

JEFF CAR 2015 S106 Final Meeting Notes #7, August 7, 2012

Topic: Discussion of New Draft Programmatic Agreement

Call Information: 9-11 AM Central Time Call #: 866-712-4580 Passcode: 8485149#

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I. Introductions

II. Review of Meeting #6 Draft Notes

- No changes. Draft notes accepted as final.

III. Review of Draft PA Comments and Discussion

The discussion below is based on the combined comments document previously distributed. Please refer to the comments as you read the discussion notes.

General Comments

- James Munkres stated that the tribe liked the streamlined PA, but clarity about the process is of utmost importance to keep delays from happening when implementing the PA. He sees no problem in putting specifics in appendices.

PA Title

No discussion.

Whereas Clauses

(1) No discussion.

(2) FHWA project definition still appears to be in question. We will review the Undertaking description and be sure that the undertaking description, FHWA & NPS EAs and MOU all describe the portion of the project FHWA will be doing in the same way.

(3) There was discussion about the parking garage whereas clause. The intent is that S106 will follow normal procedures instead of procedures outlined in this PA since what may happen is very vague. This will need to be explicitly stated. There was some question about what that clause may compel NPS to do—such as archeology off park land--but it was agreed that there may be ways around that issue.

(4) The consensus was that Historic Properties will continue to be addressed in the APE Appendix.

(5) No discussion.

(6) No discussion.

Preamble

(1) NPS and CAR2015 believe that it is important to keep the preamble statement and link the nonimpairment framework to the PA since this project would not be done except for the Arch. They believe it should be quoted directly from the GMP.

Applicability and Scope

(1) If the undertaking is well defined in the appendix, this is fine. We will need to take another look to be sure it is crystal clear.

Identification and Evaluation of Historic Properties

(1) No discussion. It was unclear what the meaning of this comment was.

Archeology

(1) See APE section.

(2) 90 meter radius – All agreed that this number could be revised to something smaller once a qualified archeologist determined what the resource was and how big it was likely to be. For

example, a privy would need a much smaller radius of work stoppage. The language will need to be crafted.

(3) We discussed the merits of more specification for archeology or at least more specification on the process, the merits of an archeological work plan and what it might contain and if it belongs in the document. Most felt that the way the PA was structured was fine, but some additional protocols were called for. Some of these were presented by the Osage Tribe in the appendices, but not everyone has read them. It was decided to table the discussion and dedicate the next meeting to this issue.

(4) Survey scope: there was a question about whether people really believed that the fill had potential to have significance. Most thought it does not have that potential because it is unknown where it was transported from BUT it could still contain human remains or other things that might need to be dealt with under NAGPRA.

(5) See above for discussion of archeological plans.

Mitigation of Adverse Effects

(1) The **St. Louis Mississippi River Levee**. Eligibility opinion is currently under review at the SHPO and will shortly be returned, so we will be able to delete this stipulation and add the levee to the list of identified historic properties. The SHPO did not recommend formal submission to the Keeper because it may not still be eligible once the Waterfront projects are completed.

Outreach to and Involvement of Tribes

(1) NPS will try to reach other tribes and potential signatories who have not participated up until now.

(2) – (4) Discussion deferred until next time.

Inadvertent Discoveries

(1) Discussion deferred until next time.

Design Plans

(1) See Great River Greenways Design Review below.

APE

(1) A larger APE was determined to be better than a smaller one since there are many uncertainties in this project.

Proposed Appendices

Discussion deferred until next time.

Other

The National Trust and Missouri Preservation indicated that the design review needs provisions for including other interested and consulting parties. While the proposed panel seems like a good idea, more specification and protocols are needed for how submittals will be handled and how those who aren't signatories can participate in the process. This was supported by the SHPO.

The park asked for more specificity on how the public will be involved.

IV. Great River Greenways Design Review—Comments or Questions

- There was a request for clearer plans. The newest plans dated 8/2 were uploaded to PEPC and are available.
- There was a request by the National Trust for Historic Preservation and Preservation Missouri for access to the review. Margo Brooks will send them the access information.

V. Next Steps

- MO SHPO, National Trust and Missouri Preservation will try to provide PA comments by the end of the week or next week
- NPS will discuss contact tribes and other potential signatories who have not actively participated
- Next meeting will specifically discuss archeological process and appendices
- NPS and CAR2015 will then develop another draft PA for review that tries to address the concerns that have been raised.

VI. Next Meeting: August 14, 2012 for 1 hour