

**MEMORANDUM OF AGREEMENT
BETWEEN THE NATIONAL PARK SERVICE,
CHANNEL ISLANDS NATIONAL PARK
AND THE
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING REPLACEMENT OF THE ANACAPA STIFF LEG DERRICK CRANE
WITH A TWO-CRANE SYSTEM**

WHEREAS, the National Park Service (NPS) plans to carry out the Replacement of the Anacapa Stiff Leg Derrick Crane with a Two-Crane System (undertaking); and

WHEREAS, the undertaking consists of removing the existing, historic stiff leg derrick crane and replacing it with a two-crane system, one to be located within the existing historic crane footprint adjacent to the historic Derrick Building on the historic Upper Landing, and another to be located on the historic Lower Landing; and

WHEREAS, NPS has defined the undertaking's area of potential effects (APE) as the entirety of Anacapa Island and has included a map depicting this APE as Appendix 1; and

WHEREAS, NPS has determined that the undertaking will have an adverse effect on the Anacapa Light Station Historic District, which is listed in the National Register of Historic Places, a map of which is included as Appendix 2, as a result of removal of the historic Derrick Crane, potential alteration of the historic Upper and Lower Landing features, and installation of new features within the Historic District; and

WHEREAS, NPS has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), and SHPO has concurred with the finding of adverse effect in a letter dated July 26, 2016; and,

WHEREAS, NPS has contacted the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, which is traditionally associated with lands and resources on Anacapa Island, and they have indicated they do not wish to participate in this consultation; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), NPS 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, NPS and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NPS shall ensure that the following measures are carried out:

I. CONSULTATION

NPS will continue to consult with SHPO throughout the design process for the undertaking in order to minimize adverse effects and address any unanticipated effects of the undertaking. NPS will provide SHPO with design information at the Schematic Design and Design Development stages; SHPO will respond with any comments within a two (2) week period. If no response is received by the NPS, NPS will assume SHPO has no comments and will proceed to the next step of the design process.

II. DOCUMENTATION

- A. NPS has consulted with the NPS HABS/HAER Coordinator, and will follow the recommendation that Level II Historic American Buildings Survey (HABS) documentation be completed for the Anacapa Light Station Historic District prior to implementing the undertaking. The historic district as a whole will be documented using an overall site report; and specific buildings and structures that will be altered or demolished as a result of the undertaking will be documented in more detailed sub-reports addressing these features.
- B. NPS will ensure that copies of this documentation are provided to the SHPO, accessioned into the NPS archives at Channel Islands National Park, and submitted to the Library of Congress.

III. MEASURES TO MITIGATE THE ADVERSE EFFECTS

- A. NPS will develop onsite wayside exhibit(s) interpreting the significance of the Anacapa Light Station Historic District for the public.
- B. NPS will update the existing Anacapa Island trail guide brochure to include expanded information on the Light Station Historic District (including the crane).
- C. NPS will develop digital information interpreting the significance of the Anacapa Light Station Historic District, which will be uploaded to the Channel Islands National Park webpage (www.nps.gov/chis) in an appropriate section. This information allows the park to reach a goal addressed by the Director of the NPS in the *A Call to Action* plan, specifically Actions 17 (Go Digital).

IV. NATIONAL REGISTER NOMINATION

NPS will revise the existing (1991) National Register nomination for the Anacapa Light Station Historic District to include: 1) findings and new information from the 2005 Cultural Landscape Inventory for the historic property; and 2) the changed condition of the property as a result of the undertaking.

V. DURATION

This MOA will be considered terminated if NPS notifies the SHPO that the terms have been fulfilled and the SHPO concurs. However, 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, NPS may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation IX below.

VI. POST-REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties are found, the NPS shall follow the terms of 36 CFR 800.13.

VII. MONITORING AND REPORTING

Every six (6) months following the execution of this MOA until it expires or is terminated, NPS shall provide the SHPO a summary report detailing work undertaken pursuant to its terms. Such a report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NPS's efforts to carry out the terms of this MOA.

VIII. DISPUTE RESOLUTION

Should SHPO object at any time to actions proposed or the manner in which the terms of this MOA are implemented, NPS shall consult with SHPO to resolve the objection. If NPS determines that such objection cannot be resolved, NPS will:

- A. Forward all documentation relevant to the dispute, including the NPS's proposed resolution, to the ACHP. The ACHP shall provide NPS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NPS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, SHPO, and provide them with a copy of this written response. NPS will then proceed according to its final decision.
- B. Make a final decision on the dispute and proceed accordingly, if the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period. Prior to reaching such a final decision, NPS shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, and provide them and the ACHP with a copy of such written response.
- C. Carry out all other actions subject to the terms of this MOA that are not the subject of the dispute and its responsibility to these remain unchanged.

IX. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by both signatories. The amendment will be effective on the date a copy signed by both of the signatories is filed with the ACHP.

X. TERMINATION

- A. If either signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatory party to attempt to develop an amendment per Stipulation IX, above. If within thirty (30) days (or another time period agreed to by both signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatory.
- B. Once the MOA is terminated, and prior to work continuing on the undertaking, NPS 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. NPS shall notify the SHPO as to the course of action it will pursue.

Execution of this MOA by the NPS and SHPO and implementation of its terms evidence that NPS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES

National Park Service

Date

California State Historic Preservation Officer

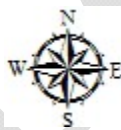
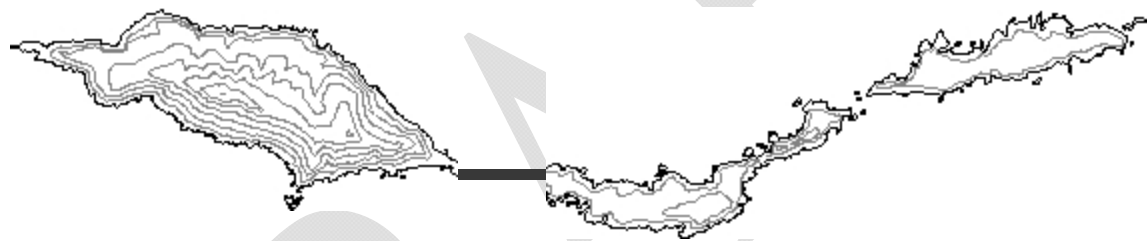
Date

APPENDIX 1:

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Anacapa Crane Project Proposed Area of Potential Effects

Note: Map depicts the extent of Anacapa Island National Register Archeological District



0 0.5 2 Kilometers

0 0.5 2 Miles

krm 3/30/2016

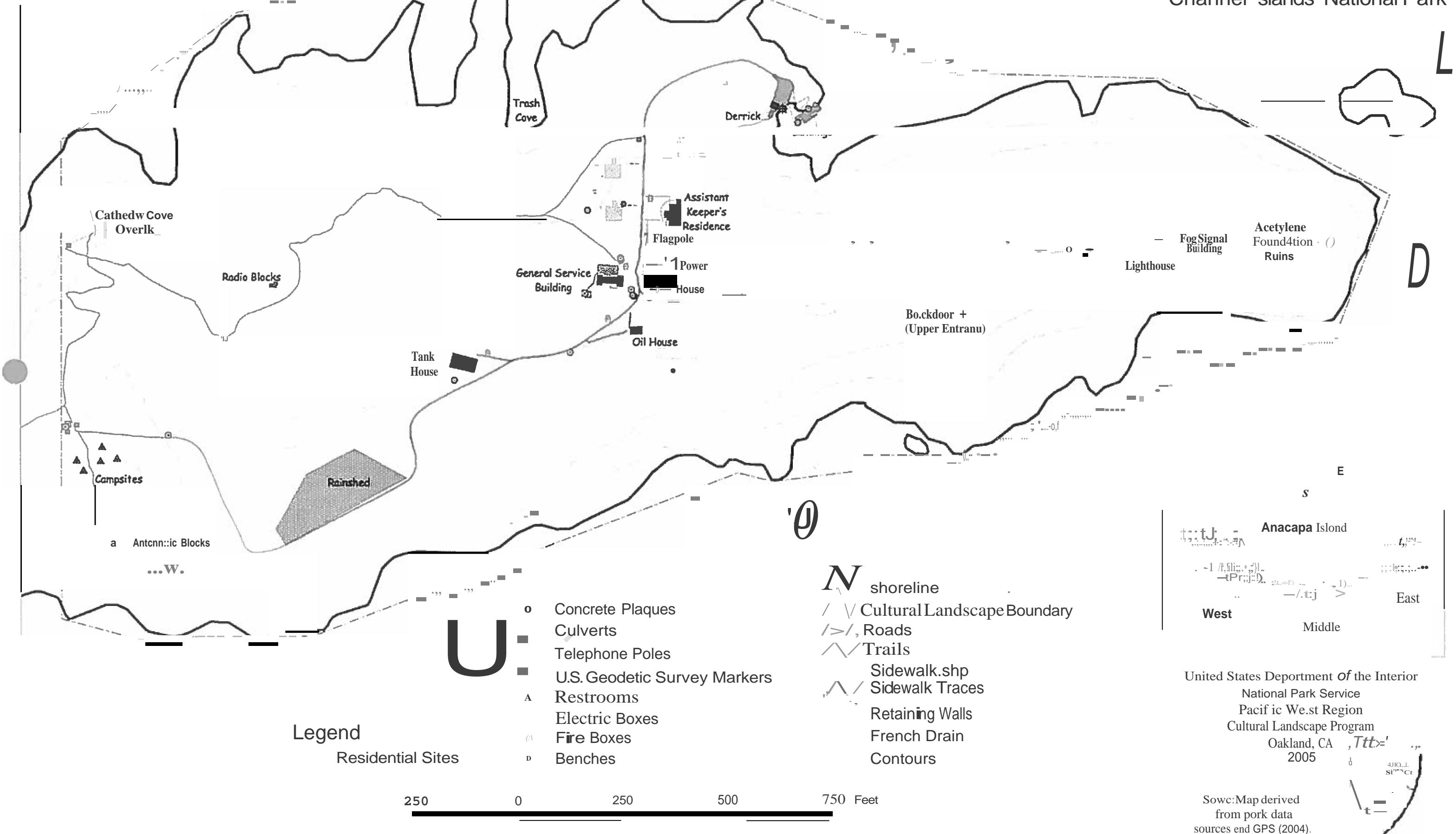
APPENDIX 2:

MAP OF ANACAPA ISLAND LIGHT STATION HISTORIC DISTRICT

Final Draft , 2016.10.12, L. Kirn

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Anacapa Island Light Station
Anacapa Island
Channel Islands National Park



United States Department of the Interior
National Park Service
Pacific West Region
Cultural Landscape Program
Oakland, CA
2005

Map derived from park data sources and GPS (2004).