Memorandum

To: Tom Bradley, Superintendent, Jefferson National Expansion Memorial
Kathy Schneider, Project Coordinator, Jefferson National Expansion Memorial
Ann Honious, Chief Museum Services and Interpretation, Jefferson National Expansion Memorial

From: Margo Muhl Brooks & Greg Cody, Cultural Resource Specialists, Denver Service Center

Reference: Jefferson National Expansion Memorial CAR2015 Programmatic Agreement

Subject: Results of PA Interviews and Preliminary Issues Identified

Date: February 2, 2012

I. Introduction

This memorandum provides information gathered during background interviews conducted by DSC to better understand the current state of the draft programmatic agreement (PA) for this project, develops the issues that were brought up and provides recommendations for next steps.

II. Interview Process

Between January 17 and 31, 2012, Greg Cody and Margo Muhl Brooks, cultural resource specialists at the NPS Denver Service Center contacted, via email and phone, people identified as possible signatories to the PA.

Lists showing the people initially contacted via email, and those eventually interviewed follow. A copy of a draft PA dated January 5, 2012 was provided to all potential and actual interviewees.

Agencies/Tribes/Organizations Contacted

Louise Brodnitz, ACHP
Walter Metcalfe, CityArchRiver 2015 Foundation
Michael Van Valkenburgh, Michael Van Valkenburgh Associates, Inc.
Ed Hassinger, MODoT
Stephen Wesley, MODoT
Judith Deel, MO SHPO
Mark Miles, MO SHPO
James Munkres, Osage Nation Historic Preservation Office
John Froman, Peoria Tribe of Indians of Oklahoma
Gregory Budd, DOT/FHWA
Peggy Casey, DOT/FHWA

Agencies/Tribes/Organizations Interviewed

1/17/12	Dan Niosi, NPS Environmental Quality Division
1/17/12	Louise Brodnitz, ACHP
1/18/12	Peggy Casey, DOT/FHWA
1/19/12	Judith Deel, MO SHPO
1/19/12	James Smith & Gullivar Shepherd, Michael Van Valkenburgh Associates, Inc.
1/25/12	James Munkres, Osage Nation Historic Preservation Office,
1/31/12	Karin Roberts, Midwest Archeological Center
1/31/12	Bob Reeder & Mike Meinkoth, MODoT Historic Preservation Division

Additional emails and follow up phone calls were made to Chief Froman and Walter Metcalfe on January 25, but no response was received. Calls to Dan Niosi and Karin Roberts (both NPS employees) helped fill in some missing information gleaned from the interviews.

Following is the interview outline used to help provide structure to the interviews. All interviews were conducted via phone and lasted between 15 and 45 minutes.

Interview Outline

I. Introductions
II. DSC role in the process
III. Timeline (let's see if we can get this from Dan)
IV. Possible Interview Questions
   A. What are your and your organization's roles in this project?
   B. What do you see as your role in carrying out the PA?
   C. What do you see the complete project to be? Are there logical breaking points that do not depend upon one another?
   D. Do you see ways or points in the process where we can continue to involve the public in the project?
   E. What comments or questions do you have about the PA as it stands now?
V. Next Steps (incorporating comments and next review?)

III. Issues Identified

Through the interview process, we were able to identify several issues that need to be addressed in the next draft of the PA. These are summarized below and arranged by topic.

A. Signatories and Consulting Parties Identification
   1. The list of signatories could need to be modified. Several new parties were identified as possible signatories, for example, Great River Greenways. Others may be better characterized as consulting parties depending upon how the project is defined and circumscribed and the roles that the parties are to play in the carrying out of the PA.
   2. Consulting party lists may need to be expanded and/or refreshed since it has been some time since parties were contacted about their interest in the S106 process. The process for

contacting additional parties needs to be transparent so that signatories feel comfortable that due diligence has been done. Some parties that we should consider contacting may be national organizations with ties to westward expansion, and local business groups.

The ACHP, Missouri SHPO, Osage Tribe, FHWA, and MODoT Historic Preservation Division all stated that additional scoping must be conducted with all associated tribes to guage their interest in participating in PA negotiations. Part of the rationale for this ts the frequest change in tribal officials, which has probably occurred since 2010. A draft tribal scoping/consultation is included for consideration.

B. Undertaking & APE

The definition of the undertaking is unclear to many and exactly what should be covered by this document and what should be covered separately needs to be determined with all the parties. The reasoning needs to be laid out and clearly expressed in a new APE map, which may or may not be the same as that from the MOA. This will affect language subsequently used in the PA.

C. Identification of Historic Properties

Although work has been accomplished to identify historic properties, there are likely more properties yet to be identified. Both built and archeological resources fall into this category. A process for systematically identifying these resources should be part of the PA. It should include roles and responsibilities, trigger points for the identification processes, inclusion of the public where applicable, and a process for what will happen after resource identification.

D. Effect Determination and Project Review

1. Places in the process must be identified where effects may be determined. It can be worked into a separate S106 process just for this project.
2. The design process needs to be better defined and how the design and review fit needs definition.
3. If there are multiple design processes on different timetables, they will need to be incorporated into the PA.

E. Mitigation

Broad mitigations are included in the PA, but a process for developing mitigations for adverse effects as they are identified needs to be developed. This process will need to include the public as appropriate.

F. 4F

If the FHWA projects are included in this PA, a strategy for dealing with 4f will need to be developed, that includes its own timetable, an analysis of alternatives, and justification that the selected alternative is the only prudent and feasible alternative.

IV. Recommendations

After conducting the interviews and reviewing the draft PA, we have the following recommendations for moving forward with this project.

1. These results should be reviewed by the park and discussed with DSC.
2. Tribes (and other additional parties if deemed necessary) should be identified and sent a letter asking again about their interest in participating in the S106 process (see attachment c for an example)
3. A S106 consultation meeting should be arranged at the park to discuss the issues raised in the interviews. This report, or a portion of the report, should be included to provide background along with a reorganized PA to use for discussion. A more streamlined, reorganized draft PA is provided for consideration.
4. After the meeting, DSC will revise the PA and distribute for comment and repeat until an approved draft is ready for publication in the EA.

Margo Muhl Brooks
Greg Cody

Cc: Glenn Lamoree, Denver Service Center