA, and the grading of the respective sites for future use; and

WHEREAS consideration of alternative use has been explored for each of the buildings, with the result that none were found; and

WHEREAS consideration of repair has been explored for each of the buildings, and found that the buildings are not in a salvageable condition; and

WHEREAS, the ARMY has defined the undertaking's area of potential effect (APE) to be Buildings 60, 62, 64, 66, 68, 56, 90, 102, and 104, contributing properties within the Rock Island Arsenal (Rodman Plan- Stone Buildings) which are listed as National Historic Landmarks; and

WHEREAS, the ARMY has determined that the undertaking may have an adverse effect on the Rock Island Arsenal, which is listed as a National Historic Landmark and has consulted with the Illinois State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(l), the ARMY 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)(l)(iii); and

NOW, THEREFORE, the ARMY and the 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

The ARMY shall ensure that the following measures are carried out:

I. **Prior** to demolition of any of the buildings, ARMY shall ensure that adequate documentation is provided to the SHPO to archive. The following items will be required to fulfill this requirement:

A) The various building facades will be photo-documented. Photographs shall be archival quality and produced in 35 mm black and white or high resolution digital format. Photographs shall be 5" x 7" dimension. Photographs shall be reproduced on glossy, high-quality Kodak photo paper.

B) Copies of any original drawings or sketches shall be provided. Items will be copied full size at no less than 400 DPI resolution.

C) One set of photographs and the drawing/sketch copies shall be forwarded to the SHPO to archive. A set of the photographs and the original drawings/sketches shall be retained by the ARMY'S cultural resource management unit at Rock Island Arsenal (RIA).

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 ARMY may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

III. MONITORING AND REPORTING

The ARMY shall provide the SHPO with a summary report detailing work undertaken pursuant to the terms of this MOA. Such report shall include any problems encountered, and any disputes and objections received in ARMY'S efforts to carry out the terms of this MOA.

IV. DISPUTE RESOLUTION

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

Forward all documentation relevant to the dispute, including the ARMY'S proposed resolution, to the ACHP. The ACHP shall provide the ARMY 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 ARMY shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO, and provide them with a copy of this written response. The ARMY will then proceed according to its final decision.

If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the ARMY may make a final decision on the dispute and proceed accordingly.

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

V. 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.

VI. 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 V, above. If within thirty (30) days (or another time period agreed to by all signatories) 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 ARMY must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The Army shall notify the signatories as to the course of action it will pursue.

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

SIGNATORIES:

UNITED STATES ARMY, ROCK ISLAND ARSENAL

_____, 5 MAY 2008
U.S. Army Date

ILLINOIS STATE HISTORIC PRESERVATION OFFICER

_____, 6-5-08
Deputy SHPO Date

Notes:
* Remember that the agency must submit a copy of the executed MOA, along with the documentation specified in Sec. 800.11 (f), to the ACHP prior to approving the undertaking in order to meet the requirements of section 106.36 CFR § 800.6(b)(1)(iv).