

**Independence National Historical Park
ARC Land Exchange Documents**

Concern Response Report

Report Date: 2/19/2010

This report summarizes the comments received during the public scoping process. These comments are organized by issue, which have been described in a concern statement. Representative quotes are then provided for each concern statement. All representative quotes are presented verbatim. An agency response is provided for each concern statement.

CONCERN – Independence National Historical Park Archeology Lab

No. of Comments: 21

CONCERN STATEMENT: Commenters question the fate of the Independence Archeology Lab if the land exchange occurs.

Representative Quote(s):

Corr. ID: 32 **Organization:** Dept of Anthropology, Temple University

Comment ID: 115279 **Organization Type:** Unaffiliated Individual

Representative Quote: I am concerned about the potentially negative impact that the land exchange will have on the curation, analysis, and interpretation of artifacts currently housed at the Independence Living History Center, as well as the subsequent dissemination of this information to the public. The existing program dealing with these materials has tremendous momentum which will be severely curtailed, if not eliminated, as a result of the exchange, creation of a new facility, and relocation of materials. Any formal agreement must explicitly address how these issues will be managed and funded, including the preservation of the volunteer labor base.

Corr. ID: 45 **Organization:** Philadelphia Archaeological Forum

Comment ID: 115184 **Organization Type:** Unaffiliated Individual

Representative Quote: With respect to the NCC collections and analysis, the PAF is an official consulting party to that project, and our members are extremely concerned that the planned movement of the public archaeology lab to a new location following the land transfer in no way impedes, negatively effects, or otherwise does harm or causes unreasonable delay to that important work. Specifically, we are concerned that the movement of the lab will could effect the ability of INHP staff to meet all goals and time tables laid out in the current Programmatic Agreement for that project. The present lab facilities are well equipped to conduct the analyses of artifacts from the NCC, and any new facility for the lab must be similarly well-equipped and suited for this task. A significant aspect of the ongoing success of the public archaeology lab is its ability to allow interaction with members of the public who are interested in the history of this city, and in the archaeological findings from the NCC Site. We strongly believe that any

new home for the NCC collection and archaeology lab should also be able to fulfill this commitment to public outreach, without any significant reduction in public access.

Response: *Independence National Historical Park plans to move the public archeology lab and its associated collections to the main floor of the First Bank of the United States across the street from the present lab. The public will continue to have access to the lab at regular times. The National Park Service in partnership with the National Constitution Center is committed to completing all processing, analyzing and cataloging of the materials excavated on Block III of Independence Mall.*

CONCERN - Need Additional Deed Restrictions

No. of Comments: 7

CONCERN STATEMENT: Commenters believe that additional information is needed in the deed restrictions created for the land exchange.

Representative Quote(s):

Corr. ID: 20 **Organization:** Archaeological Society of Pennsylvania

Comment ID: 115296 **Organization Type:** Unaffiliated Individual
Representative Quote: I would recommend that the 3rd deed restriction for Archeological Resources be more specific in the types of ground disturbance. It should include a list of activities that would require archaeological investigations such as landscaping, excavation for building activities, grading of the ground, and any utility instillation. There should be very detailed requirements regarding reporting, artifacts, and analysis in the deed restriction.

Corr. ID: 26 **Organization:** *Not Specified*
Comment ID: 115287 **Organization Type:** Unaffiliated Individual
Representative Quote: The transfer document should detail that now as private land, the new center will be subject to all state and local regulations. Specifically, any new construction must comply with city zoning and building codes, be subject to any terms and conditions that apply to property originally obtained under Urban Renewal regulations and the Philadelphia Redevelopment Authority, and be compatible with local overlay districts.

Corr. ID: 26 **Organization:** *Not Specified*
Comment ID: 115288 **Organization Type:** Unaffiliated Individual
Representative Quote: New construction on the site should fit its surrounds: materials should be compatible with surrounding buildings (stone and brick), the building should match the heights surrounding buildings, the building should be set back similar to other buildings in the area (built out to the sidewalk), its appearance should create a sense of "invitation" and activity on the first floor (no blank walls like the existing building), trash disposal must be hidden, etc.

Corr. ID: 45 **Organization:** Philadelphia Archaeological

Forum

Comment ID: 115191 **Organization Type:** Unaffiliated Individual

Representative Quote: Finally, we believe that the definition of "Archeological Resources" as included in the proposed deed language may need to be modified. The last sentence in sub-part 2 of the definitions states that : "'Archeological Resources' as used herein shall not be construed to include historic items that were obtained from a source outside the Protected Property". Does this definition apply to archaeological artifacts that were manufactured or purchased originally from a location outside the protected property, and therefore obtained from some other location by an original historic occupant of this space? We believe that this was not the intended meaning of this part of the definition; however, we believe the definition as currently stated is unclear and could be misinterpreted in the future.

Corr. ID: 45 **Organization:** Philadelphia Archaeological Forum

Comment ID: 115190 **Organization Type:** Unaffiliated Individual
Representative Quote: regarding the provisions for arbitration, the PAF believes that the terms of this section place the Grantee and Grantor on too much of a level playing field. INHP staff possess the professional skills and knowledge necessary to review and evaluate any potential archaeological resources that may be contained within the ILHC property, and to determine what appropriate mitigation measures should be taken if such resources are likely to be impacted by proposed construction or development. As such, any review of potential impacts to such resources, as spelled out in the deed of transfer, should give deference and priority to the determinations of INHP staff.

We are also concerned about the possible outcomes of any arbitration that could occur with respect to the treatment of archaeological resources within the current ILHC property. While it is understood that arbitration can take many forms, we are concerned that the results of arbitration could result in an outcome or agreement that does not comply with all of the requirements of the Secretary of the Interior's standard regarding archaeological resources. For example, if arbitration results in a compromise whereby only certain resources within the property would be subjected to archaeological documentation and/or mitigation. Such an outcome would not comply with the Secretary's Standards and would itself be a violation of the terms of this deed of transfer. We believe that it should be specifically and clearly stated that any arbitration must result in an agreement that fully complies with all Secretary of the Interior's Standards and Guidelines related to the documentation, study, and/or preservation of archaeological resources contained within the property. We also believe that it should be specifically stated that if the arbitration occurs, then no development or construction on the property will be allowed to proceed until the successful conclusion of that arbitration process.

Corr. ID: 45 **Organization:** Philadelphia Archaeological Forum

Comment ID: 115187 **Organization Type:** Unaffiliated Individual

Representative Quote: in paragraph 3 of the deed section covering Archeological Resources, the second sentence reads: "The review and evaluation of the Superintendent of Independence National Historical Park will include....". We believe this sentence is mistated - the review in question should be that of the Grantee and its qualified consultants, as spelled out in the paragraph above.

Corr. ID: 46 **Organization:** National Parks Conservation Association

Comment ID: 115170 **Organization Type:** Unaffiliated Individual
Representative Quote: While NPCA does not object to the terms outlined in the Independence NHP deed restriction, we are surprised the document does not address potential future uses of the Independence NHP site. This is critically important, because future owners of the land might not share ARC's interest in history. We urge that, as details are ironed out, the NPS and ARC work together to agree on future use restrictions that ensure the property's use will remain consistent with the park's values.

Response:

Independence National Historical Park and the American Revolution Center have continued to refine the deed restrictions in consultation with representatives of the preservation community, native tribes, the City of Philadelphia, the Advisory Council on Historic Preservation, and the Pennsylvania State Historic Preservation Officer. These restrictions mirror the protections afforded by Section 106 of the National Historic Preservation Act and the National Environmental Policy Act which apply to federal properties and undertakings. They are intended to protect historic properties that are listed or eligible to be listed on the National Register of Historic Places within the area of potential effect. These restrictions will run with the deed to the property in perpetuity. They cannot restrict the appearance or use of structures that may be built on the property. Any such restrictions would be in the zoning of the property. The City of Philadelphia will determine the property's zoning after it is in private ownership.

CONCERN – Effect of Land Exchange on Other Park Cultural Resources

No. of Comments: 7

CONCERN STATEMENT: Commenters are concerned about the impacts the land exchange could have on Independence National Historical Park's cultural resources.

Representative Quote(s): **Corr. ID:** 34 **Organization:** Society for Pennsylvania Archaeology
Comment ID: 115276 **Organization Type:** Unaffiliated Individual
Representative Quote: I am also concerned that the land exchange would remove the parcel on which the Living History Center stands in Independence National Historical Park from federal protection. There is still much to discover under the surface in Old Philadelphia, as we see anytime there is construction in this historic city. I would hope that any changes the ARC will make will be in keeping with the historic and architectural qualities of Independence National Historical Park.

Corr. ID: 47 **Organization:** *Not Specified*
Comment ID: 115166 **Organization Type:** Unaffiliated Individual
Representative Quote: Also, the land currently owned by the NPS is therefore protected by law as to any potential archaeological resources that may exist on that parcel of property. They must continue to be so protected after the land swap until such time (which could be decades in the future) when a thorough survey and possible excavations can be undertaken. Meanwhile the new "owners" must not be allowed to alter any of the existing structures without conducting all the surveys and excavations that would be required if the land were still owned by the NPS. This area has very high potential for important archaeological work.

Corr. ID: 48 **Organization:** *Not Specified*
Comment ID: 115161 **Organization Type:** Unaffiliated Individual
Representative Quote: The land swap has implications for any potential archaeological resources, and could all too easily result in restricted, and potentially biased, access to resources that may exist on the parcel of land in question, and, therefore, the issue of protection, access, and preservation of these resources must be addressed regardless the outcome.

Response: *The National Park Service believes the deed restrictions protect Independence National Historical Park's cultural resources through stipulations governing height of new construction, archeological resources, tribal resources and the Bicentennial Bell. These restrictions closely mirror the protections afforded by the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation and Section 106 of the National Historic Preservation Act (36 CFR Part 800) and the National Environmental Policy Act (42 U.S.C 4332).*

CONCERN – Miscellaneous Topics: General Comments

No. of Comments: 3

CONCERN STATEMENT: [Miscellaneous public comments - general.](#)

Representative Quote(s): **Corr. ID:** 26 **Organization:** *Not Specified*
Comment ID: 115289 **Organization Type:** Unaffiliated Individual
Representative Quote: In recent years the site has become a favorite location for tour buses to load and unload because of the existing facility's generous and clean toilet facilities and the site's capacity to handle several bus loads of people at one time. While any new facility should be built out to the sidewalk line, it is possible to continue to accommodate these tourist needs with an open first floor gathering space.

Corr. ID: 28 **Organization:** *Not Specified*
Comment ID: 115284 **Organization Type:** Unaffiliated Individual
Representative Quote: Allowing a business venture to operate a facility within Independence Park suggests that our National Parks are "for sale" to the highest bidder. This is setting a precedent for a slippery slope that I for

one do not want to see happen to our parks.

Corr. ID: 42 **Organization:** *Not Specified*
Comment ID: 115254 **Organization Type:** Unaffiliated Individual
Representative Quote: Against National Center for the American Revolution to take over the Park Lands.

Response: *The property owner will determine what, if any, restroom facilities they will make available free-of-charge.*

Our national parks are not “for sale.” This transaction is a land exchange. The National Park Service is acquiring 78 acres of land in Valley Forge.

CONCERN – Supports Land Exchange

No. of Comments: 32

CONCERN STATEMENT: Commenters are in support of the land exchange which would move the proposed American Revolution Museum from a parcel located within Valley Forge National Historical Park to the corner of 3rd and Chestnut Streets in Philadelphia.

Representative Quote(s): **Corr. ID:** 36 **Organization:** Friends of Valley Forge Park

Comment ID: 115273 **Organization Type:** Unaffiliated Individual
Representative Quote: It is our firm belief that the new location, within sight of Independence Hall, serves all sides of the issue. The Center will be within walking distance of the genesis of our declaration of independence and Valley Forge will remain an undisturbed memorial to General George Washington and the men and women who persevered through the many trials of the winter encampment of 1777-78 to emerge, for the first time, as the true United States Army.

Corr. ID: 50 **Organization:** Christ Church Preservation Trust
Comment ID: 115318 **Organization Type:** Conservation/Preservation
Representative Quote: But we are excited about the possibilities for increased visitation at the eastern end of the mall, and the links that we can create with ARC. Their stories will be supplemented by the authentic historic sites (State House, Carpenters Hall, Christ Church, Elfreths Alley) that surround the museum.

Corr. ID: 53 **Organization:** Southeastern Pennsylvania Sierra Club

Comment ID: 115343 **Organization Type:** Conservation/Preservation
Representative Quote: By locating the ARC concept to the former INHP visitor's center, the U. S. Park Service ben-efits from not only an appropriate reuse an attractive building already part of the INHP, but the opportunity to connect two historically-intertwined federal park lands even though they are 25 miles distant from one another. Joining the two historic parks in this manner, if prop-erly managed and promoted, can enhance the experience of every historic park visitor.

Visitors to ARC, like visitors to INHP in general, also benefit from the availability of center city amenities, including the comfortably walkable urban street grid and the city's modally-diverse public transportation system. If ARC were to be built in on the 78-acre site in the suburbs, the necessary dependence on the automobile would have substantially increased the ARC visitor's impact on the environment. The increased energy consumption and greenhouse gas emissions have been avoided by the relocation of the ARC museum to the INHP property.

Note: As part of the National Historic Preservation Act Section 106 process, the National Park Service has forwarded the Land Exchange Documents to both the Advisory Council on Historic Preservation and the Pennsylvania Historical and Museum Commission (State Historic Preservation Office) for review. The National Park Service has also initiated consultation with federally recognized tribes associated with Independence National Historical Park and Valley Forge National Historical Park. Once comments are received from these agencies and organizations regarding the land exchange, they will be incorporated into the project's administrative record.