October 2, 2024

David F. Bucaro
Planning Branch
Chicago District
U.S. Army Corps of Engineer
231 S Lasalle Street, Suite 1500
Chicago, IL 60604

Ref: *Amendment to Memorandum of Agreement for U.S. Army Corps of Engineers Illinois Shoreline Protection Project, Promontory Point and Morgan Shoal Segments*
Chicago, Illinois
ACHP Project Number: 018785

Dear Mr. Bucaro:

The Advisory Council on Historic Preservation (ACHP) appreciates the opportunity to comment on the proposed amendment to the 1993 *Memorandum of Agreement for the Illinois Shoreline Erosion Interim 3 Project among the Advisory Council on Historic Preservation, the City of Chicago, the Chicago Park District, the Army Corps of Engineers and the Illinois Historic Preservation Officer* (1993 MOA), specifically as it relates to unfinished construction associated with the repair of the revetment at Promontory Point and reconstruction of the revetment at Morgan Shoal. The 1993 MOA evidences the U.S. Army Corps of Engineers (Corps), Chicago District, compliance with Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act (54 U.S.C. § 300101 et seq.) and its implementing regulations, "Protection of Historic Properties" (36 C.F.R. Part 800).

Overall, the ACHP remains supportive of the proposed amendment to the 1993 MOA, which seeks to afford a more transparent and collaborative consultation process for the proposed design and implementation of repairs at Promontory Point. However, the ACHP has significant concerns regarding the amendment's format, which fails to consider the Morgan Shoal segment, the other remaining portion of the undertaking covered by the 1993 MOA. Additionally, we have identified concerns regarding the clarity of the proposed design review process described in the current draft. As currently presented, we believe significant revision is still required. In addition to our comments directly on the amendment, we provide the following observations and recommendations on the aforementioned topics and the consultation overall.

The ACHP objects to the Corps' proposal to amend the existing 1993 MOA through adding an appendix containing a separate Programmatic Agreement (PA), specifically to direct the Promontory Point project, while leaving the original 1993 MOA intact. The 1993 MOA directed the consultation and implementation of all applicable sub-projects covered by in the Illinois Shoreline Erosion Interim 3 Project, of which only Morgan Shoal and Promontory Point appear to remain. The creation of a separate PA for one of the remaining segments would have to be directed by the 1993 MOA or through the termination of the 1993 MOA and re-initiation of consultation for the two concurrent segments treating them as independent undertakings.

The ACHP appreciates the Corps intent to develop a specific process to guide the design and implementation of Promontory Point segment; however, it cannot propose this without reconciling the existing terms of 1993 MOA. It should be further emphasized that the 1993 MOA is not consistent with the current Section 106 implementing regulations, which were last amended in August 2004. As indicated in our prior comments, the ACHP recommended the Corps amend the 1993 MOA to replace it with a PA that would guide the design, assessment and resolution of effects, and implementation of all remaining segments of the Illinois Shoreline Erosion Interim 3 Project. Using the PA format proposed, our comments propose the Corps provide parallel stipulations to direct tailored requirements for each remaining segment while utilizing the uniform review stipulations for assessing effects of each proposed design. This would allow the Corps to incorporate specific language and requirements for Promontory Point, but also allow a review process for Morgan Shoal. To further aid in actualizing this amendment, the ACHP requests the Corps, as part of its response to comments, provide an update on the status of the anticipated timelines for Morgan Shoal and Promontory Point.

Additionally, the ACHP would like to indicate our support for consideration of the comments provided by the Promontory Point Conservancy and other local consulting parties. Specifically, the ACHP concurs that the revised amendment should reference and incorporate into the design process all relevant surveys and conditions studies identified by the local consulting parties with particular emphasis given to those studies recently conducted. Further, we support local consulting party requests for revisions aimed at highlighting the Corps responsibility to consider and incorporate comments at each stage of the design development process. Given the high level of local consulting party and public interest, we urge the Corps to accommodate the highest-level possible opportunities for public involvement and updates of the project status.

We appreciate the Corps' consideration of these comments and recommendations. We request the Corps' respond to these items and make the appropriate revisions. Should you have any questions or require additional assistance, please contact Mr. Christopher Daniel at (202) 517-0223 or by e-mail at cdaniel@achp.gov and reference the ACHP Project Number above.

Sincerely,

Christopher Koeppel
Assistant Director
Office of Federal Agency Programs
Federal Property Management Section

Enclosure