MEMORANDUM OF AGREEMENT

BETWEEN
CHICAGO DISTRICT U.S. ARMY CORPS OF ENGINEERS
AND
ILLINOIS HISTORIC PRESERVATION AGENCY,
REGARDING REMOVAL OF HOFMANN DAM
(IHPA # 0206210001WCK)
AT LYONS AND RIVERSIDE, COOK COUNTY, ILLINOIS
22 August 2003

WHEREAS, the U.S. Army Corps of Engineers, Chicago District (Corps) proposes partial removal of the Hofmann Dam, full removal of Fairbank Dam, and modification seawalls and drainage features at Swan Pond Park, as part of a Section 206 aquatic ecosystem restoration project for the Des Plaines River; and

WHEREAS, the Corps has determined that the proposed work will have an adverse effect on 1) a property (the Hofmann Tower complex) listed for inclusion on the National Register of Historic Places and 2) a National Historic Landmark (the Riverside Historic District), and has consulted the Illinois Historic Preservation Agency (IHPA), Advisory Council on Historic Preservation (Council), National Park Service (NPS, representing the Secretary of the Interior), and local historical organizations pursuant to Section 800.14 of the regulations (36 CFR 800) implementing Section 106 of the National Historic Preservation Act (16 USC 470f);

WHEREAS, the Corps and the IHPA have determined that adverse effects on the Hofmann Tower complex and Riverside Historic District can be mitigated by implementation of a memorandum of agreement stipulating preparation of Level II HABS/HAER documentation in accordance with the National Park Service's standards for the Historic American Building Survey/Historic American Engineering Record; and

WHEREAS, the Corps and IHPA have determined that appearance of the completed Section 206 project should not detract from the character of the Hofmann Tower complex, Swan Pond Park, and the Riverside Historic District;

NOW, THEREFORE, the Corps and IHPA agree that the Corps shall ensure that the following stipulations are implemented to mitigate adverse effects on the Hofmann Tower and the Riverside Historic District.

STIPULATIONS

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

1. Level II HABS/HAER documentation shall be completed for the Hofmann Tower complex, Hofmann Dam, and Riverside Historic District (in detail sufficient to meet the requirements of the National Park Service and IHPA) prior to award of demolition or construction contracts.

2. A documentary history of the Hofmann Tower complex shall be prepared, in consultation with the Lyons Historical Commission and the IHPA, and displayed in the Hofmann Tower. The display shall also discuss the history of the dam removal project,

its purpose, and its impacts on historic properties (in particular, its effects on the Hofmann Tower complex and the Riverside Historic District). A copy of the Level II HABS/HAER documentation package shall also be furnished to the Lyons Historical Commission.

3. The Corps shall not commence demolition, construction, planting, excavation, or repair at Swan Pond Park, the Riverside Historic District, Hofmann Dam, or the Hofmann Tower complex, before obtaining a) comments and approval from the IHPA and b) comments from concurring parties, on plans and specifications (at the 75% design stage and the 100% design stage) for the following activities to ensure compliance with the Secretary of the Interior's "Standards for Rehabilitation":

- partial removal of Hofmann Dam;
- any repair or modification of historic features of Hofmann Tower and adjacent seawalls;
- installation of sloped, vegetated banks between existing seawalls and the new river channel; and
- modification of revetments or improvement of drainage at Swan Pond Park.

Other Terms and Conditions:

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

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

3. This agreement shall be null and void if its terms are not carried out within 1 (one) year of the date of its execution, unless the signatories agree in writing to an extension for implementing its terms.

Execution of this MOA by the Corps and IHPA, and implementation of its terms, shall constitute evidence that the Corps has taken into account effects of the undertaking on historic properties, as required by Section 106 of the National Historic Preservation Act.

U.S. Army Corps of Engineers - Chicago District

By: Mary E. Johnston Date: 4 Sep 03

Illinois State Historic Preservation Officer

By: Anne Edwards Date: 9/16/03

CONCUR:
Riverside Historical Commission

By:_____ Date:_____

CONCUR:
Riverside Preservation Commission

By:_____ Date:_____

CONCUR:
Lyons Historical Commission

By:_____ Date:_____

CONCUR:
Frederick Law Olmsted Society of Riverside

By:_____ Date:_____