



RESOLUTION 2-2026

WHEREAS, the Kankakee River Basin and Yellow River Basin Development Commission (“the Commission”) has advocated, authorized, and pledged funds for the removal of Lake County Bridge #36 (“State Line Bridge”) over the Kankakee River; and

WHEREAS, given the historic character of the bridge, the U.S. Army Corps of Engineers (USACE) and the Indiana State Historic Preservation Officer (SHPO) have imposed conditions on the manner in which the bridge is removed; and

WHEREAS, the Commission formally agreed to these conditions in a draft Memorandum of Agreement (MOA) issued by USACE on March 24, 2026 (see ATTACHMENT); and

WHEREAS, following the issuance of the MOA, USACE declined authority over several provisions in the MOA, and USACE issued a revised MOA removing those provisions on June 2, 2026; and

WHEREAS, in order to demonstrate good faith to the SHPO for commitments previously made, the Commission intends to abide by the conditions it already agreed to in the ATTACHMENT; and

WHEREAS, given this public commitment, the Commission urges that USACE, the SHPO, and any other signing parties agree to the revised MOA so progress toward removing State Line Bridge may continue; and

WHEREAS, the Commission hopes that the parties agreement to the revised MOA will allow the prompt issuance of final permits and the commencement of bridge removal in 2026.

THEREFORE, BE RESOLVED THAT the Commission agrees to abide by the conditions for historic mitigation of State Line Bridge contained in the ATTACHMENT and directs that a copy of this resolution be forwarded to the SHPO and other interested parties.

ADOPTED BY COMMISSION, June 26, 2026

Signed by:

6/30/2026
E74770AAF90140A...

Craig D. Cultice, Secretary



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
DETROIT DISTRICT
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

March 24, 2026

REPLY TO
ATTENTION OF:

Regulatory Branch
File No. LRE-2013-00750-70-N25

Scott Pelath
Kankakee River Basin and Yellow River Basin Development Commission
460 Lincolnway, Unit 322
Valparaiso, Indiana 46384

Dear Mr. Pelath,

Please refer to your application for a Department of the Army (DA) permit to discharge fill material into waters of the United States associated with the *Kankakee River State Line Bridge Deconstruction* project located along State Line Road at the Indiana/Illinois State Line (Lake County Bridge No. 36; Newton County Bridge No. 173; Historic Bridge ID: HB-0965) (Latitude 41.165824 and Longitude -87.526574, Lake and Newton Counties). By letter dated May 15, 2025, the Indiana State Historic Preservation Officer (Indiana SHPO) advised the U.S. Army Corps of Engineers, Detroit District (USACE), that further consultation toward finalization of a Memorandum of Agreement (MOA) would be necessary to complete the Section 106 process for the proposed removal and disassembly of the Kankakee River State Line Bridge (Undertaking). The Kankakee River State Line Bridge (Lake County Bridge No. 36; Newton County Bridge No. 173; Historic Bridge ID: HB-0965) was determined eligible for listing in the National Register of Historic Places.

Our subsequent consultation efforts involving the Indiana SHPO, Illinois SHPO, Tribes, your office, and local consulting parties resulted in the enclosed MOA. We are forwarding a copy for your review and signature. If you concur with this MOA, please sign and return a copy to the attention of Scott C. Girardi via e-mail at: Scott.C.Girardi@usace.army.mil or at the address below:

U.S. Army Corps of Engineers
Detroit District, Michiana Section
2422 Viridian Drive, Suite 200
South Bend, Indiana 46628

-2-

Following execution of the MOA by all signatories, we (USACE) will complete our evaluation of your permit application and make a decision regarding issuance of a permit verification. If USACE makes a decision to authorize the proposal, the executed MOA will become a condition of the authorization and project construction must be implemented in accordance with the MOA to resolve the adverse effect of the Undertaking on the Kankakee River State Line Bridge. If the proposed activities are authorized, we will distribute a copy of the signed MOA to each of the signatories, as well as the Advisory Council on Historic Preservation.

Should you have any questions, please contact Scott C. Girardi at the above address, by E-Mail at Scott.C.Girardi@usace.army.mil, or by telephone at (574) 235-8135. In all communications, please refer to File Number LRE-2013-00750-70-N25.

Sincerely,



Shane M. McCoy
Chief, Regulatory Branch
U.S. Army Corps of Engineers, Detroit District

Enclosure

Copy Furnished

Butler, Fairman, & Seufert, Inc., Bennett

*****ATTACHMENT*****

**MEMORANDUM OF AGREEMENT
BETWEEN**

THE INDIANA STATE HISTORIC PRESERVATION OFFICER

AND

THE U.S. ARMY CORPS OF ENGINEERS, DETROIT DISTRICT

**REGARDING AN APPLICATION FOR A DEPARTMENT OF THE ARMY
PERMIT SUBMITTED BY THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN
DEVELOPMENT COMMISSION FOR THE DECONSTRUCTION OF THE KANKAKEE RIVER
STATE LINE BRIDGE IN LAKE COUNTY AND NEWTON COUNTY,
INDIANA**

WHEREAS, the U.S. Army Corps of Engineers, Detroit District (USACE) is reviewing an application (File No. LRE-2013-00750-70-N25) submitted by the Kankakee River Basin and Yellow River Basin Development Commission (PERMITEE) for nationwide permit verification under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act for the Kankakee River State Line Bridge Deconstruction project (Undertaking) pursuant to the Procedures for the Protection of Historic Properties (33 CFR Part 325 Appendix C); and

WHEREAS, the Undertaking consists of the removal and disassembly of the existing bridge spanning the Kankakee River at the Indiana/Illinois State Line (Historic Bridge No. HB-0965, Lake County Bridge No. 36, Newton County Bridge No. 173); installation of a temporary access road/causeway directly to the east of the existing bridge structure using discharged fill material that will be removed after 10-days; restoration of impacted areas to pre-construction grades; and tree removal and subsequent seeding and planting of native vegetation; and

WHEREAS, the USACE has defined the Undertaking's permit area (PA), as defined in 33 C.F.R. Part 325, Appendix C, Section 1.g.(1), as the areas of the Kankakee River and immediately adjacent uplands where the temporary access road/causeway will be constructed, and the area in which the existing bridge structure currently occupies over the Kankakee River (**Attachment 1**); and

WHEREAS, the USACE has determined that the Undertaking will have an adverse effect on the Kankakee River State Line Bridge which is eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the Indiana State Historic Preservation Officer (SHPO) and Illinois SHPO, and the Illinois SHPO declined to be a signatory, pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the USACE has invited the Forest County Potawatomi Community (FCPC) to participate in consultation, and the FCPC has agreed to participate in consultation, but has not responded to requests to sign this memorandum of agreement (MOA) as a concurring party; and

WHEREAS, the USACE has invited the Citizen Potawatomi Nation, Grand Traverse Band of Ottawa and Chippewa Indians, Hannahville Indian Community, Little Traverse Bay Bands of Odawa Indians, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, Miami

Tribe of Oklahoma, Nottawaseppi Huron Band of the Potawatomi, Peoria Tribe of Indians of Oklahoma, Prairie Band Potawatomi Nation, and the Shawnee Tribe to participate in consultation, and those Tribes have not responded to requests to participate; and

WHEREAS, the USACE has consulted with Indiana Landmarks and Indiana Historic SPANS Taskforce regarding the effects of the Undertaking on historic properties and has invited them to sign this MOA as invited signatories; and

WHEREAS, the USACE has invited the Lake County Historical Society, Lake County Highway Department, Lake County Surveyor, Newton County Historical Society, Newton County Highway Department, Newton County Surveyor, and Kankakee Valley Historical Society to participate in consultation, and those parties have not responded to requests to participate; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the USACE 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)(1)(iii); and

NOW, THEREFORE, the USACE and the Indiana SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to resolve the adverse effect of the Undertaking on historic properties.

STIPULATIONS

The USACE shall ensure the PERMITEE carries out the following measures as a special condition of a DA permit or permit verification, if issued, for this Undertaking, to mitigate the adverse effect of the Undertaking on the Kankakee River State Line Bridge:

I. MITIGATION

- a. Prior to removal and disassembly, the PERMITEE shall contract with a cultural resources consultant that meets or exceeds the Secretary of the Interior (SOI) Professional Qualification Standards to document the current condition of the Kankakee River State Line Bridge in accordance with the Indiana SHPO, Illinois SHPO, and Archaeology Minimum Architectural Documentation Standards as follows (Appendix A):
 - i. Existing digital photographs and, if possible, historical film photographs will be used for the documentation.
 - ii. A photograph log shall be created, including, for each photograph, the property name, location, the direction of the camera, a description of view, and the date of photograph. A photograph map will be included.
 - iii. A description of the structure and its condition prior to removal and storage shall accompany the documentation in PDF format. The description should include architectural or engineering style, plan, building materials, organization of major elevations, details, and significant elements.

- iv. The history and significance of the structure shall be explained in PDF format. The statement shall begin with a summary paragraph that succinctly discusses the date or era of construction and why the resource is important. Enough history and background shall be presented to establish the bridge's importance. The statement will indicate how the bridge is an outstanding example of an advance in engineering and/or the work of a significant engineer/builder. This section will include a list of bibliographic sources, including author, title, place of publication and publisher, and the date of publication.
 - v. If available, architectural or engineering drawings in PDF format will be included. If architectural/engineering drawings are not available, a sketch plan of the site will be substituted.
 - vi. The completed documentation shall be submitted to the USACE, Indiana SHPO, Illinois SHPO, and consulting parties, for a 30-day review period within the three months of the date of full execution of this MOA. Any requested revisions to the documentation shall be completed and submitted to the USACE, Indiana SHPO, Illinois SHPO, and consulting parties within 30-days of receipt of comments. Documentation will be submitted using the consulting party's preferred method of contact and medium (email, letter). Following the receipt of the final documentation, the Indiana SHPO will upload a copy of the documentation to the State Historic Architectural and Archaeological Research Database (SHAARD) and transmit a copy to Indiana State archives.
 - vii. The completed documentation shall be offered to local interest groups.
- b. Following removal, the Kankakee River State Line Bridge will be disassembled, and pieces will be kept intact as much as reasonably possible and securely stored for potential future use at an alternate location.
- i. If no entity is found that can take ownership before the bridge is dismantled, the PERMITEE shall match-mark and map the bridge components, disassemble, and store the metal bridge components at a County owned facility until an eligible entity steps forward, or for five (5) years after disassembly, whichever comes first.
 - ii. The PERMITEE, or its contractor, shall submit a disassembly plan for the bridge, to the Indiana SHPO and Illinois SHPO for a 30-day review period prior to the dismantling of the bridge. The PERMITEE, or its contractor, shall provide a written response to Indiana SHPO and Illinois SHPO comments before proceeding. If comments are not received within 30 days, the PERMITEE may assume agreement from the Indiana SHPO and Illinois SHPO.
 - iii. The removal of rivets and pins shall be limited to what is necessary to disconnect bridge components for storage. The components shall be set in protective cribbing prior to transportation to the storage site.
 - iv. The Kankakee River State Line Bridge will be stored in a dry, secure location. Larger components of the bridge shall be stored off the ground

to discourage further deterioration of members. Smaller detached components shall be stored indoors or in an otherwise secure location to prevent theft.

- c. Within one (1) year from the completion of the project, the PERMITEE shall fund, develop, and install interpretative signage to illustrate and explain the historical significance of the Kankakee River State Line Bridge and/or the area of Lake County and Newton County served by the bridge.
 - i. The interpretive signage shall be installed in a location where it can safely and easily be viewed by the public on foot within 10 miles of the bridge's location.
 - ii. The content of the interpretive signage shall be prepared by a qualified professional who meets the SOI Professional Qualification Standards for cultural resources professionals.
 - iii. The PERMITEE, and/or its designated representative (consultant), shall submit a map showing the proposed location of the sign and draft signage design to the USACE, Indiana SHPO, Illinois SHPO, and consulting parties, for a 30-day comment period. The PERMITEE, and/or its consultant, shall be responsible for revising the text of the signage to address comments requested by the consulting parties. The PERMITEE, or its consultant, shall provide a written response to the consulting parties' comments before proceeding. If comments are not received within 30 days, the PERMITEE, or its consultant, may assume concurrence.
 - iv. Within ten (10) days after the display is installed, the PERMITEE, or its consultant, shall notify and provide photographs of the installed signage to the USACE, Indiana SHPO, Illinois SHPO, and consulting parties, for their files, as confirmation that this mitigation condition has been met.
- d. The PERMITEE shall make the Kankakee River State Line Bridge available to any eligible entity, defined as an Indiana State or Local Government, or a non-profit group through the following methods with the following requirements for any eligible entity with an approved proposal for reuse. Should an eligible entity come forward to accept ownership of the Kankakee River State Line Bridge before the end of the marketing period, the following stipulations shall apply:
 - i. Eligible entities of the structure shall be required to provide a written proposal to the PERMITEE and the Indiana SHPO for review and approval. The proposal shall include photographs and mapping depicting the proposed relocation site for Kankakee River State Line Bridge and demonstrate sufficient funding to carry out the project in an appropriate manner.
 - ii. Eligible entities shall be required to submit detailed rehabilitation, and reassembly plans to the PERMITEE and the Indiana SHPO for a 30-day review prior to any reassembly/rehabilitation of the bridge. The plans shall adhere to the applicable rehabilitation standards and guidelines of the Secretary of the Interior's Standards for the Treatment of Historic

Properties (“Standards”) as closely as possible.

- iii. Eligible entities with approved proposals for relocating the Kankakee River State Line Bridge shall conduct archaeology, as needed, for the relocation site. The archaeological investigation shall be conducted in consultation with the Indiana SHPO. The relocation site may be changed if archaeological findings block the possibility of utilizing the proposed site.
- iv. If the Kankakee River State Line Bridge is moved to a new location, the new owner shall place a commemorative marker or plaque on or near the bridge. The marker shall include, at a minimum, the following information: the original architect or designer of the bridge; the name of the county and township from which it was moved; the county bridge number and its original location; the name or number of the county road that it carried originally, any other name by which the bridge has been known locally; the date or approximate date of the bridge’s construction; and the year(s) during which it was relocated.
- e. Environmental mitigation efforts including grade restoration and native plant seeding and planting to maintain the local viewshed.

II. DURATION

- a. This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the USACE may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V below.

III. POST-REVIEW DISCOVERIES

- a. If properties are discovered that may be historically significant or unanticipated effects on historic properties found, or if unanticipated discovery of human remains occurs during construction, the USACE shall implement the unanticipated discovery plan included as **Attachment 2** of this MOA.

IV. DISPUTE RESOLUTION PROVISION

- a. Should any signatory or concurring party to this MOA object at any time to any actions proposed or the implementation methods of this MOA, the USACE shall, within thirty (30) calendar days, consult with such party to resolve the objection. If the USACE determines that such objection cannot be resolved, the USACE will:
 - i. Forward all documentation relevant to the dispute, including the USACE’s proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice, if any, on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. The USACE will then proceed according to

its final decision.

- ii. If the ACHP does not provide its advice regarding the dispute within the thirty (30)-day period, the USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USACE shall prepare a written response that considers any timely comments regarding the dispute from the signatories and concurring parties to the MOA, providing them and the ACHP with a copy of such written response.
- b. The USACE'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

- a. Signatories to this MOA have the sole authority to amend or terminate the MOA pursuant to 36 C.F.R. § 800.6(c)(1) and (2).
- b. Any signatory to this MOA may propose to the other signatories that this MOA be amended, whereupon the signatories will consult in accordance with 36 CFR 800.6(c)(7). 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 the signatories is filed with the ACHP.

VI. TERMINATION

- a. 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 signatories to attempt to develop an amendment per Stipulation V above. If within thirty (30) days (or another period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.
- b. Once the MOA is terminated, and prior to resuming work on the undertaking, the USACE 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 USACE shall notify the signatories of the course of action it will pursue.

VII. PERMIT ISSUANCE, MOA EXECUTION, AND NHPA COMPLIANCE

- a. The terms of this MOA shall become special conditions of any forthcoming permit or permit verification, if issued, for the Kankakee River State Line Bridge Deconstruction project.
- b. Each Signatory and Concurring Party will have a separate signature page which may be signed by hand or electronically. This MOA along with each signed page constitutes the entire agreement and serves as the original (to be retained by the USACE). Copies of the original will be provided to each Signatory and Concurring Party. The MOA is effective upon the date it is signed by the USACE.
- c. Execution of this MOA by the USACE and the Indiana SHPO, and

implementation of its terms evidence that the USACE has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORY TO THE MEMORANDUM OF AGREEMENT BETWEEN
THE INDIANA STATE HISTORIC PRESERVATION OFFICER AND THE U.S. ARMY
CORPS OF ENGINEERS, DETROIT DISTRICT,
REGARDING AN APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT BY
THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION FOR THE DECONSTRUCTION OF THE KANKAKEE RIVER STATE
LINE BRIDGE IN LAKE COUNTY AND NEWTON COUNTY, INDIANA:**

[UNITED STATES ARMY CORPS OF ENGINEERS, DETROIT DISTRICT]

_____ Date _____
[Wallace W. Bandeff, LTC, U.S. Army, District Engineer]

**SIGNATORY TO THE MEMORANDUM OF AGREEMENT BETWEEN
THE INDIANA STATE HISTORIC PRESERVATION OFFICER AND THE U.S. ARMY
CORPS OF ENGINEERS, DETROIT DISTRICT,
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THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION FOR THE DECONSTRUCTION OF THE KANKAKEE RIVER STATE
LINE BRIDGE IN LAKE COUNTY AND NEWTON COUNTY, INDIANA:**

[INDIANA STATE HISTORIC PRESERVATION OFFICER]

Date

[Beth K. McCord, Deputy State Historic Preservation Officer]

**INVITED SIGNATORY TO THE MEMORANDUM OF AGREEMENT BETWEEN
THE INDIANA STATE HISTORIC PRESERVATION OFFICER AND THE U.S. ARMY
CORPS OF ENGINEERS, DETROIT DISTRICT,
REGARDING AN APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT BY
THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION FOR THE DECONSTRUCTION OF THE KANKAKEE RIVER STATE
LINE BRIDGE IN LAKE COUNTY AND NEWTON COUNTY, INDIANA:**

**[KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION]**

_____ Date _____
[Scott Pelath, Executive Director]

**INVITED SIGNATORY TO THE MEMORANDUM OF AGREEMENT BETWEEN
THE INDIANA STATE HISTORIC PRESERVATION OFFICER AND THE U.S. ARMY
CORPS OF ENGINEERS, DETROIT DISTRICT,
REGARDING AN APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT BY
THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION FOR THE DECONSTRUCTION OF THE KANKAKEE RIVER STATE
LINE BRIDGE IN LAKE COUNTY AND NEWTON COUNTY, INDIANA:**

[INDIANA LANDMARKS]

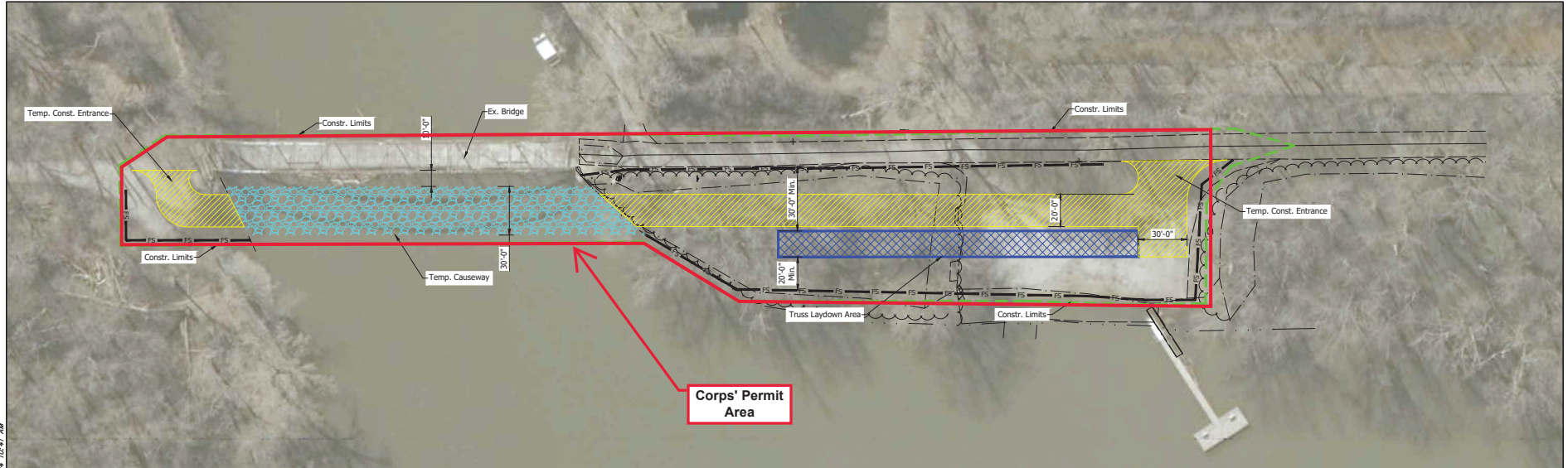
_____ Date _____
[Blake Swihart, Director, Northwest Field Office]

**INVITED SIGNATORY TO THE MEMORANDUM OF AGREEMENT BETWEEN
THE INDIANA STATE HISTORIC PRESERVATION OFFICER AND THE U.S. ARMY
CORPS OF ENGINEERS, DETROIT DISTRICT,
REGARDING AN APPLICATION FOR A DEPARTMENT OF THE ARMY PERMIT BY
THE KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT
COMMISSION FOR THE DECONSTRUCTION OF THE KANKAKEE RIVER STATE
LINE BRIDGE IN LAKE COUNTY AND NEWTON COUNTY, INDIANA:**

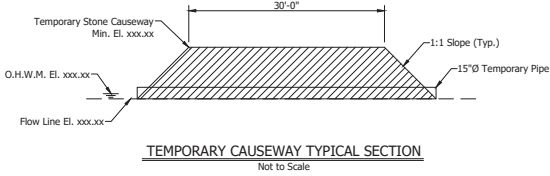
[INDIANA HISTORIC SPANS TASKFORCE]

_____ Date _____
[Paul Brandenburg, Chair]

LRE-2013-00750-70-N25
Attachment 1
Corps' Permit Area



I:\Users\241\Jobs\51724682\0001\ProjDevelopment\Design\Drawings\Z14682792.dwg Ben Butz Plot: 9/20/2024 10:42 AM Sheet: 9/20/2024 10:41 AM



TEMPORARY CAUSEWAY NOTES

1. Temporary Causeway details are for permitting purposes. Contractor to verify dimensions and quantities. Quantities included with the lump sum "Temporary Causeway".
2. Required Causeway No. of Pipes and Size will be determined by Contractor.

LEGEND
FS FS PERIMETER PROTECTION / FILTER SOCK (FS)

NOTE:
For Temporary Construction Entrance Detail, See
INDOT Standard Drawing No. E 205-TECD-12.

RECOMMENDED FOR APPROVAL: _____ DESIGN ENGINEER _____ DATE _____	LAKE COUNTY BRIDGE No. 36 CONSTRUCTION ACCESS PLAN LAKE COUNTY INDIANA		HORIZONTAL SCALE 1" = 30'	BRIDGE FILE LAKE 36
	DESIGNED: P. KNOWLES CHECKED: B. BUTZ	DRAWN: M. SCOTT CHECKED: B. BUTZ	PROJECT NO. 2013-00750-70-N25 SHEET NO. 5 CONTRACT NO. 4	SURVEY BOOK ELECTRONIC
PROJECT NO. 2013-00750-70-N25 SHEET NO. 5 CONTRACT NO. 4		PROJECT LAKE COUNTY BRIDGE No. 36		SHEET NO. 5

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 317-827-5346

UNANTICIPATED DISCOVERY PLAN

U.S. Army Corps of Engineers (USACE)
LRE-2013-00750-70-N25 | Kankakee River State Line Bridge Deconstruction
State Line Road spanning the Kankakee River | T [31N], R [15E], S [20]
Lake & Newton Counties, Indiana

Purpose

This document outlines the procedures to prepare for and address the unanticipated discovery of historic properties or human remains. It provides direction regarding the proper procedures to follow if unanticipated cultural materials or human remains are encountered during construction. An unanticipated discovery can result when previously undocumented or unknown historic properties are encountered during projects.

Historic structures or buildings can be districts, sites, buildings, structures, or objects significant in American history, architecture, engineering, archaeology, or culture at the national, State, or local level. Sometimes elements of historic buildings or structures may be hidden by recent additions or alterations. For example, siding may obscure the historic character of a historic home or log cabin.

Cultural material includes human-made objects (both pre-contact period and historic period) and features (e.g., foundation walls, hearths, middens, or other remnants of cultural activity) that are part of an archaeological site. The following list includes some examples of cultural material:

- An accumulation of shell, burned rocks, or other food related materials
- Bones, including small fragment of bone
- An area of charcoal or very dark stained soil with artifacts
- Stone tools or waste flakes (i.e., an arrowhead, or stone chips)
- Clusters of tin cans or bottles
- Logging or agricultural equipment that appears to be older than 50 years
- Buried railroad tracks, mines, or other industrial features
- Foundations, buried walls, and other structural features

Human remains are physical remains of a human body or bodies, including, but not limited to, bones, teeth, hair, ashes, and preserved soft tissues (mummified or otherwise preserved) of an individual or individuals. Remains may be articulated or disarticulated bones or teeth. Any human skeletal remains, regardless of antiquity or ethnic origin, will always be treated with dignity and respect.

**Corps File LRE-2013-00750-70-N25 | Kankakee River State Line Bridge
Deconstruction
Unanticipated Discovery Plan**

Procedures for the Unanticipated Discovery of Historic Structures, Buildings, Districts, Objects, Sites, or Archaeological Resources

1. STOP WORK. If any employee, contractor, or subcontractor believes that they have uncovered cultural materials relating to an archaeological site or historic structure, building, district, or object at any point in the project, all work adjacent to the discovery must stop. The discovery location should always be secured and buffered 50-100 feet depending on the surrounding area's typical traffic. Cease or minimize the movement of vehicles and equipment in the discovery area and immediately surrounding it in the buffer.
2. CONTACT. If the discovery does not appear to be human remains, the applicant will contact USACE. The USACE will then notify the Indiana State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer (THPO) or Officers who may be consulting on the project of the discovery and the possible actions within two business days of discovery if the discovery occurs Monday through Friday. If the discovery occurs during a weekend or Federal holiday, USACE will notify the SHPO/THPO on the first working day after the weekend and/or holiday. The SHPO/THPO will respond within 48 hours of the notification or on the first working day if preceded by a weekend or holiday. The USACE will consider the SHPO's/THPO's recommendations and advise the Applicant to carry out appropriate and specific actions.
3. EVALUATE. Historic buildings, structures, districts, and objects will be identified and evaluated by qualified professional who shall meet, at a minimum, the Secretary of Interior's Professional Qualification Standards (44 FR 44738-9) in History or Architectural History. The costs of such professional services will generally be the responsibility of the Applicant.
 - a. If the historian determines that the discovery is not a cultural resource, they will immediately advise USACE in writing and will notify the SHPO/THPO of their findings.
 - b. If the historian determines that the discovery is a cultural resource, they will immediately advise USACE. USACE will then notify the SHPO/THPO. and complete Architectural Properties Identification Forms for each newly identified cultural resource.
 - i. SHPO and identified tribal representatives will be invited to observe the implementation of any proposed work.
 - ii. If the resource is not significant, the historian will document the discovery in a report (including photographs of the discovery site). The report must also include the completed identification forms and an explanation of why they believe the resource is not significant. The historian will formally request permission from USACE and SHPO/THPO for construction to recommence.
 - iii. If the resource is believed to be significant, the historian will document the discovery in a report (including photographs of the discovery site). The report must also include the completed identification forms and an

**Corps File LRE-2013-00750-70-N25 | Kankakee River State Line Bridge
Deconstruction
Unanticipated Discovery Plan**

explanation of why they believe the resource is significant and a proposal for mitigation or data recovery. Then based on this information, USACE and SHPO/THPO will consider mitigation efforts.

Sites and archaeological discoveries will be identified and evaluated by a qualified professional who shall meet, at a minimum, the Secretary of Interior's Professional Qualification Standards (44 FR 44738-9) for archeologists. The professional archaeologist will examine the location of the discovery. All work to evaluate significance and Project effects will be confined to the Project's potential area of impact. The costs of such professional services will generally be the responsibility of the Applicant.

- a. If the archaeologist determines that the discovery is not a cultural resource, the archaeologist will immediately advise USACE in writing and will notify the SHPO/THPO of their findings.
 - b. If the archaeologist determines that the discovery is a cultural resource, the archaeologist will immediately advise USACE. The USACE will then notify the SHPO/THPO. The SHPO will assign an Archaeological Site Number to the discovery.
 - i. SHPO and identified tribal representatives will be invited to observe the implementation of any proposed work.
 - ii. If the resource is not significant, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is not significant. The archaeologist will formally request permission from USACE and SHPO/THPO for construction to recommence.
 - iii. If the resource is believed to be significant, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is significant and a proposal for mitigation or data recovery. Then based on this information, USACE and SHPO/THPO will consider mitigation efforts.
4. MITIGATE. For resources that are deemed significant, USACE and its Applicant will consult with the SHPO/THPO on measures to avoid further impacts to the discovery. If the SHPO/THPO does not disagree USACE's recommendations, USACE will require the Applicant to modify the project design plans to implement any recommendations. If the SHPO/THPO disagrees with the recommendations, USACE and the SHPO/THPO will consult further to resolve the objection through actions including, but not limited to, identifying project alternatives that may result in the undertaking having no adverse effect on historic properties. The costs of such professional services will generally be the responsibility of the Applicant.
- a. When a project cannot be modified and will have adverse effects on an archaeological property, USACE may treat the adverse effect by providing for the

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recovery of significant information through archaeological data recovery or other scientific means. To accomplish this objective, USACE will follow the Council's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 FR 27085, May 18, 1999); and consult with the other consulting parties to prepare a data recovery plan, including material and record curation provisions. A report of data recovery efforts must be completed and submitted to the SHPO/THPO for review.

- b. For sites and archaeological resources where USACE determines other treatment measures are appropriate, USACE will consult further with the other consulting parties to develop an appropriate approach to resolving the adverse effects.

Procedures for the discovery of human skeletal materials and associated funerary items

1. STOP WORK. If any employee, contractor, or subcontractor believes that they have uncovered skeletal remains at any point in the project, all work adjacent to the discovery must stop. The discovery location should always be secured and buffered 50-100 feet depending on the surrounding area's typical traffic. Cease or minimize the movement of vehicles and equipment in the discovery area and immediately surrounding it in the buffer. Cover any exposed remains with tarps or plastic sheeting. If remains are suspected to be Native American, a natural fiber (burlap or similar) shall be used to be in direct contact with skeletal elements and then covered by tarps or plastic sheeting.
2. CONTACT. Notify the appropriate local law enforcement, medical examiner or coroner, USACE, and SHPO/THPO immediately. Law enforcement will then determine if the remains are human, and whether the discovery constitutes a crime scene.
 - a. Examination and analysis of suspected Native American human remains shall be non-destructive and non-invasive unless authorized by the affected Tribes.
 - b. The medical examiner/coroner will determine whether the human remains are forensic or non-forensic.
 - c. If it's determined that the human remains represent evidence of a crime or missing person, law enforcement will complete their investigation.
 - d. If skeletal remains are determined to be non-human and there is no archaeological association, then USACE will notify SHPO/THPO, and work can proceed.
 - e. If the medical examiner/coroner determine that human remains do not represent evidence of a crime or missing person, but an archaeological burial site, then USACE will notify SHPO/THPO and in consultation with the SHPO/THPO a

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recovery plan will be developed. In most cases, it is preferred that burial sites be preserved, adequately documented, and maintained in place. If this is not possible, the remains and any associated materials would need to be moved for their protection. The following sequence of steps will be employed if it is not possible to preserve and maintain an inadvertently discovered burial in place:

3. DOCUMENT. A qualified archaeologist experienced in human remains recovery shall document and recover the remains and any related materials that may be present. Archaeological expertise is important in documenting the discovery context and evaluating whether the remains are isolated or if additional remains may be immediately present. Archaeological recovery may only be completed after a permit under Indiana Code IC-14-21-1, issued by the local Department of Public Health or by court order, is granted.
 - a. Documentation and recovery shall be respectful and conducted out of public view, to the extent possible.
 - b. As soon as possible, the remains shall be examined by a physical anthropologist using standard non-invasive methods and procedures to create a basic biological profile and estimate ethnicity. Known or suspected Native American Ancestors or materials will not be moved, touched, or further disturbed after discovery until completion of Tribal consultation or emergent circumstances arise.
 - c. If it can be determined immediately that a discovery is, or has the potential to be, a Native American Ancestor and/or other materials (i.e., associated or unassociated funerary objects, sacred objects, and objects of cultural patrimony), the THPOs will be notified within 48 hours of discovery and potential identification. Tribal notification and consultation will be coordinated by USACE and SHPO.
 - d. After notification and initial consultation, consulting Tribes may request that all federally recognized Tribes likely to be culturally affiliated with the discovery be notified in writing by mail or email and further consultation initiated regarding the cultural affiliation, care, handling, excavation (if necessary), and/or disposition.
 - e. Accommodations will be made for traditional or ceremonial practices in association with discoveries. Consulting Tribes will be afforded opportunities to employ proper traditional cultural practices and treatments during periods of non-Tribal holding of discoveries.
 - f. Photographs shall not be taken, except when approved by consulting Tribes and when necessary for identification and documentation. Tribes may request that any photographs of Native American Ancestors or other materials be destroyed or repatriated at the end of the project.
 - g. Pending consultations, documentation of the discovery will include a written description, mapping and sketching, and precise GPS coordinates. This documentation will be curated with other project records and not be published or made publicly available in any way.
 - h. To ensure the protection, preservation, and proper respectful treatment of any discovered materials, pursuant to applicable law, the nature and location of any discovery shall remain confidential as best as reasonably possible given the

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circumstances and location. Only those persons and entities identified in this plan shall be notified of the discovery or given information about the discovery. The USACE and related contractors will ensure all staff and consulting personnel are appropriately trained for their respective roles in implementing this plan.

- i. If exhumation is required, care and handling will include the removal of articulated sections in parts, bubble wrap padding for storage in plastic containers, stabilizing soil attachments for remains that are too fragile for typical removal, unique identifiers for each set of remains, and start-to-finish monitoring during exhumation. For Native American remains, care and handling procedures shall be determined by the appropriate Tribe(s) in consultation with the SHPO.
 - j. The permanent care of Native American Ancestors and materials will also be determined by the appropriate Tribe(s) in consultation with the SHPO.
4. REPORTING. Draft and final archaeological reports, with related physical anthropological reports and law enforcement case documentation appended, will be submitted to USACE, SHPO, and consulting THPOs.

➔ *See page 7 for Contact Information*

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Contact Information

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Deputy State Historic Preservation Officer	IN SHPO Section 106/State Reviews	Coroner
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Newton County Dispatch Contact	Lake County Coroner	Lake County Dispatch Contact
Sherriff's Department Dispatch	David Pastrick Coroner	Sheriff's Department Non-Emergency
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