FINAL PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL ENERGY REGULATORY COMMISSION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
FOR MANAGING HISTORIC PROPERTIES
THAT MAY BE AFFECTED BY ISSUING AN ORIGINAL LICENSE TO
THE MARSEILLES LAND AND WATER COMPANY
FOR THE CONSTRUCTION AND OPERATION OF THE
MARSEILLES LOCK AND DAM
HYDROPOWER PROJECT
IN THE CITY OF MARSEILLES, LASALLE COUNTY, ILLINOIS

WHEREAS, the Federal Energy Regulatory Commission or its staff (hereinafter, "Commission") proposes to issue an original license to the Marseilles Land and Water Company (hereinafter, "Marseilles L&W") to construct, operate, and maintain the Marseilles Lock and Dam Hydropower Project (hereinafter, "project") as authorized by Part I of the Federal Power Act, 16 U.S.C. sections 791(a) through 825(r) *as amended*; and

WHEREAS, the Commission has determined that issuing such a license may affect properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter, "historic properties"). The historic properties adversely affected include: (1) the North Head Race; (2) the Marseilles Hydro Plant; (3) the Marseilles Hydro Plant Historic District, including the Marseilles Hydro Plant and North Head Race, as contributing elements to the historic district; and (4) the expanded, undefined, and unnamed historic district, as identified and recommended by the Keeper of the National Register, including the Marseilles Hydro Plant Historic District, North Head Race, South Head Race, Tail Race, and Boyce Paper Mill and Hydroelectric Plant foundation remains, as contributing elements to the historic district; and

WHEREAS, the area of potential effects (hereinafter, "APE") for the project includes: (1) lands enclosed by the project boundary that would encompass the existing North Head Race, a section of the existing South Head Race, a section of the existing Tail Race, a new forebay structure and trashracks, a new powerhouse, a new tailrace, a new underground transmission line, and appurtenant facilities; and (2) lands outside the project boundary, including the Marseilles Hydro Plant

Historic District; the unnamed historic district;[1] and the Marseilles Lock and Dam Historic District.[2]

WHEREAS, Appendix A of this Programmatic Agreement provides a description of the project, historic properties identified as of the date of this Programmatic Agreement, and anticipated effects as of the date of this Programmatic Agreement; and

WHEREAS, the Commission has consulted with the Advisory Council on Historic Preservation (hereinafter, "Advisory Council") and the Illinois State Historic Preservation Office (hereinafter, "Illinois SHPO"), pursuant to 36 C.F.R. sections 800.3 through 800.6, and 800.14(b) of the Advisory Council's regulations (36 C.F.R. Part 800), implementing section 106 of the National Historic Preservation Act (16 U.S.C. 470f; hereinafter, "section 106"); and

WHEREAS, Marseilles L&W has participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, the U.S. Army Corps of Engineers (hereinafter, "Corps") has been invited to concur in this Programmatic Agreement; and

WHEREAS, the city of Marseilles has participated in the consultation and has been invited to concur in this Programmatic Agreement; and

WHEREAS, the Commission will require Marseilles L&W to implement the provisions of this Programmatic Agreement as a condition of issuing an original license for the project.

NOW THEREFORE, the Commission, the Advisory Council, and the Illinois SHPO agree that the project will be administered in accordance with the following stipulations in order to satisfy the Commission's section 106 responsibilities during the term of the project's license.

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[1] The contributing elements to the unnamed historic district include the Marseilles Hydro Plant Historic District, Marseilles Hydro Plant, North Head Race, South Head Race, Tail Race, and Boyce Paper Mill and Hydroelectric Plant foundation remains.

[2] The U.S. Army Corps of Engineers' Marseilles Lock and Dam, along with the north and south head gates, are contributing elements to the Marseilles Lock and Dam Historic District.

STIPULATIONS

The Commission, upon issuing a license for this project, will ensure that Marseilles L&W implements the following stipulations. All stipulations that apply to Marseilles L&W will similarly apply to any and all of Marseilles L&W's successors. Compliance with any of the following stipulations does not relieve Marseilles L&W of any other obligations it has under the Federal Power Act, the Commission's regulations, or its license.

I. HISTORIC AMERICAN BUILDINGS SURVEY/HISTORIC AMERICAN ENGINEERING RECORD

Prior to the refurbishment of the existing North Head Race, of which a section would be filled in; refurbishment of a portion of the existing South Head Race, of which a section would be filled in; and construction of a new forebay, trashrack, powerhouse, tailrace, and buried transmission line; and within six months of license issuance, Marseilles L&W shall prepare a Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) of the Marseilles Hydro Plant, North Head Race, South Head Race, Tail Race,[3] and Boyce Paper Mill and Hydroelectric Plant.[4] The HABS/HAER would mitigate for the adverse effects of project construction and operation. Prior to the development of the HABS/HAER, Marseilles L&W will consult with the Illinois SHPO, and Corps to determine the level of recordation that is required for the structures. Marseilles L&W will provide a copy of the HABS/HAER document to the Illinois SHPO, the Corps, and any other repository as designated by the Illinois SHPO. Marseilles L&W will provide to the Commission, the HABS/HAER document and documentation that the HABS/HAER document has been accepted by the Illinois SHPO.

II. HISTORIC PROPERTIES MANAGEMENT PLAN

A. Within one year of license issuance for this project, Marseilles L&W will file with the Commission for approval, a Historic Properties Management Plan (hereinafter, "HPMP") specifying how historic properties will be managed in the project's APE, as defined in 36 C.F.R. section 800.16(d), during the term of the license. During development of the

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[3] The Tail Race is an existing tailrace located between the North Head Race and the South Head Race. The waters of the Tail Race flow into the Illinois River.

[4] The Boyce Paper Mill and Hydroelectric Plant have been demolished and mostly consist of foundation remains.

HPMP, Marseilles L&W will consult with the Illinois SHPO and the Corps, as defined in 36 C.F.R. section 800.2(c).[5] Marseilles L&W will seek the Illinois SHPO's written concurrence with the HPMP.

B. Marseilles L&W will take into account "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines" (Federal Register, September 29, 1983, Vol. 48, No. 190, Part IV, pp. 44716-44740; hereinafter, "Secretary's Standards") and the "Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects,"[6] while developing the HPMP. The HPMP will be developed by, or developed under the direct supervision of, a person or persons who meet, at a minimum, the professional qualifications standards for architectural history or archaeology in the Secretary's Standards (48 FR 44738-39). To develop the HPMP, the individual or individuals need not possess both qualifications.

C. The HPMP will include, at a minimum, provisions for:

1. identification of the APE for the project and inclusion of a map or maps that clearly show the APE in relation to the project boundary;

2. completion, if necessary, of identification of historic properties within the project's APE;

3. continued use and maintenance of historic properties;

4. treatment of historic properties threatened by project-induced shoreline erosion,[7] other project-related ground-disturbing activities, and vandalism;

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[5] Marseilles L&W must allow the consulting parties at least 30 days to respond to a request for review of a finding or determination involving the HPMP and during the interim period pursuant to stipulation IV of this programmatic agreement.

[6] This document was issued jointly by the Commission and the Advisory Council on May 20, 2002. The document is available at http://www.ferc.gov/industries/hydropower/gen-info/guidelines/hpmp.pdf.

[7] Project-induced shoreline erosion does not include shoreline erosion attributable to flood flows or phenomena, such as wind driven wave action, erodible soils, and loss of vegetation due to natural causes.

5. identification and evaluation of historic properties, determination of effects, and identification of ways to avoid, minimize, or mitigate adverse effects;

6. consideration and implementation of appropriate treatment that would minimize or mitigate unavoidable adverse effects on historic properties;

7. treatment and disposition of human remains that may be discovered, taking into account any applicable State laws and the Advisory Council's "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects" (dated February 23, 2007);

8. discovery of previously unidentified properties during project operations;

9. public interpretation of the historic and archaeological properties at the project;

10. a list of activities (i.e., routine repair, maintenance, and replacement in kind at the project) not requiring consultation with the Illinois SHPO, because these activities would have little or no potential effect on historic properties;

11. procedures to address effects during project emergencies; and

12. a process for future review of the implemented HPMP by Marseilles L&W, the Illinois SHPO, and the Corps to ensure that the information continues to assist Marseilles L&W in managing historic properties and updating the HPMP based on agency consultation.

III. HPMP REVIEW AND IMPLEMENTATION

A. Marseilles L&W will submit the HPMP, along with documentation of the views of the Illinois SHPO and the Corps, to the Commission for review and approval.

B. If the Illinois SHPO has concurred with the HPMP and the Commission determines that the HPMP is adequate, the Commission will forward a copy

of the HPMP, along with the views of the Illinois SHPO and the Corps, to the Advisory Council, which will have 30 days to review the HPMP.

1. If the Advisory Council does not object to the HPMP, the Commission will proceed to ensure that the licensee implements the HPMP.

2. If the Advisory Council objects to the HPMP, the Commission will consult with the Advisory Council in an effort to reach agreement on the HPMP. If agreement cannot be reached, the Commission will request that the Advisory Council comment pursuant to Stipulation V.B of this Programmatic Agreement.

C. If the Illinois SHPO has not concurred with the HPMP, the Commission will consult with Marseilles L&W and the Illinois SHPO to seek agreement on the HPMP.

1. If agreement is reached on the HPMP, the Commission will forward a copy of the revised HPMP to the Advisory Council for review pursuant to Stipulation III.B.

2. If agreement on the HPMP cannot be reached among the Commission, the Illinois SHPO, and Marseilles L&W within 30 days, the Commission or the Illinois SHPO will request that the Advisory Council comment pursuant to Stipulation V.B of this Programmatic Agreement.

D. Marseilles L&W will file an annual report with the Illinois SHPO and the Corps on activities conducted under the implemented HPMP. The report will contain a detailed summary of any cultural resources work conducted during the preceding year; if no work was completed, a letter from Marseilles L&W will be prepared to that effect, and will satisfy the intent of this stipulation.

IV. INTERIM TREATMENT OF HISTORIC PROPERTIES

A. Pending review and implementation of the HPMP pursuant to Stipulation III, Marseilles L&W will consult with the Illinois SHPO and the Corps regarding the effects of the following:

1. all project-related activities, including recreational developments.

that require ground-disturbance;

2. non-routine maintenance, new construction, demolition, or rehabilitation of project-related National Register-eligible structures; and

3. project-induced shoreline erosion of archaeological sites not attributable to flood flows or phenomena, such as wind-driven wave action, erodible soils, and loss of vegetation due to natural causes.

B. Consultation will be in accordance with 36 C.F.R. sections 800.4 and 800.5, with Marseilles L&W acting as the Agency Official. If Marseilles L&W and the Illinois SHPO agree that the activity will not adversely affect historic properties, Marseilles L&W may proceed in accordance with any agreed-upon treatment measures or conditions.

C. If either Marseilles L&W or the Illinois SHPO determines that the activity will have an adverse effect, and the affected property is a National Historic Landmark, Marseilles L&W will submit the matter to the Commission, which will initiate the process set forth at 36 C.F.R. section 800.6. Otherwise, Marseilles L&W and the Illinois SHPO will consult to develop a strategy for avoiding or mitigating such adverse effects. If Marseilles L&W and the Illinois SHPO can reach agreement, Marseilles L&W will implement the agreed-upon strategy. If they disagree, Marseilles L&W will submit the matter to the Commission, which will initiate the process set forth at 36 C.F.R. sections 800.6 and 800.7(a) through (c)(3).

V. DISPUTE RESOLUTION

A. If at any time during implementation of this Programmatic Agreement and the resulting HPMP, and the development of the HABS/HAER, the Illinois SHPO, the Marseilles L&W, the Corps, or the Advisory Council objects to any action or any failure to act pursuant to this Programmatic Agreement, the HPMP, or the development of the HABS/HAER they may file written objections with the Commission. In the event a written objection is filed with the Commission, the Commission will follow the steps listed below.

1. The Commission will consult with the objecting party, and with other parties as appropriate, to resolve the objection.

2. The Commission may initiate, on its own, such consultation to

remove any of its objections.

B. If the Commission determines that the objection cannot be resolved, the Commission will forward all documentation relevant to the dispute to the Advisory Council and request that the Advisory Council comment. Within 45 days after receiving all pertinent documentation, the Advisory Council will either:

1. provide the Commission with recommendations, which the Commission will take into account in reaching a final decision regarding the dispute; or

2. notify the Commission that it will comment pursuant to 36 C.F.R. section 800.7(c)(1) through(c)(3) and section 110(l) of the National Historic Preservation Act, and proceed to comment.

C. The Commission will take into account any Advisory Council comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The Commission's responsibility to carry out all actions under this Programmatic Agreement that are not the subject of dispute will remain unchanged.

VI. AMENDMENT AND TERMINATION OF THE PROGRAMMATIC AGREEMENT

A. The Commission, the Illinois SHPO, the Corps, Marseilles L&W, or the Advisory Council may request that this Programmatic Agreement be amended, whereupon these parties will consult in accordance with 36 C.F.R. section 800.14(b) to consider such amendment.

B. The Commission, the Illinois SHPO, or the Advisory Council may terminate this Programmatic Agreement by providing 30 days written notice to the other parties, provided that the Commission, the Illinois SHPO, and Marseilles L&W consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Commission will comply with 36 C.F.R. sections 800.3 through 800.7(c)(3), with regard to individual actions covered by this Programmatic Agreement.

Execution of this Programmatic Agreement and its subsequent implementation is evidence that the Commission has satisfied its responsibilities pursuant to section 106 of

the National Historic Preservation Act, as amended, for all individual actions carried out under the license. Provided, however, that unless and until the Commission issues a license for the project and this Programmatic Agreement is incorporated by reference therein, this Programmatic Agreement has no independent legal effect for any specific license applicant or project.

FEDERAL ENERGY REGULATORY COMMISSION

By: Ann F. Miles Date: 8/12/2011
Ann F. Miles, Director
Division of Hydropower
Licensing

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: 10/7/11

FOR John M. Fowler, Executive Director

ILLINOIS STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: 10-11-11
Anne E. Haaker, Deputy SHPO

CONCUR: Marseilles Land and Water Company

By: Lee D Mueller

Date: 24 AUGUST, 2011

Lee Mueller, Vice President

CONCUR: U.S. Department of Army Corps of Engineers

By:_____ Date: 22 Aug 2011
Colonel Shawn P. McGinley, Commander and District Engineer
Rock Island District

CONCUR: City of Marseilles

By:_____ Date: _____
Patti Smith, Mayor

Appendix A

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE ILLIINOIS STATE HISTORIC PRESERVATION OFFICER, FOR MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED BY ISSUING AN ORIGINAL LICENSE TO THE MARSEILLES LAND AND WATER COMPANY FOR THE CONSTRUCTION AND OPERATION OF THE MARSEILLES LOCK AND DAM HYDROPOWER PROJECT IN THE CITY OF MARSEILLES, LASALLE COUNTY ILLINOIS

PROJECT, HISTORIC PROPERTIES, AND ANTICIPATED EFFECTS

The purpose of this appendix is to specify the factual basis of the Programmatic Agreement. Here, relevant facts concerning the project under the Federal Energy Regulatory Commission's (Commission) licensing procedures are reviewed; historic properties subject to the Programmatic Agreement's stipulations are, in part, identified; and the anticipated effects of the license issuing are disclosed.

On December 30, 2008, the Marseilles Land and Water (Marseilles L&W) filed an application for an original license with the Commission to construct, operate, and maintain the proposed 10.26-megawatt (MW) Marseilles Lock and Dam Hydropower Project No. 13351-000 (Marseilles Lock and Dam Project or project). The project would be located on the Illinois River within the city of Marseilles in LaSalle County, Illinois, and would utilize the head created by the Marseilles Lock and Dam that is owned and operated by the U.S. Army Corps of Engineers (Corps).

We, the parties to the Programmatic Agreement, anticipate that issuing an original license to construct, operate, and maintain the proposed project may pose adverse effects on historic properties. We anticipate that any adverse effects can be mitigated by executing a Programmatic Agreement requiring Marseilles L&W to: (1) prepare a Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) of the Marseilles Hydro Plant, North Head Race, South Head Race, Tail Race, and Boyce Paper Mill and Hydroelectric Plant to mitigate for the adverse effects of project construction and operation; and (2) develop and implement an Historic Properties Management Plan (HPMP). The executed Programmatic Agreement would be incorporated into any license that the Commission issues for the project.

I. THE PROJECT

A. Proposed Project

Marseilles L&W proposes to develop, construct, operate and maintain the Marseilles Lock and Dam Project, which would be located within the Marseilles Hydro Plant Historic District, and within the expanded, undefined, and unnamed historic district, recommended by the Keeper of the National Register. The project would use the north and south head gates of the existing Corps' Marseilles Lock and Dam, and would consist of: (1) the existing 1,271-foot-long, 80- to 187-foot-wide North Head Race; (2) a section of the existing 1,048-foot-long, 65- to 96-foot-wide South Head Race; (3) a new forebay structure with trashracks; (4) a new powerhouse containing four turbine generator units with a total installed capacity of 10.26 MW; (5) a new 116- to 200-foot-wide tailrace; (6) a new underground transmission line; (7) appurtenant facilities.

To develop the project, Marseilles L&W proposes to refurbish a segment of the North Head Race, of which a section would be filled in, and refurbish a segment of the South Head Race, of which a section would be filled in. The North Head Race was developed to provide water to the Boyce Paper Mill and Hydroelectric Plant (which currently mostly consists of foundation remains) and the Marseilles Hydro Plant. By filling in a portion of the North Head Race, water would no longer be directed to the Marseilles Hydro Plant. Rather, the water would be redirected to the proposed Marseilles Lock and Dam Project's powerhouse for hydropower generation. Marseilles L&W does not propose to use or refurbish the Marseilles Hydro Plant.

B. Proposed Project Boundary

The project boundary encloses the proposed project features, which include the North Head Race, a portion of the South Head Race and Tail Race, new forebay and trashrack, new proposed powerhouse, new tailrace, and new underground transmission line.

II. HISTORIC PROPERTIES IDENTIFIED

A. Area of Potential Effect

The area of potential effects (APE) for the project includes: (1) lands enclosed by the project boundary that would encompass the existing North Head Race, a section of the existing South Head Race, a section of the existing Tail Race, a new forebay structure and trashracks, a new powerhouse, a new tailrace, a new underground transmission line, and appurtenant facilities; and (2) lands outside the project boundary, including the

Marseilles Hydro Plant Historic District, the unnamed historic district,[8] and the Marseilles Lock and Dam Historic District.[9]

B. Historic Properties

Identification of Historic Properties

As part of Marseilles L&W's licensing efforts, on November 25, 2009, it filed with the Commission a report entitled, *Results of a Phase I Archaeological Investigation of the Marseilles Lock & Dam Project, LaSalle County, Illinois*. The report determined that the North Head Race was not eligible for the National Register of Historic Places (National Register).

Consultation

In a letter to the Illinois State Historic Preservation Officer (Illinois SHPO), issued on May 17, 2010, Commission staff stated that none of the proposed project features would be within the Marseilles Hydro Plant Historic District. Staff also requested that the Illinois SHPO provide comments on the report, *Results of a Phase I Archaeological Investigation of the Marseilles Lock & Dam Project, LaSalle County, Illinois*. In a letter filed on June 17, 2010, the Illinois SHPO responded that the proposed powerhouse would be out of character with the existing Marseilles Hydro Plant, and that the proposed filling in of a portion of the North Head Race would be an improper use of the head race. The Illinois SHPO also stated that the development of the proposed project would preclude use of the existing Marseilles Hydro Plant to generate electricity; therefore, the Illinois SHPO determined that the proposed project would result in an adverse effect on the Marseilles Hydro Plant Historic District.

On July 22, 2010, Commission staff conducted a meeting with the Illinois SHPO[10] to discuss the effects that the proposed Marseilles Lock and Dam Project may have on

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[8] The contributing elements to the unnamed historic district include the Marseilles Hydro Plant Historic District, North Head Race, South Head Race, Tail Race, and Boyce Paper Mill and Hydroelectric Plant foundation remains.

[9] The U.S. Army Corps of Engineers' Marseilles Lock and Dam, along with the north and south head gates, are contributing elements to the Marseilles Lock and Dam Historic District.

[10] Marseilles L&W, city of Marseilles, and North American Hydro, L.L.C. also attended the meeting.

historic properties. The Illinois SHPO again stated that the proposed redirection of water in the North Head Race would result in a preclusion of use of the Marseilles Hydro Plant to generate electricity, and that the preclusion of use would be an adverse effect on the Marseilles Hydro Plant Historic District. Commission staff disagreed with the determination. The parties agreed to discuss the proposed project and its potential effects with the Advisory Council on Historic Preservation's (Advisory Council) staff.

On September 22, 2010, Commission staff conducted a meeting with the Illinois SHPO and the Advisory Council's staff to discuss the potential effects that the proposed project may have on the Marseilles Hydro Plant Historic District. Advisory Council's staff stated that filling in a portion of the North Head Race would have an adverse effect on the Marseilles Hydro Plant Historic District.

In a subsequent letter filed on October 28, 2010, the Illinois SHPO reiterated its determination that the development of the Marseilles Lock and Dam Project would adversely affect the Marseilles Hydro Plant Historic District. The Illinois SHPO also stated that the North Head Race retains sufficient integrity to be eligible as a contributing element to the Marseilles Hydro Plant Historic District.

On February 11, 2011, Commission staff requested, pursuant to 36 § C.F.R. Part 63 of the National Park Service's regulations, that the Keeper of the National Register determine the eligibility of the North Head Race and re-evaluate whether the Marseilles Hydro Plant continues to be a contributing element to the Marseilles Hydro Plant Historic District.

On March 23, 2011, the Keeper of the National Register filed its Determination of Eligibility with the Commission. The Keeper of the National Register determined that the North Head Race is eligible for the National Register under Criteria A and D of the National Historic Preservation Act, and that the entire North Head Race should be a contributing element to the Marseilles Hydro Plant Historic District.[11] Also the Keeper of the National Register determined that the Marseilles Hydro Plant Historic District retains sufficient integrity of design, materials, workmanship, feeling, location, setting, and association to remain listed, and that the Marseilles Hydro Plant is a strong contributing element to the historic district. The Keeper of the National Register also determined that the Marseilles Hydro Plant is eligible unto itself for the National Register under Criterion C of the National Historic Preservation Act.

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[11] The National Register Registration Form, used to nominate the historic district in 1989 for the National Register, listed only a small portion of the North Head Race as being a contributing element to the historic district.

In addition, the Keeper of the National Register determined that the North Head Race, the South Head Race, the Tail Race, and the Boyce Paper Mill and Hydroelectric Plant, along with other industrial sites within an undefined boundary, are eligible as components of a larger unnamed historic district related to the industrial development of the city of Marseilles, IL. The unnamed historic district is eligible for the National Register under Criterion D of the National Historic Preservation Act.

III. ANTICIPATED EFFECTS

A. Historic Properties

Issuing an original license would result in the development of the Marseilles Lock and Dam Project which would adversely affect the following historic properties: (1) the North Head Race; (2) the Marseilles Hydro Plant; (3) the Marseilles Hydro Plant Historic District, including the Marseilles Hydro Plant and North Head Race, as contributing elements to the historic district; and (4) the unnamed historic district, as identified and recommended by the Keeper of the National Register, including the Marseilles Hydro Plant Historic District, Marseilles Hydro Plant, North Head Race, South Head Race, Tail Race, and Boyce Paper Mill and Hydroelectric Plant, as contributing elements to the district. By licensing the proposed project, a portion of the North Head Race would be filled in, causing the forebay of Marseilles Hydro Plant to no longer be connected to the North Head Race. The proposed filling in of the North Head Race would prevent the reuse of the Marseilles Hydro Plant as a hydroelectric plant, and could lead to its loss of integrity due to neglect. Also, the proposed filling in of the North Head Race and South Head Race would result in a loss of integrity of the property, thereby causing an adverse affect on the contributing elements to both historic districts. The proposed construction of a marina and boat launch would alter the physical characteristics of the Tail Race, thereby adversely affecting the integrity of a contributing element to the unnamed district. The construction of the proposed powerhouse would result in the removal of the foundation remains of the Boyce Paper Mill and Hydroelectric Plant, resulting in an adverse effect on the unnamed district.

Commission staff anticipates that adverse effects would be taken into account by executing a Programmatic Agreement requiring Marseilles L&W to develop a HABS/HAER report prior to the refurbishment of the existing North Head Race, South Head Race, Tail Race, and the construction of a new forebay, trashrack, powerhouse, tailrace, and buried transmission line. The HABS/HAER report would provide both written and photo documentation of the Marseilles Hydro Plant, North Head Race, South Head Race, Tail Race, and of the Boyce Paper Mill and Hydroelectric Plant. The documentation would be available from a repository designated by the Illinois SHPO.

Also, the project may adversely affect other unknown historic properties during project operations. Commission staff anticipates that adverse effects to other unknown historic properties can be taken into account by requiring Marseilles L&W to develop and implement an HPMP as a stipulation of a Programmatic Agreement. The provisions of the HPMP would include guidelines to avoid, minimize, or mitigate any adverse effects.

B. Architecture of the Proposed Facilities

The Marseilles Lock and Dam Project's proposed powerhouse and museum would be in the viewshed of the Marseilles Hydro Plant. The Marseilles Hydro Plant was designed in a classical revival style of concrete, brick, and steel. The Marseilles Hydro Plant is predominantly blond brick, with a decorative belt-course of red-brown brick encompassing the building near the cornice line. The building also has a hip roof and 22 sash windows.

After reviewing the architectural renderings of the proposed powerhouse and museum, Commission staff determined that both buildings would have similar classical-revival style characteristics as the Marseilles Hydro Plant. The proposed powerhouse and museum would be built of brick and have hip roofs and windows similar to Marseilles Hydro Plant. In addition, the proposed powerhouse would be constructed of blond brick and have a decorative belt-course of red-brown brick encompassing the building near the cornice line. Therefore, Commission staff finds that the proposed powerhouse and museum would not have an adverse visual effect on the Marseilles Hydro Plant.

C. Marseilles Lock and Dam District

The Marseilles L&W proposes to obtain an agreement with the Corps to operate the Marseilles Lock and Dam north and south head gates. The purpose of the gates is to supply water to the North and South Head Races. The applicant does not propose any land-clearing activity or project construction within the Marseilles Lock and Dam Historic District. Also, the applicant's proposal to operate the head gates during project operation, is consistent with the intended use of the gates, and would have no effect on the historic district. Therefore, the proposed project would not affect the Marseilles Lock and Dam Historic District.