



**US Army Corps
of Engineers®**

Walla Walla District

LITTLE WOOD RIVER, GOODING, IDAHO

INTEGRATED LETTER REPORT AND ENVIRONMENTAL ASSESSMENT

APPENDIX L, NATIONAL HISTORIC PRESERVATION ACT MEMORANDUM OF AGREEMENT BETWEEN U.S. ARMY CORPS OF ENGINEERS AND IDAHO STATE HISTORIC PRESERVATION OFFICE

**MEMORANDUM OF AGREEMENT BETWEEN THE
U.S. ARMY CORPS OF ENGINEERS, WALLA WALLA DISTRICT; THE CITY OF
GOODING, IDAHO; AND THE IDAHO STATE HISTORIC PRESERVATION OFFICER
REGARDING THE REPLACEMENT OF THE GOODING CANAL, GOODING, IDAHO**

WHEREAS, the U.S. Army Corps of Engineers, Walla Walla District (USACE) conducted a feasibility study for the Gooding Flood Control Project (GFCP) under Section 3057 of the Water Resources Development Act (WRDA) of 2007; and

WHEREAS, the USACE had proposed to fund the replacement of the entire 0.89-mile long, Works Progress Administration (WPA) constructed, lava-rock lined channel (47-17587) that parallels Locke and 9th Avenues between Nevada and just east of Illinois Streets (Undertaking) with prefabricated concrete panels; and

WHEREAS, The USACE and the Idaho State Historic Preservation Officer (SHPO) did sign a previous memorandum of agreement (MOA), finalized in December of 2021, providing for stipulations designed to mitigate for the adverse effect created by the project authorized under Section 3057 of the WRDA of 2007; and

WHEREAS, The USACE has received additional authority in accordance with Sec. 8335 of the WRDA of 2022, which provides for additional Federal funding and directed that the previously authorized project include the removal of the five vehicle bridges; and

WHEREAS, the USACE, in consultation with the Idaho SHPO, has determined that the lava-rock lined canal and its five vehicle bridges constitute historic properties as defined in 36 Code of Federal Regulations (CFR) Part 800, and that removal of the canal and bridges will result in an adverse effect; 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 and the need to update the MOA due to project changes, with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the USACE had invited the participation of the Shoshone-Bannock Tribes of the Fort Hall Reservation in the development of the original MOA, and to sign the agreement as invited signatories, and the Shoshone-Bannock Tribes of the Fort Hall Reservation did not respond to this request; and

WHEREAS, the USACE did request to amend the 2021 MOA in accordance with Stipulation V.1; and

NOW, THEREFORE, the USACE; The City of Gooding, Idaho (City); and the Idaho SHPO agree that the amended Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties, and further agree that these stipulations shall govern the undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

I. QUALIFICATIONS

All individuals participating in the development of this agreement and overseeing its execution shall be Preservation Professionals meeting one or more of the Professional Qualification Standards as set forth in the Secretary of the Interior's (SOI's) *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716) and where appropriate the USACE shall enlist the assistance of contractors meeting the SOI's Professional Qualification Standards for Architectural History.

II. STIPULATIONS

The USACE shall ensure that the following stipulations are carried out:

1. The City shall develop an interpretive panel or kiosk as part of the design phase of the larger project. The kiosk must incorporate one of the WPA plaques, found on the vehicular bridges, into its content. The content of the panel may also include one or all of the following themes: information about the channel itself, the Works Progress Administration program that led to construction of the canal and bridges, or regional architecture using local available lava stone. The City shall provide the SHPO a period of at least 30 days to review any draft final content proposed under this stipulation. The City may retain any additional WPA plaques it would like to for display and interpretive purposes. Any remaining WPA plaques not retained by the city at the time of demolition shall be removed and turned over to the Idaho State Historical Society, to be retained at the expense of the state.

2. The USACE will oversee a historic property survey that will document no less than 50 publicly accessible historic-age properties (buildings, bridges, canals, etc.) that were constructed using the locally available "lava rock." The architectural survey will begin in the city of Gooding and continue into Gooding County with the goal of identifying at least 50 historic properties that have not been previously recorded. The following tasks will be completed:

- 1) An SOI-qualified architectural historian performing a literature review within the Idaho Cultural Resources Information System (ICRIS) to identify previously recorded properties.
- 2) Prepare resource records within the ICRIS for each of the identified properties. Each of the required fields within the ICRIS will be completed, including locational information and a minimum of two photographs.
- 3) USACE will review the survey for completeness and to ensure that the survey meets the SHPO guidelines.
- 4) SHPO will review the survey and resource records within 45 days of submission.

3. The USACE will oversee a historic property survey that will document any publicly accessible historic-age buildings located within the areas identified in (Appendix A: Gooding Survey Area), which have not previously been recorded. For this survey the following tasks shall be completed:

- 1) An SOI-qualified architectural historian performing a literature review within the ICRIS to identify previously recorded properties.

- 2) Prepare resource records within the ICRIS for each of the identified properties within the survey area. Each of the resource record required fields within the ICRIS will be completed including locational information, a minimum of two photographs.
- 3) USACE will review the survey for completeness and to ensure that the survey meets the Idaho SHPO guidelines.
- 4) Idaho SHPO will review the survey and resource records within 45 days of submission.

4. All work under Stipulation 2 and 3 will be completed by a person or firm who meets SOI's Professional Qualifications for architectural history. If the USACE, or its representative, cannot locate 50 lava rock structures within the County, the USACE and SHPO shall have a meeting to identify nearby sites that may be appropriate. The SHPO will have 60 days to review the survey data and ask for revisions, if necessary.

III. DURATION

This agreement will be in effect for a period of five years from the date of signature by all signatory parties. Stipulations will be met no later than five years after signatures are obtained. However, the project may be subject to approvals that may be delayed for a number of reasons. If the project is not approved for construction, and the stipulations in this agreement cannot be met, in the next five years, then USACE will seek a renewal and confirmation of the terms of this agreement.

IV. DISPUTE RESOLUTION

Should any signatory party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the USACE shall consult with the objecting party(ies) to resolve the objection. If it is determined within 30 days that such objection(s) cannot be resolved, the USACE will;

1. Forward all documentation relevant to the dispute to the Advisory Council for Historic Preservation in accordance with 36 CFR Section 800.2(b)(2) and 33 CFR 325, Appendix C, Section 10. Upon receipt of adequate documentation, the Council shall review and advise the USACE on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the signatory parties to the MOA, will be taken into account by the USACE in reaching a final decision regarding the dispute.

2. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the USACE may render a decision regarding the dispute. In reaching its decision, the USACE will take into account all comments regarding the dispute from the signatory parties to the MOA.

3. 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 will remain unchanged. The USACE will notify all signatory parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The USACE's decision will be final.

V. AMENDMENT AND TERMINATION

1. If a change occurs in the Undertaking that creates new circumstances that the USACE must address, or, if the USACE determines that it cannot carry out the terms of this MOA, any signatory party to this MOA may request an amendment. However, only the signatories may amend the MOA in accordance with 36 CFR 800.6(c) (7).

2. If any signatory party determines that the terms of this MOA cannot be or are not being carried out, the parties shall consult to seek amendment of the MOA. If the MOA is not amended, any signatory may terminate it per 36 CFR 800.6(c) (8).

SIGNATORIES:

U.S. Army Corps of Engineers, Walla Walla District



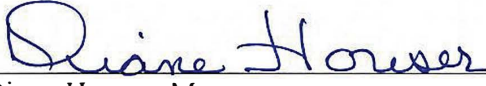
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Date **12/15/2024**

ShaiLin Y. KingSlack
Lieutenant Colonel, Corps of Engineers
District Commander

SIGNATORIES:

City of Gooding, Idaho

 Date 12/18/2023

Diane Houser, Mayor
City of Gooding

SIGNATORIES:

Idaho State Historic Preservation Office

Tricia

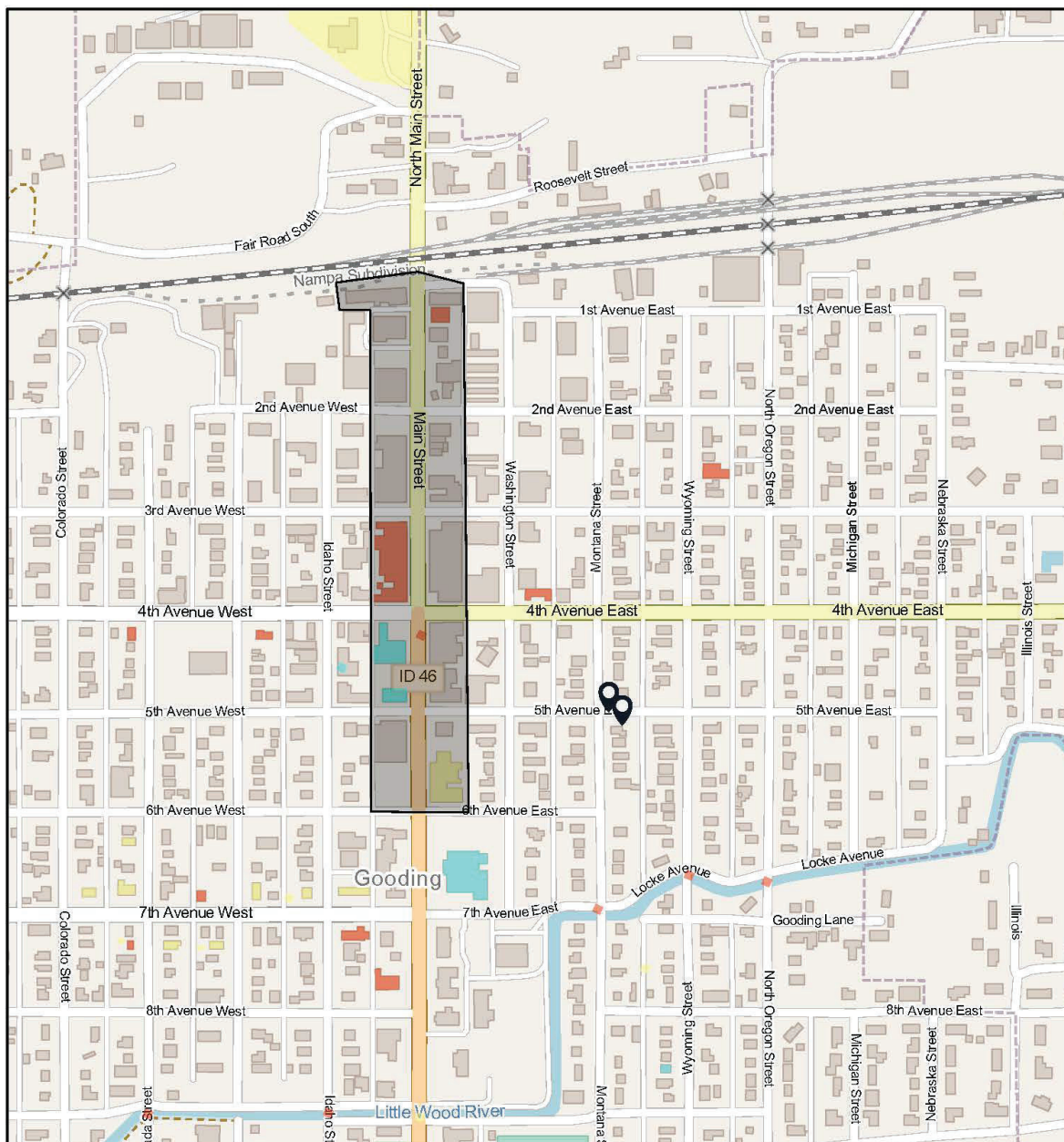
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by Tricia
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Tricia Canaday, Administrator, Dept. of
State Historic Preservation Office
Date: 2023.12.13
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Date _____

Appendix A: Gooding Survey Area

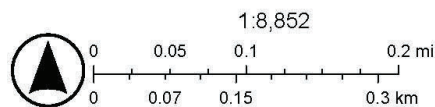
Gooding Survey Area



11/3/2023

Historic Sites Poly

- Eligible
- Ineligible
- Unevaluated



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