

AMENDMENT TO
PROGRAMMATIC AGREEMENT
AMONG
THE USDA FOREST SERVICE, TONGASS NATIONAL FOREST,
THE ALASKA STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE ALASKA MENTAL HEALTH TRUST LAND OFFICE
REGARDING
LAND EXCHANGE BETWEEN THE TONGASS NATIONAL FOREST AND
THE STATE OF ALASKA MENTAL HEALTH TRUST LAND OFFICE

WHEREAS, the Agreement was executed on April 16, 2018;

WHEREAS, the USDA Forest Service (Forest Service) has determined that the identified effects to CRG-00346 Wolf Creek Boatworks are different than those anticipated as part of the original Agreement; and

WHEREAS, the Forest Service has invited Samuel Romey, the current owner of CRG-00346 Wolf Creek Boatworks improvements, to consult on the resolution of adverse effect to the property and he has chosen to participate; and

WHEREAS, approximately one-third of the CRG-00346 Wolf Creek Boatworks shop building sits on National Forest System lands and the other two-thirds of the building sits below mean high tide on State of Alaska land; and

WHEREAS, Mr. Romey's permit expired on its own terms on December 31, 2015 and the Forest Service notified Mr. Romey that he is required to remove his property, including his facilities, and vacate the land by December 15, 2020; and

WHEREAS, Congress only made provision in the Alaska Mental Health Trust Act of 2017 for the conveyances to be encumbered with valid existing rights at the time the law was passed. Mr. Romey's expired permit is not a valid existing right.

WHEREAS, the law only gives minor exceptions to deviate from the lands Congress identified to be exchanged. These minor exceptions do not apply in such a way that the land occupied by the Boatworks can be removed from the exchange; and

WHEREAS, following execution of the Agreement, the Forest Service determined that it did not

accurately take into consideration that CRG-00346 Wolf Creek Boatworks is owned by Mr. Romey and might be removed before the land was transferred. The signatories to the Agreement recognized that the removal of CRG-00346 Wolf Creek Boatworks was a potential direct adverse effect to a historic property that had not been accounted for in the original Agreement and an amendment would be needed; and

WHEREAS, the Forest Service invited seven additional interested parties [Haida Corporation, City of Hydaburg, Hydaburg Cooperative Association, City of Kasaan, Organized Village of Kasaan, Sealaska Corporation, and Alaska Association for Historic Preservation, Inc.] to consult on resolving the effects to CRG-00346 Wolf Creek Boatworks and Organized Village of Kasaan and Alaska Association for Historic Preservation, Inc. chose to participate; and

WHEREAS, due to public interest in the effects to CRG-00346 Wolf Creek Boatworks, the Forest Service has facilitated additional public involvement efforts, including posting information on a project website and accepting comments from interested parties and the public through May 22, 2020 and 28 comments were received from 19 commenters and taken into consideration by Signatory Parties in the development of this amendment; and

WHEREAS, AMHTA manages its resources to serve the mental health trust and its beneficiaries in Alaska and has a fiduciary responsibility to generate revenue; and

WHEREAS, if CRG-00346 Wolf Creek Boatworks were transferred intact, the Forest Service does not have the authority to direct AMHTA to pursue opportunities and management conditions that would result in the property's continued use and preservation; and

WHEREAS, due to the coronavirus (COVID-19) pandemic, the Forest Service has also determined that deadlines for several existing Stipulations, which require meetings and public gatherings, need to be extended; and

NOW, THEREFORE, in accordance with Stipulation VII of the Agreement, the USDA Forest Service, Tongass National Forest, the Alaska State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Alaska Mental Health Trust Land office agree to amend the Agreement as follows:

1. Amend Preamble to add the following:

WHEREAS, Appendix A, Maps 1-3 constitute the Area of Potential Effect for the Undertaking.

2. Amend Stipulation I.E.3 to change (2021) to:

(2022).

3. Amend Stipulation I.E.3.c to change 2021 to:

2022.

4. Amend Stipulation I.E.3.d to change 2020 to:

2021.

5. Amend Stipulation I.E. to add the following:

5. The Forest Service will compile all existing historical information about CRG-00346 Wolf Creek Boatworks collected by the Forest Service and any other person or entity who may have historical information they are willing to share into one electronic file; histories, photographs, drawings, etc. This effort will not include additional documentation of CRG-00346 Wolf Creek Boatworks itself and will not require a visit to the structure. The Forest Service will prepare a publication that shares the historic context of the property and highlights its importance to the local communities of Hollis and Kasaan as a boatworks. A statement of work shall be prepared through a collaborative process by a committee that includes representatives from the SHPO and the Forest Service, for the purposes of detailing the steps involved in preparing the publication, to include review periods.

The Forest Service Tongass National Forest Heritage Program Manager shall coordinate the development of the statement of work. The statement of work shall be completed no later than one year prior to the expiration of the Agreement. The Forest Service will distribute the final publication to local community libraries. The Forest Service will submit a copy of all materials described above to the Office of History and Archaeology and append a copy to the Historic Property Management Plan (HPMP) so that AMHTA has good information on the resource they will have under their management. This stipulation is to be funded by the Forest Service and tasks identified in the statement of work will be completed by the expiration date of the Agreement whether or not CRG-00346 Wolf Creek Boatworks is transferred intact.

6. If CRG-00346 Wolf Creek Boatworks is transferred intact, due to abandonment by the former owner, AMHTA shall manage the property within the constraints of the Alaska Historic Preservation Act. The AMHTA shall communicate to the Forest Service for their awareness if the status of the Boatworks changes while this Agreement is in effect.

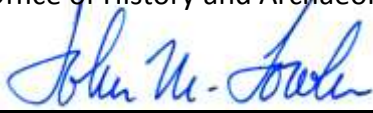
7. If CRG-00346 Wolf Creek Boatworks is transferred intact, due to abandonment by the former owner, the Forest Service shall ensure guidance developed for the HPMP, pursuant to Stipulation E.2, includes recommendations focused on the long-term preservation of CRG-00346 Wolf Creek Boatworks, including considering identifying potential reuse opportunities and guidance for mothballing. The Forest Service is responsible for funding the development of the HPMP as described in this stipulation. The HPMP will be completed by 90 days prior to the expiration date of the Agreement.

M. Earl Stewart
Forest Supervisor, Tongass National Forest
USDA Forest Service

Date

JUDITH E. BITTNER
Alaska State Historic Preservation Officer
Office of History and Archaeology

Date



JOHN M. FOWLER
Executive Director
Advisory Council on Historic Preservation

8/10/20
Date

Wyn Menefee
Executive Director
Alaska Mental Health Trust Land Office

Date