

State of New Jersey

Richard J. Codey

Acting Governor

Department of Environmental Protection
Natural and Historic Resources, Historic Preservation Office
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www.state.nj.us/dep/hpo

Bradley M. Campbell Commissioner

March 24, 2005 HPO-C2005-275 PROD

Joseph DiBello, Manager National Park Service Partnerships Program 200 Chestnut Street Philadelphia, PA 19106-2878

Dear Mr. Everett:

The State of New Jersey, Natural and Historic Resources Group, Historic Preservation Office, hereby proposes to amend the Programmatic Agreement (PA) for proposed work on the Allied Textile Printing (ATP) site within the Great Falls/Society of Useful Manufactures National Historic Landmark (NHL) District in Paterson, New Jersey. Stipulation #9 of the PA allows any signatory to propose an amendment, and then requires consultation with the other signatories to the PA to consider the amendment. I have attached a copy of a draft amendment, accompanied by a copy of the original PA, for your consideration.

The draft Amendment has a simple purpose, to allow the State of New Jersey to undertake the majority of the proposed work in place of the City of Paterson. The State would contract with a qualified project team to: undertake the required cultural resource survey; to remove the remaining anderground storage tanks; to stabilize contributing resources; and following the period of public comment on and final revisions to the recommendations of the Maxman Report, to remove non-contributing elements of the site. The contract for the work would be managed by the Office of Resource Development (ORD) of the Natural and Historic Resources Group. ORD has extensive experience managing complicated projects at State owned Historic Sites. ORD works on a day to day basis with the professional staff of the Historic Preservation Office to ensure compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

As noted above, the PA established process of public input, and the qualifications of those undertaking the work as described in the original PA will not change. The process of drafting the proposed Amendment reminded us of the substantial effort involved in the drafting of the original PA, which is why we propose to leave the PA unaltered except for changing the entity undertaking the work.

By copy of this letter I ask that all interested parties to provide written comment to Dan Saunders of my staff at the address on our letterhead or by e-mail at dan.saunders@dep.state.nj.us. within 30 days from receipt of this letter. I look forward to everyone's comments and suggestions.

If you have any questions, please contact Dan Saunders at (609) 633-2397, staff reviewer for this project

Sincerely,

Dorothy P. Guzzo

Deputy State Historic

Preservation Officer

DPG/DS

C: Don Klima Congressman Bill Pascrell, Jr. Mayor Jose (Joey) Torres Barbara Irvine Martha Catlin Frank Blesso Alisa McCann John S. Watson, Jr. Jose Fernandez Alvin Payne Gianfranco Archimedes Patricia J. Condell Arthur J. Rosen Ed Smyk Sandra Norman Ton Piccoli Pegy Robertson Flava Alaya John sprinkle Athony Scally Bbara A. Small D'd Soo NSunday Caittinger Josp. Havasy Pau orsman
Patr Blanchfield

Deborah Hoffman Paul J. Bartczak Stan Lacz Lance Metz Mike Lemme Robert H. Barth Lisanne Renner Craig M. Duerr, P.E.

AMENDMENT TO PROGRAMMATIC AGREEMENT

AMONG
NATIONAL PARK SERVICE,
THE NEW JERSEY HISTORIC PRESERVATION OFFICE,
THE CITY OF PATERSON,
NEW JERSEY HISTORIC TRUST, AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING ACTIVITIES ON THE
FORMER ALLIED TEXTILE PRINTING SITE,
GREAT FALLS/SOCIETYOF USEFUL MANUFACTURERS
NATIONAL HISTORIC LANDMARK DISTRICT,
PATERSON, NEW JERSEY

WHEREAS, the State of New Jersey has proposed the creation of a new urban state park in the Great Falls/Society for Useful Manufacturers National Historic Landmark District area of the City of Paterson; and

WHEREAS, the State of New Jersey will be holding a design competition to design the new urban park in Paterson; and

WHEREAS, the findings of the cultural resource survey to be undertaken under the Programmatic Agreement will inform the park design competition and any future development of the site; and

WHEREAS, the National Park Service, the State of New Jersey, and the City of Paterson are working cooperatively to better understand the history of the Allied Textile Printing Site (ATP site) and the area immediately west of the ATP site to the existing Hydroelectric Plant; and

WHEREAS, completing the cultural resource survey, stabilizing historic elements of the site, clearing the site of hazardous material including underground storage tanks, removing non-contributing debris, and ensuring the integrity and stability of the River Wall will protect both the environment and the historic resource.

NOW THEREFORE, the signatories to this agreement agree that the existing Programmatic Agreement (PA) will be amended as follows:

- 1. The State of New Jersey will assume the following responsibilities from the City of Paterson:
 - Comply with Stipulation 1.
 - Completing Stipulation 3.
 - Completing Stipulation 4.
 - Completing Stipulation 5.
 - Comply with Stipulation 6

- Satisfying the reporting requirements of Stipulation 7.
- 2. The City of Paterson and the National Park Service shall amend their existing Cooperative Agreement to provide for the transfer of the remaining Urban History Initiative Funds allocated for the cultural resource survey to the State of New Jersey. The NPS and the State of New Jersey shall execute a Cooperative Agreement to provide for the transfer of these funds to the State.
- 3. The remaining Stipulations of the PA remain in force as originally drafted.
- 4. The State of New Jersey will work with the City of Paterson to provide access to the site as described at Stipulation 4. a) 3. and , 4 a) 4. of the existing PA. The State of New Jersey will provide interested parties with the opportunity to review and comment on submittals as set forth in Stipulation 5 of the original PA.
- 5. The NPS review and approval of projects at the ATP site through September 30, 2008 set forth by Stipulation 11 of the existing PA shall be binding on any projects the State of New Jersey may undertake on the ATP site.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their authorized representatives the day and year written below.

NATIONAL PARK SERVICE – NORTHEAST REGION			
Ву:	Joseph DiBello, Manager, Partnershi	Date:	
STATE HISTORIC PRESERVATION OFFICER			
Ву:	John S. Watson, DSHPO	Date:	
CITY OF PATERSON			
Ву:	Jose Torres, Mayor	Date:	
NEW JERSEY HISTORIC TRUST			
Ву:	Barbara Irvine, Executive Director	Date:	
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Ву:	John Fowler, Executive Director	Date:	



United States Department of the Interior

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HISTORIC PRESERVATION OFFICE

NATIONAL PARK SERVICE Philadelphia Support Office 200 Chestnut Street Philadelphia, PA 19106-2878

H30(PHSO/S&P-PA)

SEP 13 2002

Mr. Don Klima, Director Office of Planning and Review Advisory Council on Historic Preservation Old Post Office Building 1100 Pennsylvania Avenue, NW, Suite 809 Washington, DC 20004

Attention: Martha Catlin

Dear Mr. Klima:

Over the past three years the Philadelphia Support Office of the National Park Service (NPS) has been working with your office (the Council), the City of Paterson, the New Jersey Historic Preservation Office (SHPO) and other parties to develop a Programmatic Agreement (PA) for proposed work on the Allied Textile Printing (ATP) site within the Great Falls/Society of Useful Manufacturers National Historic Landmark (NHL) District in Paterson, New Jersey. The Federal undertaking was redefined last year when the City of Paterson released Regan Development Corporation from their contract to construct housing on the site (see our letter of November 26, 2001). The PA was changed to reflect the revised undertaking, a public meeting was held on January 25, 2002, to solicit public comment, and eight persons submitted written comments on the revised PA. Our office reviewed these comments and considered them in developing the enclosed revised PA. Our responses to the written comments were circulated to all parties in copies of our letter of April 24, 2002, to Ms. Dorothy Guzzo, Deputy State Historic Preservation Officer, New Jersey Historic Preservation Office.

The final PA has been circulated for signature to the SHPO, the City of Paterson, and the New Jersey Historic Trust, who have all signed as signatories. In order for the NPS to demonstrate the general support of the revised PA by the concurring parties, we chose to circulate the final PA to these parties for signature prior to our submission of the final PA to the Council for signature. The final PA was circulated concurrently to the concurring parties who were given ten business days to respond after the day of receipt of our letter. Eight of the concurring parties have signed the PA, six parties never responded, and one party returned the PA with a note explaining that she would not be signing the document. We have enclosed the PA pages with the signatures of the concurring parties. We have also enclosed a chart with a list of all concurring parties, the dates they signed for the letter, the date a response was due to the NPS, whether or not a response was received, and whether or not the party signed the PA.

Our letter to you of November 26, 2001, describes the work on the ATP site that will be conducted using federal Urban Historic Initiative funds. The area of potential effect is the Great Falls NHL District. Maps of the District were included in our mailings of February 25, 1999. The District was the nation's first planned industrial city, and contains the original waterpower system of raceways and many 19th-century industrial structures. It has been listed as a Priority 1 Threatened NHL since 1988, in part because of the destruction by fire of most of the structures on the ATP site, which is now owned by the City of Paterson.

We have applied the Criteria of Effect and Adverse Effect found in 36 CFR 800.5 of the Council's regulations and have determined that the undertaking has the potential to have an adverse effect on the ATP. This determination is based on the fact that the existence and integrity of any remaining resources on the site are unknown so appropriate treatments cannot yet be determined for the resources. The PA describes a process by which all parties can agree to proceed on conducting a cultural resource survey of the ATP site, remove underground storage tanks, stabilize some building ruins, provide for the development of a public river walk, and allow for the City and the citizens of Paterson to meet to discuss changes to their Master Plan for the City and the Design Guidelines for the District that will determine the future of this site. It also provides for amendments to the Agreement should we need to clarify steps in the process that are not foreseen at the moment.

The NPS Federal Preservation Officer (FPO), Katherine H. Stevenson, has asked that I be the Secretary's delegate for purposes of Section 800.10 of the Council's regulations. We have been consulting with the FPO at appropriate steps in the process.

Accordingly, we enclose for your signature the PA. Please return it to Alisa McCann, Architectural Historian so that the fully executed Agreement may be circulated to the other signatories and all interested parties.

As you are aware, due to a homicide on the ATP site in July, the City of Paterson issued a Declaration of Emergency for the site. The City is working to secure the site from any use until the work required by the PA begins. The first phase of the work will include the securing of the existing chain link fence and installation of additional fencing as necessary, the installation of security lighting on existing poles, the removal of brush and trees with no ground disturbance (trees will be cut two feet above ground) and the removal of debris, such as mattresses and trash. This work will be paid for by City funds and the City and the NJ SHPO are working together to meet all review requirements under the State Register Review Act. The City is the point of contact for this work and review and they will be circulating copies of all correspondence to the interested parties.

Additional work proposed for the site using Urban History Initiative funds that has been approved by the Core Advisory Group includes the demolition of one non-contributing historic structure and the stabilization and securing of two remaining structures currently used as housing by the homeless. The City is working with a consultant to develop a final approach to this work that will eventually lead to the development of plans and specifications. As soon as we have a final package of information to

submit to the SHPO for purposes of review under Section 106 of the National Historic Preservation Act, we will circulate all the documentation to all of the interested parties. Enclosed are copies of newspaper articles regarding this event and this on-going and proposed work.

If you have any questions about this material, please call Alisa McCann, Architectural Historian at (215) 597-0651.

Sincerely,

Keith Everett

Superintendent

Philadelphia Support Office

Kinto Enus

Enclosures

cc:

J. Sprinkle, NPS, WASO

City of Paterson: Mayor Jose Torres, Marilee Jackson, Frank Blesso, Paul J. Forsman (Assist. Corp.

Counsel)

President, City Council (for distribution to Council members)

Paterson Historic Preservation Commission, c/o Michael Wing

NJ Historic Preservation Office: Dorothy Guzzo

Harriett Hawkins, NJ Historic Trust

Michael Blanchfield, Passaic County Historical Society

Sandra Norman, Society for Industrial Archeology

Paul Bartczak, President, Roebling Chapter, Society for Industrial Archeology

Peggy Robertson, Great Falls Development Corporation

Flavia Alaya, Past Chair, Paterson Historic Preservation Commission

Robert Barth, President, Canal Society of New Jersey

Patrick S. Blanchfield

Patricia Condell, Society for Industrial Archeology

John Cullinane, consultant to Regan Development Corp.

Joseph P. Havasy

Jose Hernandez, Jr.

Deborah Hoffman, Paterson Economic Development Corporation

Stan Lacz, Great Falls Preservation

Mike Lemme, President, Preservation Paterson

Lance Metz, Society for Industrial Archeology, Roebling Chapter

Thomas Piccoli

Lisanne Renner

Arthur Rosen

Ed Rutsch, Society for Industrial Archeology

Anthony Scally

Barbara A. Small

David Soo

Nick Sunday

Ed Smyk, Passaic County Historian

U.S. Representative Bill Pascrell

Keith Roachford, Deputy COS, Office of Sen. Robert Torricelli

PROGRAMMATIC AGREEMENT
AMONG
NATIONAL PARK SERVICE,
THE NEW JERSEY HISTORIC PRESERVATION OFFICE,
THE CITY OF PATERSON,
NEW JERSEY HISTORIC TRUST, AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING ACTIVITIES ON THE
FORMER ALLIED TEXTILE PRINTING SITE,
GREAT FALLS/SOCIETY OF USEFUL MANUFACTURERS
NATIONAL HISTORIC LANDMARK DISTRICT,
PATERSON, NEW JERSEY

WHEREAS, the National Park Service - Philadelphia Support Office (NPS) has determined that the proposed activities on the former Allied Textile Printing (ATP) site and that completion of these activities will enable future use of the site, both of which may have a potential adverse effect upon the Great Falls/Society of Useful Manufacturers National Historic Landmark (NHL) District (the District), and has consulted with the New Jersey Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (the Council), and the interested public pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470h); and Sections 110(f) and 110(k) of the same Act (16 U.S.C. 470h2(f)); and

WHEREAS, the New Jersey Urban History Initiative (UHI) funds placed in the Fiscal Year 1992 budget of the NPS, provides \$4.147 million to the City of Paterson (the City) to conduct historic preservation programs that encourage economic development; and

WHEREAS, the City and the NPS have signed a Cooperative Agreement to implement the Paterson UHI, under the terms of which the Federal funds that are the subject of this Programmatic Agreement may be transferred to the City, and the City is therefore a signatory to this agreement; and

WHEREAS, on May 8, 1997, the Core Advisory Group, a group consisting of City officials, the Paterson Historic Preservation Commission (HPC), the New Jersey State Historic Preservation Office (SHPO), representatives of the business community and interested citizens, to advise the NPS on the expenditure of the Paterson UHI funds, determined that \$1,674,750.00 of UHI funds will be spent "for 'historic and public site elements' of development including: pavement, Belgian block curbs, walkways, demolition/earthwork/grading/site preparation/subgrade rubble, historic foundations and walls/use with new construction, landscaping, Waverly Mill Stabilization, smoke stack/plaza, river walk rehabilitation, historic river walk, Colt Mill Plaza, refurbish Middle Race and Colt Mill Stabilization;" the location of these elements as noted in the "Historic Industrial Site Analysis" drawing entitled "Requirements and Recommendations, March 1996" attached as Appendix A to the agreement; and

WHEREAS, in a letter from the City's Redevelopment Director to the NPS dated January 14, 1998, the City identified their "proposed prioritization of funding and implementation of the historic/public elements" to be: "1) Preparation and implementation of a demolition plan consistent

with the Phase I report from Historic Conservation Resources, Inc.; 2) Preparation and implementation of the stabilization of the Waverly Mill, smokestack, and riverwall (it is likely that items 1 and 2 will be combined.); 3) Gun Mill stabilization (This work will be funded with N.J. Historic Trust funds and UHI funds not included in the \$1,674,750, and may also be done simultaneously with 1 and 2.); 4) Design and construction of the public utilities and roadway improvements (to be paid from UEZ [Urban Enterprise Zone] funds); and 5) Design and construction of public walkways including the river walk, interpretation of the Middle Raceway and other public walkways and plazas on the site," the location of these elements as noted in the "Historic Industrial Site Analysis" drawing entitled "Requirements and Recommendations, March 1996;" and

WHEREAS, as described in the "Settlement Agreement, Mutual Release and Reservation of Rights By and Between the City of Paterson and Regan Development Corporation (RDC)," the City may use funds placed in an escrow account by RDC for the purposes of the Phase I Cultural Resource Survey (\$13,000.00) and "for the purpose of addressing potential remedial issues arising out of any digging, excavation, soil drilling, soil sampling, construction, demolition, architectural or archeological surveys or any other act which might have caused any physical disturbance on the [ATP]site in question at the six identified geotechnical investigations '1, 2, 3, 4, 7 and 8' (\$21,460.00);" and

WHEREAS, the City was awarded a \$500,000 matching grant from the State of New Jersey Department of Environmental Protection "Green Acres Program" for the stabilization of the riverwall and to construct a river walk; and

WHEREAS, the New Jersey Historic Trust (the Trust) has granted the City a \$359,000 state matching grant through the New Jersey Historic Preservation Bond Fund, for the stabilization of the Colt Gun Mill ruins within the ATP site, and will hold a historic preservation easement on the Gun Mill for a period of twenty (20) years from the completion of the project, and is therefore a signatory to this Agreement; and

WHEREAS, the City is a Certified Local Government, one that has been certified by the SHPO as having established its own historic preservation commission and has a preservation program meeting Federal and State standards; and

WHEREAS, the City has a Historic Preservation Commission (HPC) which functions under a City ordinance to review alterations, new construction and demolition in the District, and acts as the City's preservation advocate and expert on the technical aspects of historic preservation projects, and, as such, will play a significant part in the City's role as described in the following stipulations; and

WHEREAS, a number of individuals, citizen groups and historic preservation groups have participated in the consultation and have been invited to concur in this Programmatic Agreement and sign as "concurring parties" and have no legal obligations to fulfill as parties to this agreement; and,

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WHEREAS, the following documents are applicable throughout this document and are attached hereto, do not bind any of the signatories of this Programmatic Agreement to these documents unless they are original parties to those documents, and are incorporated by reference herein:

- A) The Cooperative Agreement of September 30, 1993, as modified and amended, between NPS and the City, which establishes the framework for the UHI, of which this undertaking forms a part, and provides the mechanism by which UHI funds are transferred to the City;
- B) The Historic Industrial Site Analysis of the ATP Site of April, 1996, prepared by Susan Maxman Architects under contract to NPS (also referred to as "the Maxman Report"), which identified historic elements on the site and made recommendations for their treatment in accordance with the Secretary of the Interior's "Standards for the Treatment of Historic Properties" (rev. 1992);
- C) The minutes of the May 8, 1997 meeting of the Paterson UHI Core Advisory Group, specifying conditions to which the proposed use of UHI funds to support "historic and public" aspects of the ATP Site development would be subject;
- D) The archaeological research design for a cultural resources survey of the ATP Site, prepared for Regan Development Corporation by Historic Conservation & Interpretation, Inc. and dated December 1996;
- E) The January 14, 1998 letter from City of Paterson Redevelopment Director Francis J. Blesso, expressing the City's intent to independently undertake the a historic and public aspects of preparing the site for development;
- F) Paterson City Council Resolution #01:741, September 25, 2001, "Resolution Authorizing a Mutual Termination and Settlement of All Pending Claims Regarding Contract with Regan Development Corporation, Inc."

These documents are also available at the City Clerk's Office, Third Floor, City Hall, 155 Market Street, Paterson, New Jersey, and at the Danforth Memorial Library, 250 Broadway, Paterson, New Jersey, during their respective regular business hours. Consulting parties must contact the City if they wish to have personal copies of the document and make arrangements with the City regarding the delivery or pick-up of the documents. The City may charge for costs of duplicating these documents and for shipping costs above \$5.00.

NOW, THEREFORE, in consideration of the mutual covenants contained herein the NPS, New Jersey SHPO, the City, the Trust and the Council, the "signatories" to this agreement with legal obligations as parties to this agreement, agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties:

STIPULATIONS

NPS will ensure that the following measures are carried out. Failure to meet these stipulations will constitute a violation of this agreement. Stipulation 10 addresses how and when the agreement may be terminated.

1. This agreement must form an attachment to all contracts for professional services for work on and/or related to the ATP site, and must be incorporated by reference to such contracts.

2. Responsibilities of City

Within twenty (20) days from the date of this agreement, the City will provide to the NPS a written description of how the City proposes to address each of the requirements and recommendations in the Historic Industrial Site Analysis, including anticipated sequence(s) of actions with responsible individuals identified by name or position, a description of all tasks, intermediate completion points, estimated costs, and priorities for use of the UHI funds. The City will use the draft "Historic Industrial Site Analysis Recommendations Table, February 1, 2000" prepared by the NPS and provided to the City as the basis of this description.

This information will be updated for the NPS when the sequence of actions changes and when amendments are made to the Historic Industrial Site Analysis.

To assist in the implementation of these stipulations, the HPC must provide technical assistance to the City's Planning Board and the general public on the National Historic Preservation Act, as amended, the Section 106 process, the interpretation of the Secretary of the Interior's "Standards for the Treatment of Historic Properties," the interpretation of the design guidelines for the historic district and how these standards and processes can be integrated into future plans for the ATP site.

With the exception of emergency activities, the City shall ensure than no site cleanup or clearing, cultural resources survey fieldwork, hazardous material abatement or stabilization of elements on the site occurs until such contracts for this work as specified in this agreement are executed.

3. Oversight of work on site

Within ninety (90) days of the date of this agreement, the City will send a contract to the Municipal Council for their authorization for the professional services of a firm to act as project manager. The Project Manager will develop all plans for and oversee the execution of the City's contracts for site clearing, cultural resources survey, hazardous materials abatement and stabilization of elements on the site covered by this PA. The Project Management firm may also be considered for selection as the Research Team to conduct the Cultural Resource Survey of the site upon submission of a qualified proposal. The HPC will participate in the selection process for these services. Prior to any negotiations by the

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City to contract for these services, the NPS will verify that the firms submitting proposals to the City have the requisite expertise to conduct all activities regarding or having the potential to affect historic buildings and structural elements pursuant to this PA. The work must be carried out by, or be under the direct supervision of, a person or persons meeting at a minimum the Secretary of the Interior's "Professional Qualifications - Standards for Historic Architecture" and/or "Standards for Historian" (proposed revised standards, 62 FR 33708, June 20, 1997) and that all activities regarding or having the potential to affect archeological resources pursuant to this PA are carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's "Professional Qualifications - Standards for Archeology" (proposed revised standards, 62 FR 33708, June 20, 1997), with at least 5 years experience in industrial archeology.

The scope of services for this contract will be developed by the City in consultation with NPS for approval in writing by NPS and the SHPO and must include:

- a) a plan of work that will detail how each of the applicable Historic Industrial Site Analysis requirements and applicable recommendations will be met throughout the site, including anticipated sequences of actions with responsible individuals identified by name or position, and a description of all tasks, intermediate completion points, estimated costs, and priorities for use of the UHI funds,
- b) provisions for direct communication on technical issues between the NPS and those providing historic architectural and archaeological expertise for the project as determined necessary by the architectural and archaeological professionals,
- c) authority for the project manager to directly contact the City of Paterson to request that work on the site be halted if any activity conflicts with the requirements of the Historic Industrial Site Analysis or the Secretary of the Interior's "Standards for the Treatment of Historic Properties," and to simultaneously notify the NPS in writing that such a request has been made.

4. Cultural Resource Survey of Site

The Research Team conducting this work shall include, but not be limited to, persons with experience and expertise in industrial archeology, history, architectural history, historic architecture, historic cultural landscapes and engineering. One team member may have expertise in more than one field. The persons on the Research Team must meet the requisite minimum disciplinary qualifications defined in the Secretary of the Interior's "Professional Qualifications Standards" for their subject area (Historian, Architectural History, Historic Architecture, Historic Landscape Architecture, proposed revised standards, 62 FR 33708, June 20, 1997). All activities regarding or having the potential to affect archeological resources pursuant to this PA must be carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's "Professional Qualifications - Standards for Archeology" (proposed revised standards, 62 FR 33708, June 20, 1997), with at least 5 years experience in industrial archeology. The HPC will participate in the selection process for these services. Prior to any negotiations by the City

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to contract for these services, the NPS will verify that the firms submitting proposals have the requisite expertise to conduct all activities regarding or having the potential to affect historic buildings and structural elements pursuant to this PA.

The scope(s) of services will be developed in consultation with NPS for approval in writing by NPS and the SHPO prior to initiation of work and must include:

a) Research and Fieldwork

- 1. Completion of the full Cultural Resources Survey described in the 1996 archeological research design by HCI, including necessary research as well as archeological fieldwork as part of a comprehensive data recovery program. This work was identified in the "Historic Industrial Site Analysis" as necessary to complete the documentation of the site. Within 150 days from the date of this agreement, the City will send a contract to the Municipal Council for their authorization for the professional services of a firm to conduct the cultural resource survey of the site.
- 2. An archeological assessment of the impact of the geotechnical testing undertaken on the site on November 19, 20 and 25, 1997 of the following areas identified in Historic Conservation and Interpretation, Inc. (HCI)'s report of December 8, 1997: Geotechnical Tests 1, 2, 3, 4, 7 and 8. The assessment should include a thorough review, supported as necessary by field testing. The assessment must also include a determination of the impact on resources resulting from the 1997 testing and a determination as to whether the effected resources are archeologically significant. If significant resources are found to have been adversely effected than a plan designed to mitigate the effect of the 1997 testing must be included. The scheduling of the investigations may need to vary from the sequence proposed by HCI to assess the impact of the geotechnical tests and to coordinate with other work on the site; if so, the approval of the NPS archeologist and the SHPO are required. All pertinent and applicable safety procedures should be followed during these investigations.
- 3. Provision for periodic public access to the site to observe ongoing fieldwork. The Research Team will propose an appropriate number and timing of these visits so that they may be coordinated with the fieldwork.
- 4. Provision for emergency consultation in the field as necessary by the Research Team, SHPO, NPS archeologist, HPC, and the City.
- 5. Provision of all draft and final archeological and historic research reports resulting from actions pursuant to this agreement to NPS, the SHPO, the Council and the NJ Trust. The NPS and SHPO will have final approval of the final reports. The review period(s) will be no more than 45 days. Copies of the final reports will be submitted to the National Park Service, SHPO and

National Technical Information Service (NTIS). All such reports must be responsive to contemporary professional standards, and to the Department of Interior's format Standards for Final Reports of Data Recovery Program (42 CFR 5377-79). Precise locational data will only be provided in a separate appendix, and may not be publicly released.

- b) The requirement for the Research Team to review the recommendations of the "Historic Industrial Site Analysis" and to propose revisions and/or additional recommendations related to their fields of expertise. Upon completion of the research and archeological fieldwork, and acceptance of the final reports by the NPS and the SHPO, the Research Team shall review the recommendations of the "Historic Industrial Site Analysis" and verify their validity, recommend revisions or propose additional recommendations. This report will be reviewed and approved by the NPS and the SHPO. Stipulation 5 describes the process by which public comments on these revisions are submitted.
- c) The provision for direct involvement by the Research Team in the development of plans and specifications for all aspects of work on the site conducted under this PA to ensure appropriate steps to safeguard historic material are incorporated into these documents at the project development stage.
- d) The provision for the disposition of archeological artifacts and data as determined by the City, the HPC, SHPO and NPS in consultation with archeologists performing site preparation and other experts as determined as necessary. Accessibility of the collection and data for study will be a criterion in the selection of a curation facility.

5. Review and Comment on Submittals

a) All documents prepared for review and approval pursuant to the terms of this agreement shall be sent to the NPS and SHPO. These documents will be made available by the City for review by the public and consulting parties concurrent with the reviews described above. Comments on these documents by the public and consulting parties will by considered by the SHPO and NPS in their review and approval.

Copies of all documentation will be made available at the City Clerk's Office, Third Floor, City Hall, 155 Market Street, Paterson, New Jersey, and at the Danforth Memorial Library, 250 Broadway, Paterson, New Jersey, during their respective regular business hours. The City will notify consulting parties in writing as each of these documents becomes available for review; the City must obtain a record of receipt of this notification. Consulting parties must contact the City if they wish to have personal copies of the document and make arrangements with the City regarding the delivery or pick-up of the documents. At the discretion of the City, documents in addition to those specified on Stipulation 5.b below, may be made

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available by electronic mail or posted on the Internet. The City may charge for costs of duplicating these documents and for shipping costs above \$5.00.

- b) Copies of the interim and final reports of the Cultural Resources Survey and the revised recommendations to the "Historic Industrial Site Analysis" will be made available on the Internet.
- c) The review period for the final report of the Cultural Resources Survey and for the revised recommendations to the "Historic Industrial Site Analysis" will be 45 days from the date of receipt of the City's notification letter, with a public meeting and site visit held after the documents have been available for 30 days. Any site visit must meet the City's requirements to address safety and liability. The City shall invite the ACHP and the NJHT to provide comments on these reports.
- d) For all other documents, reviewers shall have 30 calendar days from the date of receipt of the City's notification letter to conduct such reviews. The failure c a party reviewing the documents to provide comments in accordance with this stipulation will be taken to indicate concurrence with the pertinent document by the reviewing party. Comments shall be submitted to the City. As appropriate and/or required, the City will forward comments to the reviewing agency/agencies.
- e) SHPO review and approval of documents shall be consistent with the New Jersey Register of Historic Places Act.

6. Alterations to Project Documents

The City shall not alter any plan, scope of services, or other documents that have been reviewed and approved pursuant to this agreement, except to finalize documents commented on in draft, without first affording NPS and the SHPO the opportunity to review and approve the proposed changes.

7. Report and Review

- a) On or before June 30th and December 31st of each year until NPS, the Council, and the SHPO agree in writing that the terms of this agreement have been fulfilled, the City shall prepare and provide a report to the NPS and the SHPO addressing the following topics:
 - 1) Progress in demolition and site preparation.
 - 2) Status of any interim protection of historic properties.
 - 3) Progress in archeological monitoring and data recovery.
 - 4) Any problems or unexpected issues encountered during the year.

- 5) Any changes the City believes should be made in the implementation of this agreement.
- b) The process of notification of availability of these reports and timeframes for submitting comments on these reports are found in Stipulation 5, Review and Comment on Submittals.
- c) Based on the review of this report, the NPS and SHPO shall determine whether this agreement shall continue in force, be amended or terminated.

8. Resolving Objections

:- ,

- a) Should any signatory (as defined in the Advisory Council's regulations, 36CFR Section 800.6.c) to this agreement object to any action carried out or proposed by another signatory with respect to the development of the ATP site or to the implementation of this agreement, NPS shall consult with the objecting party to resolve the objection. If after initiating such consultation, NPS determines that the objection cannot be resolved through consultation, NPS shall forward all documentation relevant to the objection to the SHPO, including NPS's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the SHPO shall exercise one of the following options:
 - 1) Advise NPS that the SHPO concurs in NPS's proposed final decision, whereupon the NPS will respond to the objection accordingly; or
 - 2) Provide NPS with recommendation, which NPS shall take into account in reaching a final decision regarding its response to the objection; or
 - 3) Notify the NPS that the objection will be referred for comment to the Council, pursuant to 36 CFR Section 800.6(b), and proceed to refer the objection and comment to the Advisory Council on Historic Preservation (the Council).
- b) Should the SHPO not exercise one of the above options within 30 days after receipt of all pertinent documentation, the NPS may assume the SHPO's concurrence in its proposed response to the objection.
- c) NPS shall take into account the SHPO's recommendations or comments provided in accordance with this stipulation with reference only to the subject of the objection. All responsibilities under this agreement that are not the subject of an objection shall remain unchanged.
- d) At any time during implementation of the measures stipulated in the agreement, should an objection pertaining to the agreement be raised by a member of the public, NPS shall notify the signatories to this agreement and take the objection into account, consulting with the objector and with any of the signatories to this

agreement to resolve the objection. Upon receipt of such notification, should a signatory agree with the objection raised, the signatory will notify the NPS. The NPS will then follow the process in Stipulation 8.a. All responsibilities under this agreement that are not the subject of an objection shall remain unchanged.

e) Based on the outcome of the process described in Stipulation 8.a, NPS and the SHPO shall determine whether this agreement shall continue in force, be amended, or terminated.

9. Amendments

Any signatory to this agreement may propose to NPS that the agreement be amended, whereupon NPS shall consult with the other signatories to this agreement to consider such an amendment. 36 CFR Part 800.5(c) shall govern the execution of any such amendment.

10. Termination

- a) Per 36CFR800.6(c)(8): "If any signatory determines that the terms of a Memorandum of Agreement cannot be carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it. The Agency Official shall either execute a Memorandum of Agreement with signatories under §800.6(c)(1) or request the comments of the council under §800.7(a)." 36CFR800.14(b)(3) regulates the development of Programmatic Agreements and states that the undertaking shall follow 36CFR800.6.
- b) If the terms of this agreement have not been implemented by October 29, 2004, this agreement shall be considered null and void, and the NPS, if it chooses to continue with its participation in the development, shall re-initiate its review in accordance with 36 CFR 800.

11. NPS Review of Future Plans

The NPS shall review and approve any plans for the ATP site until September 30, 2008, the expected termination date of a new Cooperative Agreement with the City providing for the expenditure of the remaining UHI funds for the ATP site.

Execution of the agreement and implementation of its terms evidence that NPS has taken into account the effects of the undertaking on historic properties.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their authorized representatives the day and year written below.

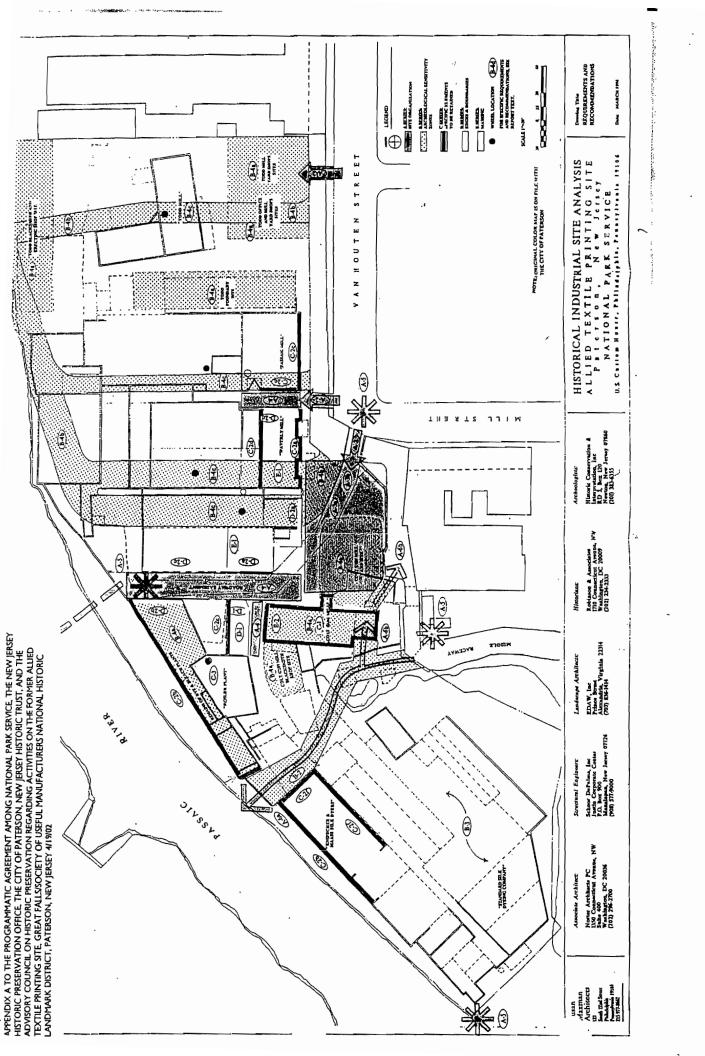
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J. Keith Everett, Superintendent

STATE HISTORIC PRESERVATION OFFICER	
By: Dorothy P. Guzzo, Administrator	_ Date: 6 10/02
CITY OF PATERSON /) //	
By: Martin G. Barnes, Mayor	Date: 6-26-02
NEW JERSEY HISTORIC TRUST	•
By: Warnette C. Hawkins, Executive Director	Date: 7-15-02
ADVISORY COUNCIL ON HISTORIC PRESERVATION	
By:	Date:
John Fowler, Executive Director	
CONCURRING PARTIES	
Paterson Historic Preservation Commission	•
By: Mora Miste Michael Way	Date: 8/06/02
Cesar Acosta, Chairperson Michael Great Falls Development Corporation	Wing, Executive Director
Ву:	Date:
Flavia Alaya, Past Chair, Paterson Historic Preservation Con	nmission
	Date:
Patricia Condell, member, Society for Industrial Archeology	
Patricia Condell, member, Society for Industrial Archeology	Date:
	Date:
Joseph P. Havasy	

STATE HISTORIC PRESERVATION OFFICER		,
By: Dorothy P. Guzzo, Administrator	_ Date:	6/10/02
By: Martin G. Barnes, Mayor	Date:	6-26-02
Martin G. Barnes, Mayor NEW JERSEY HISTORIC TRUST	_	
By: Harriette C. Hawkins, Executive Director	Date:	7-15-02
ADVISORY COUNCIL ON HISTORIC PRESERVATION		
By:	Date:	
CONCURRING PARTIES		
Paterson Historic Preservation Commission		
Ву:	Date: _	
Great Falls Development Corporation By: Solution	Date:	7-31-02
Flavia Alaya, Past Chair, Paterson Historic Preservation Con	nmission	1
	Date:	
Patricia Condell, member, Society for Industrial Archeology		
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Joseph P. Havasy		
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Paterson Economic Development Corporation		
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State of New Bersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Natural and Historic Resources, Historic Preservation Office PO Box 404, Trenton, NJ 08625 TEL: (609) 292-2023 FAX: (809) 984-0578 www.state.id.us/dcp/hpo

LISA P. JACKSON Crimonissioner

JON S. CORZINE ติดง*ยา*เมส

RE:

DATE: November 3, 2008

FAX TRANSMITTAL FORM

TO: Olivia Glena	FROM:	Kate Marcopul
FAX: <u>3-2102</u>	PHONE:	4-5816

Great Falls/Society of Useful Manufacturers National Historic Landmark Site PA

If you have received this fax in error or if there is a problem with the transmission, please contact Sara Homer at 609/292-0061