

6.0 PUBLIC AND AGENCY COMMENTS



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

March 22, 2007

Mr. Dale A. Ditmanson
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee, 37738

RE: NPS, Elkmont Historic District, Proposed Alternative C, Sevier County

Dear Mr. Ditmanson:

After meeting with you and members of your staff on Monday, March 5, 2007 we have determined to focus our attention on the remaining questions we have concerning Alternative C. We want to assure ourselves that this is a viable alternative that adequately considers the adverse effects associated with this undertaking and represents the best possible outcome for buildings within the Elkmont Historic District. Alternative C results in severe adverse effects to the Elkmont Historic District since most of it will be destroyed and if we are to continue consultation and eventually enter into a Memorandum of Agreement that will mitigate these adverse effects, we must be convinced that the historic resources of Elkmont have been fully, fairly, and honestly "taken into account" in reaching a decision on their future. To this end we request that NPS address the following issues.

It seems to us that Alternative C relies heavily on an interpretive approach. Emphasis has been placed upon telling "The Story of Elkmont". From the current documentation submitted by the Park Service, we are unclear as to the specific nature of that "story". We need a more detailed discussion from you concerning exactly what the Park Service considers that "story" to be. Based on our understanding of the history of Elkmont, there does not appear to be one single "story", but rather a multitude of overlapping stories that all fit within the district's period of significance. Under provisions of Alternative C, how does the Park Service plan to weave the various "stories" of Elkmont into one coherent interpretation? We have concerns that the majority of the "story" won't have any physical representation to lend credence to it. How will the whole story of Elkmont be interpreted with only the "rump" of a much larger and architecturally more diverse historic district remaining? What devices or tools can tell the complete story of Elkmont in a way that will convey real meaning and interest to visitors who will know nothing of the thing of which they are actually seeing only a remnant?

Letters from Federal and State Government Agencies

Mr. Dale A. Ditmanson
March 22, 2007
Page Two

As you are already aware from our discussions on March 5, we have serious concerns relative to Alternative C that center around mid- to long-term fiscal sustainability. We see no advantage in an alternative that will not sustain itself fiscally, because such an alternative will surely lead to the further neglect of the buildings and their eventual decline into non-eligibility. Currently, we do not have sufficient data to assure ourselves that Alternative C balances necessary expenditures for rehabilitation and ongoing maintenance of the cabins and the Park Service's projected revenues in a way that most likely ensures sustainability in the mid- to long-term. What are the cost/revenue analyses that predispose the Park Service to select Alternative C as the preferred alternative?

We request to see the Park Service's pro-forma on Alternative C that clearly factors in cost/revenue analyses and appends the derivative data upon which these analyses are based. This office needs reasonable assurances that your projected private sector revenue sources for preservation of the structures noted in Alternative C have been contacted and have made commitments to support this alternative financially. We also need reasonable assurances that your projected revenue stream will be sufficient to offset normal wear and tear in the mid- to long-range. We are greatly concerned that the proposed uses of the remaining portion of the Elkmont Historic District as a static interpretive display will not be deemed to have a sufficiently high value by much of the public to generate the kind of private support and investment that will be necessary to ensure adequate funds to maintain the buildings.

Specifically, we need to see Park Service analyses and assessments having to do with what the Park Service thinks it can and must charge for use of the Appalachian Club in order to make this plan feasible. Does your analysis factor in mid- to long-term maintenance of the buildings as well as the initial costs? What are your projected rental fees for the Appalachian Club? How often will the building need to be used to make Alternative C self-sustaining and what impact will this amount of use have on the natural environment? What will the introduction of new parking areas proposed in Alternative C do to the adjacent cultural, archaeological, and natural resources? What provisions have you made to honor your commitments under Alternative C should the expected partnerships and sources of private support not materialize and/or your revenue projections not bear out over time.

We have deep concerns that the provisions of Alternative C do not speak adequately to the avoidance of any National Register of Historic Places eligible archaeological resources that may be identified through the proposed phased survey associated with that alternative. The Park Service's Area of Potential Effects map for Alternative C does not seem to take archaeological resources into account. If a Memorandum of Agreement is eventually drafted by the Park Service for our signature, we feel that the agreement document would need to include specific provisions for assessing the significance of as-yet-unidentified archaeological resources in consultation with the SHPO and for avoidance of adversely affecting any such sites or resources. What will be done to identify, evaluate, and protect any archaeological resources discovered as a result of the changes that occur under Alternative C?

6.0 PUBLIC AND AGENCY COMMENTS

Mr. Dale A. Ditmanson
March 22, 2007
Page Three

Of a more general nature, in addition to the above-referenced questions we continue to have serious misgivings about the Choosing By Advantages (CBA) process. We understand your explanations of how this is an internal decision-making process and how it is used by the agency in making its decisions. Throughout the long Section 106 review relative to Elkmont the intent, as we understood it, was to reach decisions through a consultative process that involved all consulting parties. The fact is, however, that the consulting parties were not part of the CBA process. While we understand that the ultimate decision-making responsibility always legally rested with the agency, the appearance is left that, in spite of the lengthy Section 106 process and the many meetings held, in the end little consequential consultation actually occurred. We note that Alternative C is, in fact, strikingly similar to the proposal put forward by the Park Service in 1999, prior to any consultations other than those whose lack of result caused the Tennessee State Historic Preservation Office to terminate consultations in 1997.

We now understand, based on your representations given at the meeting on March 5, that the goal of regenerating the Montane Alluvial Forest (MAF) was not a significant factor in your selection of a preferred alternative. The materials assembled for and included in the DEIS and the attention given to the MAF paid in the DEIS provoke another impression. This inconsistency gave rise to our inability to understand why the adjacent campground, though within the undertaking's Area of Potential Effects, was not part of the discussion relative to alternative analysis. However, we realize now that these are issues that the park feels it has explained adequately and is unwilling to elucidate further. While we are still perplexed about these unsettling issues we are not asking for any further discussion on these points.

As we stated at the outset of our meeting on March 5, from our point of view the question of what to do with Elkmont can be fundamentally reduced to two issues. These are; (1) what is the most desirable outcome, given the nature and constraints of the various resources, both natural and cultural, involved, and (2) what is feasible, given the objective factors and the resources available to pursue any given alternative. When the Tennessee State Historic Preservation Office rejoined consultations in 1999 after having terminated them two years before, it did so at the urging of the Advisory Council on Historic Preservation. The Advisory Council's position was that the case of Elkmont was one of possibly precedent-setting importance as a situation in which very important cultural resources and natural resources were apparently in conflict and, if this was the case, then how could the conflict best be resolved, both in terms of process and outcome. This, of course, speaks to the first of the above questions and was a deciding factor in our agreeing to re-enter consultations. On the question of feasibility, it has always been our position that any outcome must be feasible, that is, the resources must be available to achieve it and it must justify the commitment of those resources and effort by the value of the outcome to the public good. We are left at the present time with some considerable doubt as to whether either of these questions has been satisfactorily answered. We are, however, of the opinion that it is time for the matter of Elkmont to be resolved. To do nothing while the historic resources continue to deteriorate is pointless.

Mr. Dale A. Ditmanson
March 22, 2007
Page Four

We trust that this letter has been candid and forthcoming about our ongoing concerns relative to Alternative C. If you need further clarification of any of these concerns, please do not hesitate to contact us. We appreciate your cooperation.

Sincerely,



Richard G. Tune
Deputy SHPO

RGT/jyg

xc: Mr. James Fyke, Tennessee SHPO
Ms. Nancy Tinker, National Trust for Historic Preservation
Mr. Mark Shipley, Smoky Mountain Hiking Club
Mr. Russell Townsend, THPO, Eastern Band of Cherokee Indians
Dr. Richard L. Allen, THPO, The Cherokee Nation
Mr. Gregory S. Kidd, National Parks Conservation Association
Ms. Lynn Faust, Elkmont for All Preservation Committee
Messrs. Don Richardson and Ted Snyder, Sierra Club
Ms. Martha Catlin, Advisory Council on Historic Preservation

6.0 PUBLIC AND AGENCY COMMENTS



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee 37738



May 29, 2007

James Fyke, Commissioner
Tennessee Department of Environment and Conservation
410 Church Street
L & C Tower, 21st Floor
Nashville, TN 37243-0435

Dear Commissioner Fyke:

Enclosed are the Park's responses to the Tennessee State Historic Preservation Office's March 22, 2007 letter regarding consultation on the adverse affects of the Agency-preferred Alternative C for the Elkmont Historic District General Management Plan Amendment.

We are pleased that the TN SHPO is of the opinion that it is time for the matter of Elkmont to be resolved and agree with your statement that "to do nothing while the historic resources continue to deteriorate is pointless." To that end, we are preparing to draft a Memorandum of Agreement and are eager to forward it to you and all consulting parties for review and comment. We look forward to a response from you within the next 30 days in regards to drafting a Memorandum of Agreement.

Sincerely,

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Dale A. Ditmanson
Superintendent

Enclosure

cc:

Tune, Richard - SHPO
Garrison, Joseph - SHPO
Stagar, Claudette - SHPO
Barnett, Jennifer - SHPO
Catlin, Martha - ACHP
Townsend, Russ - THPO - ECBI
Nail, Giny - THPO - Chickasaw
Tinker, Nancy - NTHP
Harrington, Michael - SMHC
Faust, Lynn - EPC
Kidd, Gregg - NPCA
Snyder, Ted - Sierra Club



SHPO Comments and Park Responses

1. How will the National Park Service interpret the “story” of the Elkmont Historic District?

Forty-nine of the 74 buildings that remain at Elkmont are considered contributing to the significance of the Historic District. The Park has proposed to retain and restore the core of the Appalachian Club in Alternative C, which includes eighteen contributing buildings and one non-contributing building that will be restored to the historic period. In addition, the *Cultural and Historical Landscape Assessment* prepared as part of this EIS process and initial cultural landscape inventory work have both revealed and described a significant amount of the historic cultural landscape. A completed Cultural Landscape Inventory will be proposed as part of a Memorandum of Agreement. This inventory will be able to more fully describe the framework that is established by the cultural and natural features and their relationship to site interpretation.

While Alternative C does not preserve the entire district, what remains today from the period of significance is only a *fragment* of the entire Elkmont community that once existed. The proposed core for preservation represents some of the best opportunities to provide the essence of what this portion of the community was, provides for public enjoyment through interpretive media and programs, and ensures that it can be preserved and maintained in the future.

We concur that a full interpretive plan, including a Media Concept Plan that will detail specific exhibits, is needed. It will be developed once a final decision is confirmed for Elkmont. This overall plan will determine how people will experience the site and learn of its significance, events, and context. The types of interpretive media proposed and topics are identified in the DEIS on page 77. The Park agrees that there is a multitude of overlapping stories that fit within the period of significance and additional research and scholarly review is needed to place them in a regional and national context of significance. These stories will be further explored and conveyed through the interpretive planning process and will incorporate new information discovered as part of ongoing research.

2. What are the cost/revenue analysis that predisposes the Park Service to select Alternative C as the preferred alternative?

We couldn't agree more with you that there is “no advantage in an alternative that will not sustain itself fiscally, because such an alternative will surely lead to the further neglect of the buildings and their eventual decline into non-eligibility.” A cost/benefit analysis was one of the factors used in selecting Alternative C as the agency preferred alternative. We want to ensure that the Park can sustain the historic resources at Elkmont in perpetuity.

The effect of implementing Alternative C on NPS operations would be moderately beneficial and permanent, primarily because the need to stabilize, maintain and police buildings across the District would be largely eliminated, with the exception of the core grouping in Daisy Town, Millionaires Row, and one in Society Hill. Therefore,

6.0 PUBLIC AND AGENCY COMMENTS

although there are costs associated with restoring and preserving the remaining buildings and for maintaining the upgraded infrastructure, this cost would provide a substantial reduction in annual maintenance when compared to the preservation of all buildings.

The cost for implementing and maintaining this alternative would also be offset by the anticipated fee revenues received from the active use and rental of the Appalachian Clubhouse and the Spence Cabin (#42) as day use facilities through the Special Use authority. (See pages 312 -313 of the DEIS). The estimated cost of annual operations for Elkmont if the 1982 GMP is implemented would be \$52, 360, just to maintain the site without any buildings. The estimated cost for annual operations and maintenance if Alternative C is implemented would be \$130, 945. The difference in the annual operation cost estimated between the No Action and Alternative C is \$78,585 (2007). The National Park Service has the authority to issue short term leases for the use of these two facilities and set the rental rate for these facilities at market value. Market value for day use of similar facilities in the Sevier County area is an average of \$300 (2007) per day at an estimated 100 days per facility per year is equivalent to \$60,000 per year.

The ability to implement any of the alternatives is dependent upon either appropriated or donated funds, neither of which we can attempt to secure until we conclude this planning process and reach a decision. We have had private sector interest expressed in Alternative C. We have been clear from the beginning of this project that a combination of federal and private funds will be required to implement any of the alternatives. The Secretary of Interior's recently announced "Centennial Challenge" provides an opportunity for the possibility of federal funds to match private sector donations on a 1:1 basis. We view Alternative C as a viable candidate for a Centennial Challenge match and are working with our fundraising partner, Friends of Great Smoky Mountains National Park, on securing private-sector support for implementation of Alternative C.

3. What will be done to identify, evaluate, and protect any archaeological resources discovered as a result of the changes that occur under Alternative C?

As you are aware, several sections of the Elkmont Historic District EIS and GMP Amendment address the treatment of study area archeological resources (both known and potential) within the study area. To summarize: section 2.2.1 addresses steps to be taken to protect against the destruction or degradation of archeological resources under any alternative, table 4.2 addresses additional archeological work and/or potential avoidance/mitigation strategies for known archeological resources, and Appendix E provides recommendations for each proposed project activity and includes a building by building action plan. These plans outline the proposals included in the research design that was submitted and approved by your office.

These sections of the document do not spell out in meticulous detail the treatment of archeological resources under any of the alternatives considered. They do however provide the framework for developing more specific provisions at the implementation level. The expectation of the Park is that those specific provisions would be developed in consultation with the SHPO and would be included in any

Letters from Federal and State Government Agencies

Memorandum of Agreement for this project. We would expect those provisions to address the extent of additional survey work, assessment of the significance of archeological resources discovered as a result of that survey work, a process for addressing unexpected discoveries, as well as development of specific steps to avoid or mitigate impacts to archeological resources.

4. Throughout the long Section 106 review relative to Elkmont, the intent, as we understood it, was to reach decisions through a consultative process that involved all consulting parties. The fact is, however, that the consulting parties were not part of the CBA process. While we understand that the ultimate decision-making responsibility always legally rested with the agency, the appearance is left that, in spite of the lengthy Section 106 process and the many meetings held, in the end little consequential consultation actually occurred.

The Section 106 consultation process that engaged the consulting parties in this ongoing discussion did play a role in the NPS internal CBA decision-making process. The varying views expressed by all consulting parties both verbally and in writing were considered during the decision-making process and did influence the outcome.

Your comment that Alternative C is strikingly similar to the proposal first put forward by the Park Service in 1999 is perplexing since the TN SHPO was at the table during the alternative development process for this DEIS and did not offer any comments at that time on the individual alternatives. Other consulting party members did provide comment on the alternatives and did influence their development.

We do appreciate that your office has recognized that the ultimate decision-making responsibility for Elkmont does rest with the National Park Service and are anticipating that you are ready to move forward with the National Park Service in completing a Memorandum of Agreement so that the cultural resources at Elkmont can be preserved.

5. We now understand, based on your representations given at the meeting on March 5, that the goal of regenerating the Montane Alluvial Forest (MAF) was not a significant factor in your selection of a preferred alternative.

Regeneration of the Montane Alluvial Forest was just one of the factors considered in the selection of a preferred alternative for Elkmont, and we appreciate your understanding and acceptance of this point.

6. What is the most desirable outcome, given the nature and constraints of the various resources, both natural and cultural, involved?

This question was the basis for the General Management Plan Amendment/Environmental Impact Analysis planning effort for the Elkmont Historic District (Chapter 1 of the Draft EIS). A range of reasonable alternatives were developed in conjunction with Consulting Party members (Chapter 2 of the draft EIS). The existing conditions in the historic district both natural and cultural were assessed and the resources that could be affected during the project implementation were described (Chapter #3 of the Draft EIS). The impacts of those alternatives were

6.0 PUBLIC AND AGENCY COMMENTS

analyzed based on the nature and constraints of the various resources, both natural and cultural (Chapter 4 of the Draft EIS). Of the seven alternatives, Alternative C was selected as both the environmentally preferred and the agency preferred alternative because it strikes the best balance between natural resource values and cultural resource values (environmental considerations) and has a favorable cost-benefit ratio (agency considerations). Please refer to pages 314 -316 in the draft EIS for the Conclusion of the impact analysis.

7. What is feasible, given the objective factors and the resources available, to pursue any given alternative?

The identification of the Preferred Alternative represents the National Park Service's best assessment of how a reasonable balance would be sustained for the preservation of cultural and natural resource values at Elkmont.

The Park must consider all resources that would be or are being affected by any action or lack of action within the study area. The Park recognized and took into consideration the issues of funding feasibility and the need for any plan to be sustainable into the future. The decision making process for identifying the preferred alternative has carefully taken into consideration all identified factors in order to support and fulfill the purposes of the Park that are stated in the original enabling legislation. The National Environmental Policy Act, the Council on Environmental Quality Regulations and National Park Service policy specify that every alternative must be feasible and no alternative was put forward that was infeasible. In addition, the Park has fully considered the nine principles in the Advisory Council on Historic Preservation's policy statement on balancing cultural and natural resource values on federal lands and has addressed these in the Draft Environmental Impact Statement analyses. The principles are consistent with the requirements of the National Environmental Policy Act, the National Historic Preservation Act, and National Park Service policy. Because of the balanced approach that the NPS is required to take, and based on the results of the NEPA analysis, of the seven alternatives analyzed, Alternative C proposes the best and most feasible management option for the district when considering all resources.

As stated earlier, what is feasible depends upon appropriated Federal dollars and private donations of money and in-kind services. We have been very clear from the outset that our ability to improve and maintain the resources at Elkmont are not within our current means and we believe Alternative C provides the greatest opportunity to achieve a viable, long term resolution to the preservation and management of that portion of Great Smoky Mountains National Park.



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

June 29, 2007

Mr. Dale A. Ditmanson
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee, 37738

RE: NPS, ELKMONT HISTORIC DISTRICT/ALTERATIVE C,
UNINCORPORATED, SEVIER COUNTY

Dear Mr. Ditmanson:

In response to your request, received on Monday, June 4, 2007, we have reviewed your answers to our most recent set of questions relative to the referenced undertaking. We feel that your answers define in much greater detail what the NPS has specifically in mind for the Elkmont Historic District under Alternative C. As we read that you are preparing a draft Memorandum of Agreement to resolve the adverse effects associated with Alternative C, and as we understand from your letter that the NPS is committed to specific actions to resolve those adverse effects, we propose that you consider the following stipulations in mitigation of project effects.

6.0 PUBLIC AND AGENCY COMMENTS

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 2

Proposed Agreement Document Stipulations:

A DOCUMENTATION:

1. The Superintendent of the Great Smoky Mountains National Park shall contact the Southeast Regional Office of the National Park Service HABS/HAER Office to determine the level and kind of recordation that is required for each Historic Property located within the Elkmont Historic District. Before the start of any demolition work associated with this undertaking, each Historic Property shall be recorded in a manner that complies with the requirements of the Historic American Building Survey. At a minimum, documentation shall consist of:

a. A full set of black and white 35 mm digital photographs in 3" X 5" format appropriately labeled and printed on acid free paper documenting the exterior and interior of each building.

b. A full set of these photographs shall be submitted to the SHPO.

c. A full set of these photographs shall be retained in the administrative office of the Great Smoky Mountains National Park.

B. TREATMENT

1. Within one (1) calendar year of the execution of this Agreement Document, and in consultation with the SHPO, the NPS shall develop and implement a Stabilization Plan for all of the buildings listed in Alternative C. The Stabilization Plan shall specify measures to prevent any further physical deterioration while the various elements of Alternative C are being implemented. The Stabilization Plan shall also ensure that the area encompassed by Alternative C is secured and protected against damage and vandalism until the measures specified in the Historic Preservation Plan are carried out. The NPS will also refrain from demolishing any building within the Elkmont Historic District until it has reached formal agreement with the SHPO and the ACHP that the provisions of Alternative C are funded to a sufficient extent that they can be implemented

2. Within one (1) calendar year of the execution of this Agreement Document, and in consultation with the SHPO, the NPS shall develop an Historic Preservation Plan that shall describe in detail how NPS shall retain and

Letters from Federal and State Government Agencies

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 3

rehabilitate the Appalachian Clubhouse and one cabin in the area known as Society Hill (Chapman Cabin) for day use opportunities under special use permit and shall retain and rehabilitate 16 historic buildings in the area immediately adjacent to the Clubhouse known as Daisy Town, for use as a museum community. A map of Alternative C is attached to this Agreement Document and made a part of it by reference.

The Historic Preservation Plan shall also specify the ways in which NPS shall modify and improve associated infrastructure to accommodate the interpretation called for in Alternative C, and restore sensitive plant community types, such as the montane alluvial forest and other native plant communities and natural systems, and retain chimneys and other cultural landscape features in all areas where Alternative C proposes to remove buildings.

The NPS shall submit draft copies of the Historic Preservation Plan for the review and comment of the SHPO, the ACHP and all other Signatories to this Agreement Document and Consulting Parties. All reviews comments must be submitted in writing to the Superintendent of the Great Smoky Mountains National Park within thirty (30) calendar days of receipt. The NPS shall take into account the written review comments of the SHPO, the Council, all other Signatories, and Consulting Parties in making final decisions relative to the implementation of the Historic Preservation Plan.

In implementing the various provisions of the Historic Preservation Plan, the NPS shall ensure that the project design for all building rehabilitation is compatible with the historic and architectural qualities of those buildings in terms of size, scale, massing, color, and materials, and is responsive to the recommended approaches to rehabilitation set forth in the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (U. S. Department of the Interior, National Park Service, 1983)(STANDARDS). The NPS shall ensure that the project design has provisions specifying how buildings that are not proposed for rehabilitation under Alternative C are to be removed to cause the least damage to buildings slated for retention and how associated ground disturbing activities are to be monitored for archaeological resources and how any archaeological resources encountered during implementation of Alternative C are to be treated.

6.0 PUBLIC AND AGENCY COMMENTS

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 4

The NPS shall complete all work associated with the various elements contained in the Historic Preservation Plan within six (6) years of the execution of this Agreement Document.

3. The Historic Preservation Plan shall include the following elements:

a. National Register of Historic Places Nomination for the new district that shall be the product of Alternative C. The SHPO shall use this nomination to reassess the National Register eligibility of the buildings listed within Alternative C.

b. Needs Assessment for each of the buildings to be rehabilitated under Alternative C, stating its current condition and what needs to be done to make it useable within the interpretation of the Elkmont experience envisioned by Alternative C.

c. Interpretive Plan, including a Media Concept Plan that shall detail specific exhibits that interpret the history of the Elkmont Community. This overall plan shall determine how people will experience the site and learn of its significance, events, and context. NPS acknowledges that there are numerous overlapping stories that fit within the period of significance and additional research and scholarly review is needed to place them in a regional and national context of significance. These stories shall be further explored and conveyed through the interpretive planning process and shall incorporate new information discovered as part of ongoing research.

d. Cultural Landscape Inventory within the boundary of the undertaking's Area of Potential Effects. This inventory shall more fully describe the relationship between the cultural and natural features located within the Area of Potential Effects and their relationship to site interpretation. Among the natural features that will be discussed in the Landscape Inventory are the Montane Alluvial Forest and Synchronous Fireflies.

e. Archaeological Resources Management Plan for known and as yet unidentified archaeological resources within the Area of Potential Effects. This Plan shall address steps to be taken to protect against the destruction or degradation of archaeological resources contained within the Area of Potential Effects.

Letters from Federal and State Government Agencies

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 5

The Archaeological Resources Management Plan shall clearly and specifically discuss any additional archaeological work and/or potential avoidance/mitigation strategies for known archaeological resources and recommendations for each proposed project activity that includes a building-by-building action plan. The Archaeological Resources Management Plan shall provide the framework for developing more specific provisions at the implementation level. Those provisions shall address the extent of additional survey work, assessment of the significance of archaeological resources discovered as a result of that survey work, a process for addressing unexpected discoveries, as well as development of specific steps to avoid or mitigate impacts to archaeological resources.

f. Natural Resources Management Plan to ensure that significant natural resources associated with Alternative C are integrated into the interpretation of the Elkmont Experience.

g. Cost/Revenue Analysis for Alternative C to ensure that the Park can sustain the historic resources at Elkmont in perpetuity. This analysis shall delineate actual and projected costs of operation associated with implementing Alternative C. NPS shall factor in costs associated with stabilizing, maintaining, policing, rehabilitating, and preserving buildings within the Area of Potential Effects and maintaining the upgraded associated infrastructure.

The Cost/Revenue Analysis shall also delineate actual and anticipated fee revenues to be received from the active use and rental of the Appalachian Clubhouse and the Chapman Cabin as day use facilities through the Special Use authority. The Cost/Revenue Analysis shall take note of the NPS authority to issue short-term leases for the use of facilities within the Area of Potential Effects and to set the rental rate for these facilities at market value. The Cost/Revenue Analysis shall also delineate current and projected dollar amounts consequent to NPS appropriations and donated funds for the implementation of Alternative C. The Cost/Revenue Analysis shall take cognizance of The Secretary of Interior's recently announced "Centennial Challenge" that provides an opportunity for the possibility of federal funds to match private sector donations on a 1:1 basis, and shall commit to applying for a Centennial Challenge match for Alternative C and to working with Friends of Great Smoky Mountains National Park, National Trust for Historic Preservation, and other private sources of revenue to secure private-sector support for implementation of Alternative C.

6.0 PUBLIC AND AGENCY COMMENTS

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Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 6

4. At the end of one (1) calendar year from the date of execution of this Memorandum of Agreement, if the Cost/Revenue Analysis has demonstrated to NPS that Alternative C is not cost effective, prudent, or feasible, and if the SHPO, the Council, and all other Signatories concur, this Agreement Document shall become null and void and the Superintendent of the Great Smoky Mountains National Park, in consultation with the SHPO, the ACHP, and all other Signatories, shall examine other alternatives contained in the project Environmental Impact Statement that is made a part of this Agreement Document by reference. The NPS shall resolve any associated project effects by complying with the procedures delineated at 36 CFR Part 800.6.

5. The Superintendent of the Great Smoky Mountains National Park shall invite any individual, organization, agency, or institution that participates in and has defined responsibilities under any of the referenced documents contained within the Historic Preservation Plan to become an Invited Signatory to this Agreement Document. The Superintendent of the Great Smoky Mountains National Park shall invite all Consulting Parties not specified as Signatories or Invited Signatories to be Concurring Signatories in sign of their approval of the Section 106 process relative to this undertaking.

C. SALVAGE:

The NPS will investigate the feasibility and appropriateness of offering buildings slated for demolition under Alternative C to be moved beyond the boundary of the Great Smoky Mountains National Park at the recipient's expense. Should this investigation demonstrate to the NPS that moving buildings beyond the Park boundaries is infeasible and inappropriate, then, at an appropriate time during the implementation of the project, significant architectural features that are scheduled to be removed from the Area of Potential Effects shall be dismantled and removed in such a manner as to ensure the least amount of damage and shall be disposed of, either by donation or sale, to individuals or institutions which shall find appropriate use for them in keeping with their original appearance and use.

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 7

D. DISPUTE RESOLUTION

1. Should the SHPO or the Council object in writing within thirty (30) calendar days to any plans and documents submitted in writing to the SHPO by the NPS pursuant to the terms of this Agreement Document, the NPS shall consult with the SHPO and the Council pursuant to the stipulations contained in this Agreement Document to seek to resolve the objection. If the NPS determines that the objection cannot be resolved through the consultation process delineated at 36 CFR Part 800, the Superintendent of the Great Smoky Mountains National Park shall initiate additional consultation efforts by forwarding all documentation relevant to the dispute to the Council. Within thirty (30) calendar days after receipt of pertinent documentation, the Council shall either:

a. provide the NPS with recommendations, which the NPS shall take into account in reaching a final decision regarding the dispute; or

b. notify the Superintendent of the Great Smoky Mountains National Park that it shall comment pursuant to 36 CFR Part 800.6(b), and proceed to comment. Any Council comment provided in response to such a request shall be taken into account by the NPS in accordance with 36 CFR Part 800.6, with reference to the subject of the dispute.

2. Any recommendations or comment provided by the Council shall be understood to pertain only to the subject of the dispute; the NPS's responsibility to carry out all actions under this Agreement Document that are not the subject of the dispute shall remain unchanged.

E. AMENDMENTS

Any Signatory to this Agreement Document may request that it be amended or modified, whereupon the NPS, the SHPO, the Council, and all other Signatories shall consult in accordance with 36 CFR Part 800 to consider such amendments or modifications. Any resulting amendments or modifications shall be developed and executed among the NPS, the SHPO, the Council, and all other Signatories in the same manner as the original Agreement Document.

6.0 PUBLIC AND AGENCY COMMENTS

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 8

F. TERMINATION

Any Signatory to this Agreement Document may terminate the Agreement by providing thirty (30) days notice to the other Signatories, provided that the Signatories shall consult during the period before termination to seek agreement on amendments or other actions that would avoid termination.

G. DURATION

Unless duly amended otherwise, this Agreement shall remain in effect for six (6) years following the date of execution of this Agreement Document. If the above terms, conditions and stipulations have not been fulfilled and acted upon or implemented within that time, then this document shall be considered null and void. NPS if it chooses to continue with the undertaking shall reinstate consultation in accordance with 36 CFR Part 800.3 thru .6.

We suggest that you consider inserting these proposed stipulations into your draft agreement document and circulate it to the other consulting parties for review and comment. Based upon the comments of the other consulting parties we may well be able to craft a final document that will resolve project effects and complete the Section 106 review process.

We look forward to working with you to complete Section 106 review of this case.

Sincerely,



Richard G. Tune
Deputy State Historic
Preservation Officer

RG/T/jyg

Xc: James Fyke, SHPO
Ms. Nancy Tinker, National Trust for Historic Preservation
Mr. Mark Shipley, Smoky Mountain Hiking Club
Mr. Russell Townsend, THPO, Eastern Band of Cherokee Indians

Letters from Federal and State Government Agencies

Mr. Dale A. Ditmanson
Elkmont Historic District
June 25, 2007, Page 9

Dr. Richard A. Allen, THPO, The Cherokee Nation
Mr. Gregory S. Kidd, National Parks Conservation Association
Ms. Lynn Faust, Elkmont for All Preservation Committee
Messrs. Don Richardson and Ted Snyder, Sierra Club
Ms. Martha Catlin, Advisory Council on Historic Preservation

6.0 PUBLIC AND AGENCY COMMENTS



Preserving America's Heritage

May 8, 2007

Mr. Dale A. Ditmanson
Superintendent
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, TN 37738

REF: *General Management Plan Amendment: Elkmont Historic District
Great Smoky Mountains National Park*

Dear Mr. Ditmanson:

As you know, the Advisory Council on Historic Preservation (ACHP) is a participant with the National Park Service (NPS), the Tennessee State Historic Preservation Officer (SHPO), and other consulting parties in the Section 106 review process for the referenced undertaking. The ACHP's decisions to participate in Section 106 consultation are based on the applicability of criteria in Appendix A of the ACHP's regulations, 36 CFR 800, "Protection of Historic Properties." Our understanding of the status of consultation at this time is that the NPS is continuing to consider and discuss with consulting parties the effects to historic properties that would result from implementation of the NPS's Preferred Alternative C, documented in the Draft Environmental Impact Statement, *Elkmont Historic District Draft Environmental Impact Statement and General Management Plan Amendment*, dated January 2006 (DEIS).

As part of the ongoing Section 106 consultation, we understand that the Great Smoky Mountains National Park (Park) met with the Tennessee SHPO on March 5, 2007 to discuss the SHPO's concerns regarding Alternative C. Subsequent to the meeting of March 5, the ACHP received copies of correspondence between the Park and the Tennessee SHPO including the letter from Richard G. Tune, dated March 22, 2007. We appreciate that you have made a commitment to provide a full response to the consulting parties that will address each of the issues and concerns expressed in the SHPO's letter.

The ACHP concurs with the views expressed by the Tennessee SHPO concerning the Park's proposed Alternative C, and we request that your response to the SHPO also give full consideration to the following.

Mitigation

Interpretive plan: The proposed Elkmont Interpretive Plan should be reviewed and adopted before any final decisions are made regarding retention versus demolition of individual and assemblages of surviving properties. NPS's challenge is to arrive at a plan for interpretation that can be evaluated for its adequacy as mitigation for the extensive loss of historic properties proposed in Alternative C.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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-2-

Cost estimates/cost constraints: The ACHP and other consulting parties need a full understanding of cost issues associated with Alternative C. The challenge, in our view, is to assess accurately potential costs associated with this alternative and to identify sources of funding to meet such costs.

Feasibility studies: For those properties not proposed to be demolished, how will these be marketed for re-use? Will financial sustainability be a factor in whether or not maintenance and use of marketed properties will occur in the future?

Archaeology: How will archaeological resources located within Alternative C's Area of Potential Effects be addressed and how will the information obtained be factored into the proposed interpretive plan?

Choosing by Advantages (CBA) methodology: How did this internal NPS exercise influence the provisions of the NPS preferred alternative? How did CBA address the preferred alternative's effects to historic properties? How did the process influence the mitigation approaches now proposed by the Park?

Balancing Natural and Cultural Values

Montane Alluvial Forest: How will this natural resource, which comprises the setting of the Elkmont Historic District, be affected by plans to interpret and use remaining historic properties at Elkmont?

Synchronous Fireflies: How will demolition activities, changes in use, and other actions associated with Alternative C affect the synchronous firefly population, whose habitat within the Elkmont area has enriched the human story at Elkmont?

ACHP Policy Statement: "Balancing Cultural and Natural Values on Federal Lands Council Policy Statement." (Policy Statement) The Tennessee SHPO is accurate in citing the ACHP's early concern that the Elkmont situation appeared to present apparent and/or actual conflicts between natural and cultural values. In our view, such conflicts should be explicitly addressed in any outcome for this undertaking. The ACHP's concern about any such conflict between natural and cultural values in this situation was based on our appreciation for the importance of both resource areas at Elkmont and was influential in the ACHP's decision to formulate and adopt the Policy Statement. Unfortunately, throughout a Section 106 process whose goal was to resolve adverse effects, historic properties in the Elkmont Historic District have continued to deteriorate, notwithstanding the Policy Statement's emphasis on avoidance of demolition by neglect. Further, until outstanding issues such as those raised by the Tennessee SHPO are addressed and resolved through a memorandum of agreement, ongoing adverse effects and management approaches are perpetuated that the Amendment to the GMP is intended to revise. Feasible alternatives have also become progressively narrowed as properties, such as the now-demolished Wonderland Hotel, lose viability through deterioration.

The DEIS identifies Alternative C as an alternative that "strikes a balance between natural and cultural resources." While this may appear to be the case based on the DEIS's description of this alternative's compromise between the lowest and highest degree of preservation and use of historic properties, the DEIS does not explain how balance between the physical resources themselves preserves their respective resource values, including preservation of the historic resources' National Register characteristics such as setting, feeling and association, and use. It is also not clear from the DEIS how, and through what management practices, balance among the varied natural and cultural resources is to be achieved and how it would be sustained into the future. As described in the DEIS, Alternative C, while calling for demolition of a large number of historic properties, appears only to preserve the opportunity for such balance. It does not commit to actions, including funding strategies, that would be necessary to fulfill the

6.0 PUBLIC AND AGENCY COMMENTS

-3-

goal of balance between natural and cultural values, or adequately justify the major loss of historic resources.

As established through NPS notification to the ACHP and the Tennessee SHPO in accordance with 800.8(c), the DEIS represents NEPA documentation that, in addition to the Final EIS and ROD, the NPS has elected to use for purposes of complying with Section 106 in lieu of the procedures set forth in Sections 800.3 through 800.6. We note that early in the Section 106 consultation process, consensus was reached among the consulting parties, including NPS, that the Policy Statement would be used as a guide to Section 106 consultation for this undertaking. However, the Policy Statement is not referenced in the DEIS or explicitly tied to the conclusions of the DEIS. Therefore, to supplement the documentation in the DEIS for Section 106 purposes, and to fulfill the Park's commitment to adhere to the principles in the Policy Statement, we request that NPS provide to the ACHP, the SHPO, and the other consulting parties an evaluation of NPS actions with respect to the principles of the Policy Statement.

We appreciate the opportunity to provide our views on issues arising from the documentation presented in the DEIS and the NPS preferred alternative. We look forward to receiving the additional documentation requested by the ACHP and the Tennessee SHPO. If you have any questions or if we may be of assistance, please contact Martha Catlin at 202-606-8529 or via e-mail at mcatlin@achp.gov.

Sincerely,



Dan L. Klima
Director
Office of Federal Agency Programs



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee 37738



June 9, 2007

Don L. Klima
Director
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 809
Washington, DC 20004

Dear Mr. Klima:

Thank you for your May 8th letter regarding the General Management Plan Amendment for the Elkmont Historic District. Many of the items you have inquired about have been addressed in the National Park Service (NPS) response letter to the Tennessee SHPO in which you have been sent a copy. These items included the development of an interpretive plan, cost estimates and constraints, archeology and the selection of Alternative C as the agency-preferred alternative.

The Advisory Council on Historic Preservation (ACHP) comments on how properties not proposed to be demolished will be marketed for re-use is not in the purview of the Preferred Alternative. The 1998 NPS Concessions Management Improvement Act and the 2006 NPS Management Policies present stringent criteria for the authorization of commercial services in all units of the National Park System. A Park commercial services strategy must be in place to ensure that concession facilities and services are necessary and appropriate, financially viable, and addressed in an approved management plan. A market and financial viability study/analysis must also be completed to ensure concessions contracts are feasible prior to initiating new services. Alternative C does not include a commercial services approach but rather uses the NPS special uses authority for the rental of the Appalachian Clubhouse as a day-use pavilion. Developing an overnight rental option for cabins in Elkmont was assessed in Alternatives E and F and did not meet the necessary and appropriate criteria for providing a concessions service within the Elkmont Historic District.

Mitigation measures were not directly addressed as part of the Choosing By Advantage process, but will continue to be developed as part of ongoing consultation. The Advisory Council's stated concerns pertaining to the Montane Alluvial Forest and the synchronous fireflies have been addressed in the Draft Environmental Impact Statement (DEIS).

The identification of the Preferred Alternative represents the NPS's best assessment of how a reasonable balance would be sustained for the preservation of cultural and natural resource values. The Park has fully considered the nine principles in the ACHP's policy statement on balancing cultural and natural resource values on federal lands and has addressed these through the planning process for Elkmont and within the DEIS. The principles are consistent with the requirements of the National Environmental Policy Act, the National Historic Preservation Act, and National Park Service policy.



6.0 PUBLIC AND AGENCY COMMENTS

In addition to the DEIS discussing how proposed actions affect use and setting within the District, the Park will address the ACHP's concerns related to how the Preferred Alternative would preserve the National Register characteristics such as setting, feeling and association as part of the National Register amendment process following the successful completion of this plan. Following implementation of Alternative C, the National Register nomination for the Elkmont Historic District would be amended to reflect the loss of contributing and noncontributing resources within the district. Specifically, the amendment would accurately describe the appearance of the district and its component resources; reduce the boundary of the district; provide justification for the new boundary; and provide an accurate inventory of contributing and noncontributing resources. The National Register characteristics would be addressed as part of this process and in consultation with the ACHP and TN SHPO. The statement of significance would be revised to elaborate on the themes addressed in the nomination and to incorporate additional information about the history of the area and Elkmont.

Based on a National Register staff review of the documentation provided and inspection of the district, it appears that the remaining resources at the Appalachian Club (the clubhouse and the seventeen contributing cabins) would constitute a National Register district, the boundary of which will likely conform closely to the land area and contributing cultural landscape occupied by the surviving resources.

The NPS has responded to the concerns expressed by the Tennessee SHPO and now from the ACHP both in the DEIS and in additional formal correspondence. The NPS wishes to move forward with a discussion on mitigation measures and drafting a Memorandum of Agreement.

The preparation of an Environmental Impact Statement under the guidelines of NEPA was made as a direct result of the ACHP's notification in the late 1990s and now includes over five years of intensive consultation. Scoping, consultation, public involvement and the detailed analyses conducted as part of the combined Section 106 and NEPA planning process have fulfilled the documentation standards outlined in 36 CFR 800.11(e) regarding the finding of adverse effects. The NPS has invested considerable time and money to prepare this document and to develop a plan for future management of Elkmont and is ready to continue moving forward.

After an extensive public involvement process, the DEIS was released for public review in January 2006. The Park asked the TN SHPO and ACHP to hold a consulting parties meeting to discuss mitigation measures for the Preferred Alternative prior to the public hearings related to the DEIS. Both agencies declined, opting for consulting parties meetings after the close of the official DEIS public comment period. The Park respected that request. Neither the SHPO nor the ACHP provided comments during the public comment period.

The Park agreed to hold the consulting parties meeting to discuss mitigation measures in July 2006, specifically to accommodate the request by the TN SHPO and ACHP to review all public comments on the DEIS prior to meeting as a group. The Park provided both agencies and all consulting parties copies of the public comment record from the DEIS review prior to the July 2006 meeting. As a result of comments heard at this meeting, the Park requested that all formal comments from consulting parties members be sent to the Park in writing for consideration. The Park did not receive any comments from the ACHP despite our specified intent of resolving adverse effects and discussing appropriate mitigation measures. The Park has been ready to discuss mitigation strategies for Elkmont and has attempted substantive consultation with both the TN SHPO and the ACHP in developing appropriate mitigation measures to move this process to completion for the past year and a half. Until May 8th, the Park received no formal comments from the Advisory Council.

The National Park Service is anxious to resolve the longstanding issues at Elkmont by developing a plan that can be implemented. Without a designated plan for Elkmont, funding will continue to

Letters from Federal and State Government Agencies

be limited regarding the full preservation of the buildings that will remain. If no action is taken, most buildings will in fact face uncertain deterioration, a sentiment shared by the Tennessee SHPO at the March 5th meeting with NPS staff. Preservation action is contingent on resolution and implementation of this General Management Plan Amendment. Protracted consultation and lack of resolution only postpones full treatment options for the preservation of these resources.

The National Park Service appreciates the ACHP's offer for assistance in this continuing matter and to that end requests that the ACHP at this time provide specific suggestions to aid in the development of applicable mitigation measures. The National Park Service recognizes the ACHP's critical role in assisting the consulting agencies and parties in reaching a resolution of the Elkmont undertaking, recognizing the complex issues, competing resources, values and perspectives that have been under consideration since the early 1990s and before.

The Park is preparing a first draft of a Memorandum of Agreement (MOA) for review and comment by consulting parties and requests the ACHP to provide feedback on this agreement. The Park looks forward to moving this long-standing issue to resolution in the form of an MOA that will outline both a preservation plan and methods for avoiding, minimizing and mitigating all known or potential adverse effects to historic properties within the Elkmont Historic District as a result of the proposed undertaking.

We appreciate your continued assistance in this ongoing endeavor and look forward to signing an agreement soon.

Sincerely,

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Dale A. Ditmanson
Superintendent