

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION OFFICE OF HISTORY AND ARCHAEOLOGY

550 WEST 7TH AVENUE, SUITE 1310
ANCHORAGE, ALASKA 99501-3565

PHONE: (907) 269-8721
FAX: (907) 269-8908

March 16, 2010

File No.: 3480 NPS Kennecott

Meg Jensen 
Superintendent
Wrangell-St. Elias National Park & Preserve
PO Box 439
Copper Center, AK 99573-0439

Subject: Signed Kennecott Programmatic Agreement

Dear Ms. Jensen:

This office received your letter on March 3, 2010 requesting my signature on the Programmatic Agreement between Wrangell-St. Elias National Park and Preserve. The document is acceptable and the signed original is enclosed with this letter. We retained a copy for our records. We appreciate the hard work and dedication given to Kennecott National Historic Landmark. The continued building restoration is truly creating a uniquely Alaskan destination.

Please contact Doug Gasek at 269-8726 if you have any questions or need further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:dfg

PROGRAMMATIC AGREEMENT

**AMONG WRANGELL-ST. ELIAS NATIONAL PARK AND
PRESERVE**

(U. S. DEPARTMENT OF THE INTERIOR)

AND

THE ALASKA STATE HISTORIC PRESERVATION OFFICER,

**REGARDING STABILIZATION, REHABILITATION,
RECONSTRUCTION, AND MAINTENANCE OF STRUCTURES AT
KENNECOTT MINES NATIONAL HISTORIC LANDMARK**

WHEREAS, Wrangell-St. Elias National Park and Preserve (WRST) acquired Kennecott Mines National Historic Landmark (NHL) on June 16, 1998 and proposes to conduct ongoing stabilization and maintenance of historic structures for the preservation of those structures; and

WHEREAS, WRST has determined that stabilization and maintenance of historic structures has the potential to affect historic properties as defined at Section 301(5) of the National Historic Preservation Act as amended (16 U. S. C. 470w-5); and

WHEREAS, because WRST desires to supplement the review process set forth in the 2008 Nationwide Programmatic Agreement (NPA) among the National Park Service (NPS) (U.S. Department of the Interior), the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) to streamline review of routine maintenance and consistent stabilization activities, WRST has elected to comply with Section 106 of the National Historic Preservation Act (16 U. S. C. 470f); hereinafter Section 106 through execution and implementation of a Programmatic Agreement (PA) pursuant to 36 CFR § 800.14 and Stipulation IX(B) of the NPA; and

WHEREAS, the purpose of this PA is to formalize the relationship between WRST and the Alaska State Historic Preservation Officer (SHPO) in the review of actions related to stabilization and maintenance at Kennecott Mines NHL; and

WHEREAS, WRST has consulted with the ACHP in accordance with 36 CFR § 800.14 and Stipulation IX(B) of the NPA to develop this PA and the ACHP has declined to participate or comment; and

WHEREAS, pursuant to 36 CFR § 800.14, WRST and the ACHP have invited the Alaska SHPO to participate in the consultation and to sign this PA; and

WHEREAS, WRST has consulted with the Cheesh'na Tribal Council, the Chitina Traditional Indian Village Council, the Dot Lake Village Council, Gulkana Village Council, the Healy Lake Traditional Council, the Mentasta Traditional Council, the Gakona Village Council, the Native Village of Kluti-Kaah, the Northway Traditional Village Council, the Tanacross Village Council, the Tazlina Village Council, the Tetlin Tribal Council, and the Yakutat Tlingit Tribe; and

WHEREAS, WRST has consulted with Friends of Kennecott and the McCarthy Area Council; and

NOW, THEREFORE, WRST and the SHPO agree that upon the WRST decision to proceed with the stabilization, rehabilitation, reconstruction and maintenance of historic structures at Kennecott Mines NHL, WRST shall ensure that the following stipulations are implemented in order to take into account the effects of its undertakings on historic properties.

STIPULATIONS

A. Undertakings associated with stabilization, rehabilitation, reconstruction, adaptive reuse, and ongoing maintenance of historic structures listed here will be reviewed for Section 106 purposes within WRST without further review by the SHPO or ACHP provided:

1. that these undertakings are based upon information adequate to identify and evaluate affected cultural resources;
2. that WRST finds that their effects on cultural resource in the NHL will not be adverse based on criteria in 36 CFR § 800.6;
3. that stabilization, rehabilitation, reconstruction and maintenance is compatible with the historic and architectural qualities of Kennecott Mines NHL in terms of scale, massing, color, and materials, and applicable policies, guidelines, and standards as identified in the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, and the Department of the Interior's *Guidelines for Rehabilitating Historic Buildings*, and are documented by using the form for *Assessment of Actions Having an Effect on Cultural Resources*.
4. In order to assure that all undertakings meet the *Secretary of the Interior's Standards for Archeology and Historic Preservation*, an archeologist will be present during ground disturbing or other activities that may threaten archeological resources. Should the on-site archeologist determine that work goes beyond monitoring, WRST will develop a plan of action and requisite research design in consultation with the SHPO.

B. The following kinds of undertakings may be reviewed in accordance with Stipulation A of this PA:

1. temporary, reversible measures required to stabilize structures, including roofing, wall braces, and foundations;
2. rehabilitation efforts that include replacement of original materials in kind;
3. activities that involve ground disturbance but do not have the potential to effect archeological resources;
4. rehabilitation and maintenance of existing or historic roads, trails, paths and rights-of-way within previously disturbed areas or areas known to not contain archeological resources using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance;
5. use of tailings located immediately south of the mill building as a gravel source for projects within the NHL;
6. removal or replacement of vegetation around structures to reduce fire hazards, restore historic landscape setting and to preserve structures, using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance and if the vegetation does not contribute to the significance of the historic property or landscape;
7. painting of all structures replicating original color;
8. repair or replacement in kind of windows replicating original color, size, shape and material;
9. repair or replacement in kind of doors replicating original size, color, shape and material;
10. re-establishing roofing to represent previous roofing as designated on the Kennecott Copper Corporation Fire Insurance Map of 1936;
11. investigative research necessary to determine condition of original materials with the intent of reestablishing previous conditions;
12. temporary security measures necessary to protect buildings, artifacts and visitors;
13. installation of fire detection systems and security alarm systems in a manner that minimizes their visibility and intrusive nature and that are reversible;
14. health and safety activities such as removal of asbestos, lead paint, oil, and transformers;
15. removal and disposal of materials associated with stabilization, rehabilitation and ongoing maintenance, including lead-based paint chips, broken glass, and wood debris that cannot be reused or that is contaminated by lead paint;
16. meeting accessibility standards only if the reconstruction or repair of existing wheel chair ramps and sloped walkways do not exceed the width or depth of the areas of previous disturbance and upgrading historic restroom interiors to achieve accessibility only if the historic features or fabric do not contribute to the historic significance of the structure (All other ADA projects will require full Section 106 Review);
17. responding to emergency situations in accordance with 36 CFR § 800.12 and NPA VII;
18. designing, fabricating, and installing interpretative signs and panels in accordance with approved sign guidelines and interpretative plan. Signs will not be physically

attached to a historic building, structures, or objects. Outside, signs are to be located in previously disturbed areas or areas inventoried and found not to contain historic properties;

19. installation of Environmental Monitoring Units for water monitoring Routine grounds maintenance of cemeteries and tombstones with no tools that will damage the surfaces of stones or wood;
20. acquisitions of property;
21. placement, maintenance, or replacement of utility and/or transmission lines within previously disturbed areas or in areas known to not contain archeological resources;
23. reconstructing historic elements, features and minor structures (such as 6' x 6' historic fire hose houses), provided they are in keeping with the Secretary of Interior Standards for Reconstruction and the themes and recommendations outlined in the *Kennecott Mill Town Cultural Landscape Report*. Any major structural reconstruction does not qualify for streamlined review.
24. Cyclic maintenance of rehabilitated historic structures, features, and elements including painting, repairs to windows, doors, walls, roofing, and mechanical systems in accordance with the Secretary of the Interior Standards.

ANNUAL REPORTING REQUIREMENT

WRST shall ensure that an annual report on all undertakings carried out pursuant to this Agreement is provided to the SHPO at the end of each calendar year.

ANNUAL MEETING REQUIREMENT

WRST will convene an annual meeting of the signatories to this Agreement at the end of each calendar year to review implementation of the terms of this Agreement and determine whether revisions or amendments are needed. If revisions or amendments are needed, the signatories will consult in accordance with 36 CFR § 800.14.

AMENDMENT

Any signatory to this PA may propose to WRST that the PA be amended, whereupon WRST shall consult with other signatories to this PA to consider such an amendment. 36 CFR § 800.6(c) (7) shall govern the execution of any such amendment.

RESOLVING OBJECTIONS

- A. Should any signatory to this PA object in writing to the NPS regarding any action carried out or proposed with respect to the implementation of this PA, WRST shall consult with the objecting party and other signatories.
 1. If after initiating such consultation WRST determines that the objection cannot be resolved through consultation, it shall forward all documentation relevant to the objection to the ACHP, including WRST's proposed response to the objection.
 2. Within 30 calendar days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

- a. Advise WRST that the ACHP concurs in WRST's proposed response to the objection, whereupon WRST will respond to the objection accordingly.
 - b. Provide WRST with recommendations, which WRST shall take into account in reaching a final decision regarding its response to the objection.
 - c. Notify WRST that the objection will be referred to the ACHP membership for formal comment and proceed to refer the objection and comment within 45 calendar days. WRST shall take the resulting comment into account.
3. Should the ACHP not exercise one of the above options within 30 calendar days after receipt of the pertinent documentation, WRST may assume the Council's concurrence in its proposed response to the objections.

TERMINATION

Any signatory to this PA may terminate it by providing thirty (30) days notice to the other signatories explaining the reasons for the proposed termination. WRST will consult with the other signatories during this period to seek agreement on amendments or other actions that will avoid termination. In the event of termination, WRST will request comments of the ACHP under 36 CFR § 800.7(a) and comply with 36 CFR 800 with regard to individual undertakings otherwise covered by this agreement.

ANTI-DEFICIENCY ACT

All requirements set forth in this PA requiring the expenditure of WRST funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Section 1341). No obligation undertaken by WRST under the terms of this PA will require or be interpreted to require a commitment to expend funds not obligated for a particular purpose.

- A. If WRST cannot perform any obligations set forth in the PA due to the unavailability of funds, the signatories to this PA intend the remainder of the agreement to be executed.
- B. In the event that any obligation under the PA cannot be performed due to the unavailability of funds, WRST agrees to utilize its best efforts to renegotiate the provision, and may require that the parties initiate consultation to develop an amendment to this PA when appropriate.

DURATION

This PA shall become effective upon execution by the signatories to this PA and shall

remain in effect until terminated or 5 years after it becomes effective. If WRST wishes to continue this Agreement it shall so notify the signatories to this Agreement and re-initiate the review of this PA in accordance with 36 CFR § 800.14.

EXECUTION AND IMPLEMENTATION

Execution and implementation of this PA evidences that WRST has satisfied its Section 106 and Section 110 responsibilities for all undertakings in this program.

SIGNATORIES:

WRANGELL-ST. ELIAS NATIONAL PARK AND PRESERVE

By: Meg Jensen Date Mar 1, 2010
(Meg Jensen, Superintendent)

ALASKA STATE HISTORIC PRESERVATION OFFICER

By: Judith Bittner Date March 16, 2010
(Judith Bittner, Alaska SHPO)