



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

29 March 2010

Cynthia MacLeod
Independence National Historical Park
143 South 3rd Street
Philadelphia, PA 19106

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

RE: ER 09-2268-101-E
NPS: American Revolution Center and National Park Service Land Exchange,
Independence National Park, Philadelphia

Dear Ms. MacLeod:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

Thank you for giving us the opportunity to review the draft Programmatic Agreement for the above referenced undertaking. We have reviewed the draft document and provide the following comments:

1. The first whereas clause references the Nationwide Programmatic Agreement, but does not specify how this relates to this specific project. If this clause remains in the Programmatic Agreement it should explain where this agreement fits into the Nationwide.
2. The National Center for the American Revolution (ARC) is referenced numerous times in the Agreement and plays a pivotal role. We believe that ARC should be a signatory to this document.
3. The 6th whereas clause, bottom of Page 1, states that the Area of Potential Effect (APE) for this undertaking includes "several National Historic Landmarks, including the First Bank of the United States". If the First Bank is the only NHL in the APE, then the word "several" needs to be deleted. If there is more than one NHL, then they all need to be identified.

4. Stipulation 1 discusses moving the public archaeology lab and collections from the Independence Living History Center. The purpose of the stipulations is to address mitigation. While movement and continued activity at the lab is important, it is not a form of mitigation in any way. Therefore, we recommend that this section be reworded and inserted in a whereas clause, perhaps between the 4th and 5th whereas clauses.

5. The paragraphs about the archaeology are confusing. The word "Level" should be replaced with "Phase." In addition it should not be called an "identification" study. Under 36 CFR 800, identification refers to identifying historic properties, i.e., those eligible for the National Register. Background research, and possibly a geomorphological assessment, would determine *potential* for such resources but would be unlikely to identify an archaeological site and determine whether or not is National Register eligible until additional field work and analysis was conducted.

6. The draft also references a "Study" (a report?) to be produced. However, it does not state that consulting parties would have an opportunity to review and comment on it.

7. Again, in regard to the archaeology, the PA does not state that the SHPO and other consulting parties would be invited to comment on findings and treatment of any eligible resources.

8. This document provides no timeline for work to be accomplished and does not provide any role for the Pennsylvania State Historic Preservation Office (SHPO). We believe that the SHPO should be consulting with the NPS-INDE concerning the Archaeology Scope of Work and the design of the new construction.

9. Stipulation 3 does not include an opportunity for the SHPO or consulting parties to review and comment on archaeological findings or compatibility with surrounding character and setting of historic properties.

10. The *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings* needs to be referenced in regards to new construction on the site. It does not appear in this draft agreement or in the last version of the deed restriction that we reviewed.

11. Under the terms of the agreement, there should be some timelines for the activities and reporting, etc. In addition, the third sentence includes the language "when...all of the above stipulations have been fulfilled and the SHPO has been provided with the aforementioned written report as to the actions taken to fulfill the terms of the agreement..." This is unclear, as there is no such written report mentioned previously. Perhaps this was accidentally deleted?

In general:


- the draft document does not provide any review or comment role for the State Historic Preservation Office. We recommend, at a minimum, that the NPS and SHPO continue to consult on this project;

- There are no timelines.

While this draft provides a good framework, we recommend that more specific language, actions, and timelines should be added. Furthermore, we request a copy of the final deed restriction so that we may review it prior to signing a Programmatic Agreement.

We look forward to reviewing the next draft.

Sincerely,


Jean H. Cutler
Director

JHC/ras