

SB3 Report 2018

State Agency Biennial Report on State Owned Heritage Properties

Montana Department of Commerce (Montana Heritage Commission)



Methodist Church Restoration Project – Virginia City, Montana
(2017-2018)

Submitted by:
Elijah Allen, Executive Director
Montana Heritage Commission

Prepared For: State Preservation Review Board and Montana State Historic Preservation Office



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Executive Summary

Background:

In 1997, the 55th Montana Legislature established the Montana Heritage Preservation and Development Commission (MHC) to acquire and manage historic properties for the State of Montana. This legislation approved the purchase of Virginia and Nevada Cities comprising 248 buildings, 160 acres of land, and hundreds of thousands of artifacts. These large historic town sites were the first properties managed by the MHC. Since 1997, the Montana Board of Land Commissioners approved two additional acquisitions of historic Reeder's Alley and the Pioneer Cabin in Helena. Reeder's Alley was received through a private donation on November 19, 2001. The Pioneer Cabin at the front of Reeder's Alley was received from a private donation on June 19, 2006.

The Montana legislature authorizes the MHC to care for heritage resources "in a manner that protects the properties and encourages economic independence" (MCA 22-3-1001). Our statutory purpose is to acquire and manage, on behalf of the state, properties that possess outstanding historical value, display exceptional qualities worth preserving, and are genuinely representative of the state's culture and history.

MHC has worked hard to expand the economic and revenue generating uses for our state buildings. MHC is responsible for the management and economic use of these historic properties including; building improvements, structural stabilization, site maintenance, artifact conservation, and protection of diverse historic features. MHC serves as a resource for the public and professionals interested in learning more about Montana history, historic building preservation, archaeology, conservation of artifacts, education, living history, and historic site management.

Historical Significance:

Virginia City is Montana's Territorial Capital (1865-1875). The size, scope, and quality of the historic site helped make Virginia City one of the first National Historic Landmark Districts in Montana (1961). Nevada City is an assemblage of historic buildings, some original to the site, and from across Montana and Yellowstone National Park. Nevada City operates as an outdoor museum and hosts dozens of public educational events, with unique hands-on experiences for visitors of all ages. Reeder's Alley and Pioneer Cabin are the oldest remaining miner's settlements in Helena. These historic sites are significant to Montana and national history as places of western settlement and the formation of Montana society.

Tourism and Business Development:

In 2012-2017 Virginia and Nevada City was ranked as the number one state owned tourist attraction according to the Office of Tourism. The average tourist count is over 500,000 tourists from Memorial Day to Labor Day each year. The Montana Heritage Commission also boasts the 2nd largest Americana artifact site (Next to the Smithsonian) and was featured in the New York Times. The Montana Heritage Commission has over 100 signed volunteers that help and assist with historic interpretation and help interpret Montana's early years in 1863 with the Montana Vigilantes. The Montana Heritage

Commission leases its buildings to over 42 different concessionaires as well as running several of its own business operations. In 2017 we completed an economic impact report by the Rocky Mountain Economic District which indicated Virginia and Nevada City contribute \$74.4 million in economic impact for the state and helps to employ 1086 people.

This report was prepared in response to SB3 State Agency Biennial Report requirements and previous feedback received from the state review board. Specific topics discussed in the report include:

- a. A list of the heritage properties managed by the agency.
- b. The status and condition of each heritage property.
- c. The stewardship efforts in which the agency has engaged to maintain each heritage property and the cost of those activities.
- d. A prioritized list of the maintenance needs for the properties.
- e. A record of the agencies' compliance with subsection MCA 22-3-424 (1) and (2)

Over the MHC's 20-year existence our management philosophy has evolved as a greater understanding of the resources under our care has emerged, and economic realities confronted. The scale and diversity of these collections creates many management opportunities and challenges. Accordingly the MHC strives to achieve the delicate balance of respectful resource stewardship with public access and enjoyment, and economic self-sufficiency. We recognize that there still remains room for improvement. We are confident that with on-going guidance from the state review board and support from related agencies we will fulfill our mission. We respectfully submit this report of our stewardship practices for the past two years as evidence of that commitment.

We want to express our gratitude to the State Historic Preservation Office for their assistance in recommendations and consultation with our ongoing programmatic agreement.

Section 1 - Understanding the Resource

The MHC is responsible for a large and complex collection of historic resources comprised of buildings, structures and artifacts at three primary sites - Virginia City, Nevada City, and Reeder's Alley. Many of the buildings and structures are listed on the National Register of Historic Places as contributing resources within the Virginia City National Historic Landmark District, or as individually listed or eligible resources, in their own right.

Please refer to Attachment A – Summary of Heritage Properties for specific information regarding our heritage properties, including their condition, use, threat level, and National Register status. For the sake of this report, the MHC wishes to clarify the difference between “heritage properties” (herein defined as cultural resources listed or eligible for the National Register of Historic Places as individual or contributing historic resources) and the numerous non-National Register listed or eligible properties owned and managed by the MHC. In some cases, previous MHC SB3 reports inadvertently combined the two resource types under the general heading of heritage properties. The summary table within denotes Heritage Properties with the HP prefix while other properties are identified as NHP, or Non-Heritage Properties. Due to the need for further research, this list does not include non-heritage properties located in Nevada City. The MHC has committed, as described within, to resolve the ambiguity of state-owned heritage properties under their management for the 2020 SB3 report.

We anticipate many of our resources currently designated as non-heritage properties will become heritage properties as further time passes and they reach the all-important 50 year age threshold generally required for National Register eligibility. Another important stepping stone to National Register consideration is the creation of historic context statements allowing the significance of these various resources to be better understood and appreciated. A good example of this dilemma is the numerous reconstructed or relocated resources within Virginia and Nevada City associated with the Bovey family's town museum preservation efforts. We understand that for various reasons associated with ensuring the National Register remains a record of truly significant historic resources, collections of moved or highly-altered historic-age properties are generally disqualified from the National Register. While the MHC appreciates this rationale, we are also confident that professional scholarship is beginning to coalesce, enabling the significance of the Bovey-era preservation efforts of Virginia and Nevada City to be appreciated within the larger national context of the post-WWII heritage tourism/town museum movement. In the meantime, we have our hands full caring for the 76 heritage properties already listed on the National Register.

Section 2 – Cultural Resource Management Philosophy and Economic Realities

Since our 2016 SB3 report the MHC has not acquired nor lost any heritage properties. All of our properties, previously surveyed and recorded, are routinely inspected on a regular basis by our preservation staff and monitored for changes in their condition. Minor repairs and corrective actions are implemented by the preservation staff promptly, else placed on the to-do list on the preservation shop chalk board for attention later, for example repairing a broken or missing window pane, while major changes, such as replacing a deteriorated sill log, are documented and discussed at weekly staff meetings. Ultimately, this information is used to prioritize our preservation and maintenance efforts within each budgetary cycle.

On an annual basis the MHC regularly allocates 60% of its general operation budget of \$1.2 million toward maintenance and preservation activities. Revenue sources include, earned income from its operations in Virginia and Nevada City, bed tax allocations, and donations and contributions such as the voluntary portion of the license plate registration fee. In recent years, the MHC has also been fortunate to garner additional funding from the Legislature specifically for building preservation and maintenance activities. In 2017, the Legislature allocated \$2.0 million of state revenues for this specific purpose. Please refer to Attachment B – Prioritized Maintenance and Preservation Activities (FY 2018 and 2019) for a description of how these funds are being utilized.

Under the general heading of stewardship our mandate is broad. The MHC is responsible not only for preserving and maintaining these properties, but also providing public educational programming, research access, and ensuring for the basic needs, comfort, and safety of our 500,000 plus annual seasonal visitors to Virginia and Nevada City, and numerous year-round visitors and tenants at our facility in Reeder's Alley.

It's an understatement to claim that our resources are stretched thin. Since 2012, when it became apparent that we could no longer afford to employ a year round staff of over twelve full-time employees, we re-organized around a core of six full-time employees, including an Executive Director (ED), tourism event coordinator, two preservation and maintenance staff members, and two museum staff members. This team is augmented by numerous seasonal employees, contractors, concessionaires, and volunteers to ensure our facilities are well-maintained, professionally staffed, and welcoming. Out of necessity, during the busy summer months we focus primarily on visitor services and minor maintenance repairs, relegating major facility projects, including preservation and maintenance to the off-season. To make best use of the short construction season we routinely schedule projects for the spring or fall to avoid impacting summertime visitation. If we can't avoid the summer season, we try to minimize the inconvenience of an active construction site by incorporating a learning element into the project. Interpretative signage is installed at the site to encourage public awareness and understanding of the project while work proceeds mostly unimpeded by curious onlookers.

Previous feedback received from the state review board asked for more information on “how are the MHC’s preservation priorities established and implemented”. A harsh reality of our situation is the availability of funding drives many of our preservation and maintenance decisions. As encouraged in our current Strategic Plan (<http://montanaheritagecommission.mt.gov>), we have inventoried and assessed the condition (Fair to Good), significance (Low to High), cost of the repairs, and revenue-generating potential of all our properties. Based on this overall assessment, each year we identify and prioritize specific projects for preservation and maintenance activities with an equal emphasis on the care of National Register-listed properties and their revenue-generating potential. In some cases through careful planning we are able to accomplish both objectives as in the Buford Block building with a popular restaurant (Wells Fargo Steakhouse) on one side and engaging general store interpretative exhibit on the other. Whenever possible we try to direct commercial activity away from buildings of great historic significance due to their often fragile nature, such as the original McGovern Dry Good Store with its fully intact interior furnishings and inventory proudly on display. Within our annual operating budget, each year we attempt to make significant investments in the preservation and maintenance of these premier interpretive properties. At a minimum we try to ensure that heritage properties converted to a commercial, income-producing use also contain a strong interpretative message, whether by signage, photos, and/or artifacts. It’s been our experience that the public generally appreciates the creative inclusion of an educational interpretative exhibit within a retail or lodging setting.

Over the years we’ve found that a well-implemented maintenance program minimizes the need for extensive preservation efforts. A good example of this approach; we pay special attention to the care and maintenance of the roofs of our historic buildings. An annual springtime inspection of a roof combined with light maintenance repairs, avoids costly and invasive repairs to the interior. Maintenance efforts are generally directed on an as-needed as the various electrical, plumbing, and structural demands of our outdated building stock dictate. For larger preservation and maintenance projects, we rely heavily on a short-list of local building contractors we have vetted over the years. Through close interaction with our preservation crew, and a well-defined scope of work these professional contractors can produce excellent results.

From an operational management perspective, we continue to still struggle with the question; are we a museum facility or a heritage tourism attraction. For lack of a clear mandate, we try to satisfy both demands. Our work ranges from providing university-level education and training facilities for historic preservation techniques, high-quality well-researched interpretative exhibits, to ensuring basic visitor services are met, including self-guided interpretative brochures, restrooms, and train rides. To ensure our guests have access to quality lodging, dining, and entertainment facilities, we partner with a host of seasonal concessionaires, many of whom have been with us for 10 plus years. These private entrepreneurs magically transform our seemingly abandoned buildings into a variety of vibrant summertime businesses and attractions that help bring our story to life. An added benefit of these public-private relationships is that many of these renters, with proper instruction from our preservation crew, have proven they are willing and able to take over the basic maintenance duties of their respective business locations. We recognize the professional needs and demands of maintaining a high-quality museum experience are considerably different than those of a roadside attraction. Accordingly, we do our best to uphold a balance between these often competing interests and maintain professional standards and best practices for the cultural resources under our care.

To assist us in achieving our goals we routinely work with various partners including the Montana SHPO, Montana History Foundation, Montana Preservation Alliance, National Park Service, and Town of Virginia City and numerous other private individuals, groups, and public institutions. Over the last 20-years, these partners have provided a range of supports services to us, including funding, technical advice, and hands-on labor. As part of on-going stewardship efforts we will continue to cultivate and expand these relationships. In response to previous state review board feedback encouraging the MHC to “re-establish the required qualified professionals (historic preservation specialist and staff archeologist) to manage the significant heritage properties under the care of the MHC”, we are currently working on a very important partnership with the Town of Virginia City and an ongoing relationship with an archeological consulting firm. Please refer to the Special Initiatives and Compliance sections of this report for further details.

Due to the demands of the numerous heritage properties already owned and managed by the Montana Heritage Commission, we have been generally reluctant to acquire additional properties unless the property is of great historic historical significance and additional funding sources can be clearly identified. Refer to the Special Initiatives section for an especially current example of this approach. In a “triage-like” manner we tend to focus on protecting what we have versus acquiring more properties. We believe this is the most reasonable and prudent approach to managing such a complex project.

With this understanding of our management philosophy and realities, we are proud to report the following preservation and maintenance accomplishments over the past two years for our 76 heritage properties.

Section 3 - On-going Preservation and Maintenance (P&M) Activities (2016-2017)

Since the 2012 purge of over half of the MHC staff due to budget cuts, we no longer have the luxury of separate dedicated preservation and maintenance crews. Our remaining preservation staff of two full-time employees is routinely tasked with basic maintenance duties. We make use of various professional construction contractors and occasionally volunteers and concessionaires to offset maintenance demands, thereby freeing up the preservation staff for the more time consuming and demanding preservation tasks. In spite of these efficiencies preservation tasks are often overshadowed, or delayed, by the more immediate demands of basic maintenance and health and safety concerns.

In order to truly understand our approach to preservation and maintenance, we offer a glimpse into a typical day for one of our P&M crew members here in Virginia City:

1. Stopped by the preservation shop to check on an old window removed last week from the Sauerbier Blacksmith Shop building. The new window putty was not quite dry enough for reinstallation. Applied gentle heat. Note: Routine inspection discovered the historic window was damaged with broken wooden muntins and missing window panes. The wooden details were repaired (spliced and glued) and damaged glass replaced with new panes cut from vintage glass supplies on-hand, and secured with linseed-based glazing compound (putty).



Figure 1: Sauerbier Blacksmith Shop window – The brittle nature of old wood makes window repair a slow and delicate operation.

2. While waiting on the window, I shoveled snow from the boardwalk in front of MHC properties.



Figure 2: Boardwalk snow removal – public safety is a never-ending concern.

3. Then, visited with a contractor regarding the status of electrical upgrades to the Harding House. Updated ED accordingly.



Figure 3: Harding House electrical panel – equipping old buildings with new utilities.

4. Re-installed the repaired window in the old blacksmith shop.



Figure 4: Blacksmith Shop window – old window back where it belongs.

5. And finally, stopped and helped the other P&M staff member finish the floor in the Thomas Meagher cabin in Virginia City.



Figure 5: Thomas Meagher cabin floor - blending the new with the old.

A few words about preservation and maintenance activities...

For a resource like Virginia and Nevada City, P&M work is never ending. To retain the “arrested deterioration” appearance of our famous “living-ghost town” setting each task must be viewed through the lens of “doing the least harm”. Whether trying to address an ADA access concern on the boardwalk, or reattach a deteriorated element of a building’s cornice, each activity requires staff to creatively identify the most sensitive approach possible. Such an approach takes time and considerable experience to achieve the desired outcome of “blending the new with the old” and maintaining the historic integrity of the resource.

Beyond routine on-going maintenance tasks throughout the three historic sites, during the 2016-2017 period the MHC completed or advanced the following specific preservation projects:

Historic Property Name/Number	Project Type	Intended Use	Scope of Work	Status
Methodist Church (HP121)	Restoration	Reception hall for family gatherings and interpretative exhibit	Restore/rehabilitate interior and exterior	Planning and design stage, Condition assessment complete, SHPO consultation underway
Harding House "Lightning Splitter" (HP119)	Restoration	Lodging	Restore interior and exterior	SHPO consultation complete, Restoration complete
Gracie Smith "Thomas Meagher" Cabin (HP118)	Restoration	Lodging and interpretative Exhibit	Restore interior	SHPO consultation complete, Restoration complete
Greenfront Hotel and Restaurant (café) (HP094-95)	Restoration	Retail storefront (café) and interpretative exhibit (hotel)	Restore commercial retail space with adj. interp. Exhibit	SHPO consultation complete, Construction underway
Bickford House (HP058)	Restoration	Lodging	Restore interior and exterior	SHPO consultation complete, Construction underway
Hickman House (HP125)	Restoration	Lodging	Restore interior and exterior	Planning and budgeting stage
Gilbert House (HP044)	Restoration	Lodging and Gilbert family interpretative exhibit	Restore interior and exterior, address flooding	Planning, design and budgeting stage

(Please refer to project photos for additional information.)

Project Photos

Methodist Church Restoration – Planning and Investigation stage

Conditions Assessment - Exterior

Montana Heritage Commission



South Elevation: Stucco over stone masonry, wood-framed steeple, painted wood doors and accent, and decorative wood trim



West Elevation: Stone masonry, unfinished wood windows, modified sliding wood door, decorative wood trim, and wood shingles.

METHODIST CHURCH RENOVATION - VIRGINIA CITY, MT



North Elevation: Stone masonry, unfinished wood windows (modified), and decorative wood trim.



East Elevation: Stone masonry, unfinished wood windows, modified sliding wood door, decorative wood trim, and wood shingles.

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Conditions Assessment - Interior



Water damage to flooring and masonry at sliding door. Gap open to exterior underneath door.



Sliding 3-leaf door. Track wraps corner.



South window at east side and pipe for south chimney. Historic water damage observed beneath chimney.

Montana Heritage Commission

METHODIST CHURCH RENOVATION - VIRGINIA CITY, MT

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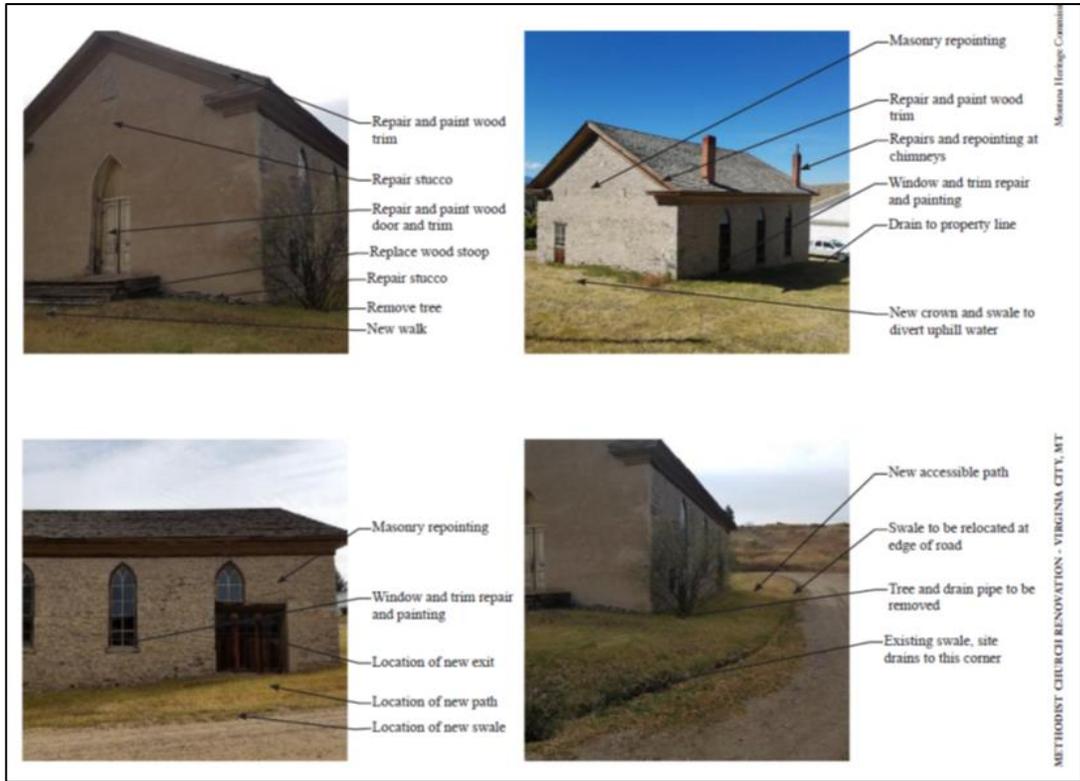


Figure 6 – Methodist Church - Scope of work (exterior)

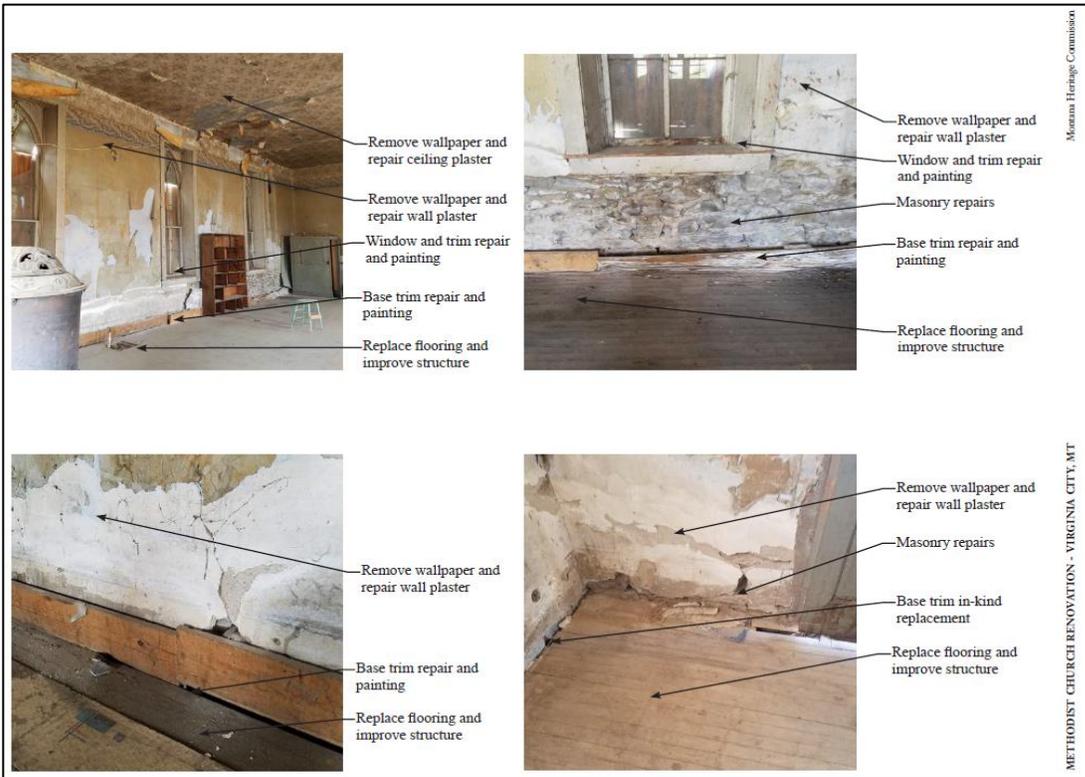


Figure 7 – Methodist Church - Scope of work (interior)

Harding House (Lightning Splitter) Restoration 2017 – almost done, awaiting exterior paint



Figure 8: Harding House Exterior – before and after



Figure 9: Harding House Exterior - siding re-fabrication



Figure 10: Harding House Exterior - siding replacement



Figure 91: Harding House Exterior - old windows being re-glazed



Figure 12: Harding House Interior - kitchen floor before and after refinishing



Figure 13: Harding House Interior – living room walls and ceiling before and after repair and paint

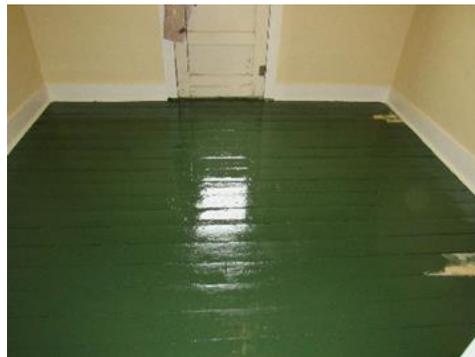
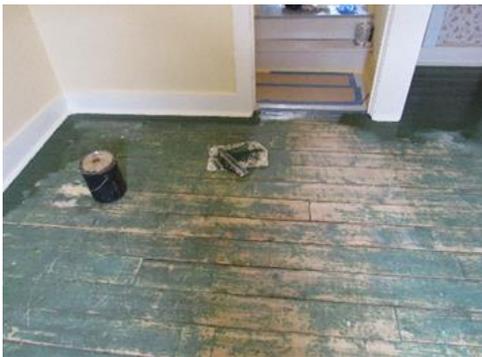


Figure 14: Harding House Interior - bedroom floor, walls, and trim before and after repair and paint

Gracie Smith (Thomas Meagher) Cabin Restoration – Completed 2017



Figure 15: Smith Cabin exterior



Figure 16: Smith Cabin - stabilize subfloor, install and finish new flooring; before and after



Figure 17: Smith Cabin - restoring vintage hardware; before and after



Figure 18: Smith Cabin - restore exterior doors; before and after

Other Projects



Figure 19 - Bickford House Restoration (early-construction stage)



Figure 2010 - Green Hotel and Restaurant Restoration (mid-construction phase)



Figure 21 - Hickman House Restoration (pre-construction planning stage)



Figure 22 - Brewery dugout cabin (endangered list)



Figure 23 - Susan Maar House (endangered list)

Gilbert House Restoration – Planning, design, and budgeting stage



Figure 24: Gilbert House - current un-used condition



Figure 25: Gilbert House - basement subject to flooding leading to extensive interior moisture damage



Figure 26: Gilbert House - preliminary engineering stage to remedy creek-side, springtime flooding problems

Section 4 - Special Stewardship Initiatives (2016-2017)

Each biennium we identify a few special initiatives to pursue and hopefully complete. We choose initiatives that we feel will have a lasting positive impact on our program.

A. Potential Acquisition of Threatened Heritage Properties

In 2017, the MHC was approached by the owners of a privately-held Virginia City property of great historic significance. The building in question, the Stonewall Hall or more commonly, the Dudley Garage, is listed on the National Register for its association with the early activities of the Montana territorial government. Due to its prominent location and significance the owners are willing to donate the building to the MHC to allow for its long term stabilization and preservation. Currently the building is in very poor structural condition, but in keeping with our mission to preserve and protect Montana's significant historic resources, we feel we would be remiss if we did not attempt to protect this rare surviving element of Virginia City and Montana heritage. To that end, we are currently in discussion with the property owners, several preservation groups and Montana legislators to explore whether viable funding sources exist to allow us to responsibly acquire and successfully preserve this unique heritage property located in the midst of nearby MHC-owned heritage properties. To -date the MHC has not committed to accepting the building due to these financial and liability concerns, but through our proactive outreach efforts we are hopeful we can rally enough support to be able to add this building to our collection of heritage properties in 2018.

B. Joint Cultural Resource Manager position with MHC, Town of Virginia City, and Madison County

As a requirement of the Programmatic Agreement between the MHC and Montana SHPO and in response to recommendations from the state review board to expand our cultural resource management staff (Historic Preservation Specialist), we are glad to report that we are close to signing an agreement with the Town of Virginia City and the Madison County Commissioners to create a jointly funded and shared Cultural Resource Manager position for Virginia City and the surrounding area. Modelled after the existing Historic Preservation Officer agreement and relationship between the Town and the Montana SHPO, we are excited to be able to help fund and benefit from access to a communitywide cultural resource professional. Beyond helping the MHC manage its own projects, we strongly support the creation of a dedicated point of contact to keep all parties informed of relevant historic preservation activities in the community and provide technical support relating to best practices. After more than a year of discussion, the partnership agreement is currently awaiting final review and commitment from the major parties. We are hopeful the agreement will be in place by the spring of 2018 and the position advertised and filled by the summer.

C. Staff training at Historic sites throughout the country (best practices exposure)

In response to feedback from a recent Legislative audit, over the past two years MHC staff members have scheduled tours of heritage sites throughout the country for the purpose of best practices training. During these visits staff members meet with their respective counterparts from various

non-profit and government agencies to experience their operations firsthand and exchange advice and information. To-date MHC staff have visited over 30 sites and facilities throughout the country with plans to visit more in near future. After each site visit, the specific staff member is required to prepare and share a brief report of their observations at weekly staff meetings. The ED presents a summary report of these findings with his recommendations as to new policies and initiatives at quarterly MHC Board meetings. As discussed above, and per previous state review board comments, we have begun the process of reviewing and updating existing survey data for all our historic-age properties, with a specific emphasis on clarifying which resources truly qualify as heritage properties. Once this draft list is prepared, we propose to work with the Montana SHPO to update existing National Register inventory data (1990 Dames and Moore Report) for the Virginia City National Historic Landmark District (NHLD), and the individually listed properties in Nevada City and Reeder's Alley. We are confident once this information is fully updated the distinction between our heritage properties and non-heritage properties will become clear. Montana Historic Property Record Forms and Individual Heritage Property Condition Forms will be updated and/or created accordingly. Recognizing this effort will require a significant expenditure of staff, and or consultant time, the MHC proposes to rely on the assistance of the shared Cultural Resource Manager position (described above) or consultant services provided by Garcia & Associates, or equivalent, (described below) to prepare the updates for inclusion in our 2020 SB3 Report.

D. Update Nevada City Historic Context Statement

The uncertainty of the historic significance of the Bovey-era buildings and structures in Nevada City, and to a lesser extent Virginia City, creates a variety of management complications for the MHC. Lacking National Register-status these resources are often treated as lesser quality resources of lower priority in terms of preservation and maintenance funding allocations. While the MHC understands the distinction, the general public does not, creating a host of public relationship concerns and the impression that the Nevada City properties are not as important as their counterparts in Virginia City. In response, as the bulk of these properties inch toward the 50-year National Register eligibility mark, the MHC remains committed to supporting the research necessary to allow for their serious consideration for listing, and the protections and funding opportunities such designation provides. To this end, the MHC is in the process of dusting off copies of previous research on this subject, and over the next few years, with the advice of the Montana SHPO, retaining the services of the appropriate cultural resource specialists to compile and submit the necessary documentation in support of National Register status.

Section 5 - Record of Agency Compliance with Subsections MCA 22-3-424 (1) and (2)

The MHC has developed numerous internal policies, strategies, committees, and relationships with organizations, including the Montana SHPO, Montana Historical Society, and National Park Service, to comply with the Montana State Antiquities Act, and related local, state and federal regulations involving the identification and protection of historic resources. Unlike most other state agencies subject to MCA 22-3-424, for example heritage properties owned by the Department of Corrections, the MHC is solely in the business of preserving the historic resources under its care and management. We take that responsibility seriously, and value the advice and guidance we received from the staff of the Montana SHPO.

We recognize that the dual nature of our mission to protect these valuable heritage resources while also achieving economic self-sufficiency does create challenges, and sometimes conflict for all parties involved. To that end, as formalized in our Programmatic Agreement with the Montana SHPO (Attachment C), we have learned that it is best to seek input from experienced cultural resource management professionals and the Montana SHPO early on during the planning stage of our projects, and keep the SHPO apprised as the project moves ahead. We respectfully admit that sometimes in the daily rush to make progress we have been remiss in seeking that counsel in advance, and for that we truly apologize.

As mentioned within, we operate with a small staff augmented with cultural resource professionals on an as-needed consulting basis. Unfortunately, contrary to previous state review board recommendation, we do not foresee the opportunity in the near future to remedy our full-time staffing limitations due to budgetary limitations, and the need for legislative approval. In the meantime, we ask for your understanding as we rely on creative solutions such as the aforementioned shared Cultural Resource Manager position with the Town and the relationships we have created with consultants such as Garcia and Associates, and their on-call team of archaeologists and cultural resource professionals.

As evidence of that commitment, in addition to numerous short phone conversations and email exchanges over the past two years, the MHC has formally contacted the Montana SHPO on six separate occasions for consultation regarding potential adverse impacts to heritage properties and ways to mitigate those impacts, if applicable. Most recently we initiated contact with the SHPO regarding our plans to restore the Methodist Church in Virginia City. From that exchange came the sage advice to retain an architect to prepare a condition assessment to guide the restoration effort. With the support of the Montana Preservation Alliance, A&E Architects completed such a report for us. It has proven very valuable in our planning efforts.

Outside of the Montana State Antiquities Act, but we believe representative of our commitment to stewardship in general, we routinely seek the guidance of local community members in Virginia City regarding our projects. The Town of Virginia City is an official Certified Local Government in partnership with the Montana SHPO and National Park Service. For over 20 years, the Town has administered a design review program for all changes, beyond ordinary maintenance and repair, to the exterior of historic properties, including signage, within the historic district. Accordingly, the MHC

routinely submits permit applications for its various projects to the Town for review and comment by the Historic Preservation Officer and the Historic Preservation Commission, and approval by the Town Council. We regularly incorporate their advice into our projects and hope to help expand this program through financial contributions toward the proposed shared Historic Preservation Officer (HPO)/Cultural Resource Manager (CRM) position. In addition to supporting this important local review program, one of the MHC's primary objectives for partnering with the shared CRM position is for this person to act as the MHC's point-of-contact for compliance activities with the Montana SHPO. In the event this arrangement is not realized, then the ED in cooperation with the preservation staff, augmented by consultant services, will remain the coordinator for the MHC's ongoing stewardship efforts.

REFERENCES

Allen, Elijah, 2017. Executive Director, Montana Heritage Commission

Antolik, Marge, 2016, Curator, Montana Heritage Commission

A&E Architects – Missoula, 2017 Condition Assessment, Methodist Church, Virginia City, Montana.

Friedman, A. Paul. 1990. Final Report of the Architectural, Historical and Archaeological Inventory of the Virginia City National Landmark Madison County, Montana.

Jarvis, Jim. 2002. Historic Building Survey Assessment - Nevada City, Montana

McCourt, Kathleen, 2012. Montana Heritage Commission, Cultural Resource Manager

Montana Heritage Commission Preservation Crew. 2005-2017. Weekly, Monthly and Annual Reports.

National Park Service. 1994. The Virginia City Assessment Report.

Slawski, Kate, 2016, Collections Curator, Montana Heritage Commission.

Garcia and Associates, 2017 Preservation Strategies for Harding House and Meagher Cabin, Virginia City, Montana.

Attachment: A

SB3 Summary of Heritage Properties

(HP = Heritage Property (National Register-listed) NHP = Non Heritage Property

REPRO = Reproduction MOVED = Relocated NEW = Not Original ALTERED = Heavily Modified NS = Not Surveyed)

Preservation and Maintenance Priorities = Heritage Properties in Threatened or Endangered Status

MHC Building #	Building Date	State-owned Heritage Property	Use	Status	Condition	Priority Preservation needs
HP001 –REPRO	1864	Ford Bovey House	MHC	Watch	Fair	Drainage issues, exterior wood treatment, concrete re-pointing
NHP002-MOVED		Ford Bovey Cabin	MHC	Watch	Fair	Foundation assessment, oil exterior, French drain, maintain daubing, roof, window & door systems
NHP003-NS		Tack Shed	MHC	Watch	Fair	New roof, vegetation control
HP004		Bovey / Bosworth Barn	MHC	Watch	Good	Vegetation control
NHP005 –NEW	Bovey	Stone Cellar Ruins		N/A	N/A	Bovey construction, N/A
HP006		Brewery Dugout Cabin		Endangered	Poor	NPS shoring in place, needs wall stabilization and drainage
HP008 –REPRO		Sim Ferguson Cabin		Satisfactory	Good	Full restoration in 2005. Vegetation control needed
HP009	ca. 1900	Kissling Cabin	MHC	Satisfactory	Good	Full restoration in 2005. Roof material replacement, vegetation
HP010	ca. 1865	Thexton/Kitson House	MHC	Satisfactory	Good	Modified in 1990s, needs heating upgrade, vegetation control
HP011		Old House		Watch	Fair	None immediate, vegetation control
HP014	1875	Aunt Julia's House	Commercial	Satisfactory	Good	Exterior siding replaced; structure repaired; boardwalk repaired 2015
HP015 -NS		Aunt Julia's Outhouse		Satisfactory	Good	Vegetation control
HP016 -REPRO	Bovey	Dance & Stuart Store*	MHC Display	Satisfactory	Good	Exterior wood treatment, vegetation
NHP017-ALTERED	Bovey	Pitman Gas Station & Shed	MHC Display	Watch	Fair	Vegetation, drainage, repair and treat wood siding
HP018		Cabbage Patch Barn		Watch	Fair	None immediate, vegetation control
HP019		Cabbage Patch Shed		Watch	Poor	Foundation piers, repair exterior timbers, re-grade & drainage,
HP020		Shed east of barn- Cabbage Patch		Threatened	Poor	Scheduled for preservation in FY 2018.
HP021		Shed with display- Cabbage Patch		Watch	Fair	Dug for drainage in 2009, needs foundation and drainage, vegetation
HP022		Outhouse- Cabbage Patch		Watch	Fair	Vegetation, eventually: new roof and door preservation, wood treatments
HP023	1863	Kramer Building***	MHC Display	Satisfactory	Good	Signature VC building, will need on-going monitoring

HP025		Tin Clad Shed- Cabbage Patch		Watch	Fair	Vegetation, eventually drainage
HP026	1863	Weston Hotel**	MHC Display	Satisfactory	Good	Extensive restoration in 2009
HP027	1863	McGovern Store***	MHC Display	Watch	Good	UV window protection for display. Building stabilized in 2008
HP028		McGovern Outhouse		Watch	Fair	None immediate, will need a foundation, vegetation control
HP029		Tobacco Shop	MHC Display	Satisfactory	Good	Drainage issues corrected in 2008
HP030	1863	Jewelry Store**	MHC Display	Satisfactory	Good	Drainage issues corrected in 2008, foundation
HP031		Outhouse behind the Jewelry		Threatened	Poor	Scheduled for preservation in FY 2018
HP032	1863	Toy Store**	MHC Display	Satisfactory	Good	Exterior wood treatment
HP033		Toy Store Ground Floor Outhouse		Watch	Fair	Proper foundation, roof replaced
HP034		Toy Store 2 Story Outhouse		Watch	Fair	Permanent stabilization, proper foundation, vegetation
HP035-REPRO	Bovey	City Bakery	Commercial	Watch	Poor	Stabilize rear of building, remove, excavate, rebuild concrete wall
HP036	1863	Kiskadden Barn***	MHC Display	Watch	Fair	Roof repairs, vegetation
HP038/039-ALTERED	1860s/Bovey	Fairweather Inn & Annex**	Commercial	Satisfactory	Good	Plumbing repaired; Roof patched; Exterior painted 2015
HP040-REPRO	1864/Bovey	Montana Post & Stone Print Shop*** -original	MHC Display	Satisfactory	Good	Stabilization of northern wall of Print Shop completed 2015
HP042	1863-80s	Gilbert Brewery***	Commercial	Satisfactory	Good	Received preservation treatments 2011; Structure repaired 2015
HP043		Pottery Shop & Bottling Building		Threatened	Fair	Structural risk from underground springs & vegetation.
HP044		Gilbert House		Threatened	Poor	Structural risk from underground springs & vegetation.
NHP045-NEW	Bovey	Daylight Village Cabins 1&2		N/A	N/A	Structural risk from Daylight Creek, unusable
NHP046-NEW	Bovey	Daylight Village Cabins 3&4		N/A	N/A	Structural risk from Daylight Creek, unusable
NHP047-NEW	Bovey	Daylight Village Cabins 5&6		N/A	N/A	Structural risk from Daylight Creek, unusable
NHP048-NEW	Bovey	Daylight Village Cabins 7&8		N/A	N/A	Structural risk from Daylight Creek, unusable
NHP0490-NEW	Bovey	Daylight Village Cabins 9&10		N/A	N/A	Structural risk from Daylight Creek, unusable
NHP050-NEW	Bovey	Building by Pottery Shop		N/A	N/A	N/A
NHP051-NEW	Bovey	Boiler & Restrooms	Commercial	N/A	N/A	Electrical plumbing restored - Used for MHC volunteers
NHP052-NEW	Bovey	Daylight Village Office		N/A	N/A	N/A
NHP053-NEW	Bovey	Building on East End		N/A	N/A	Structural risk from Daylight Creek, unusable
NHP54-NEW	Bovey	West Building No.	Commercial	N/A	N/A	Electrical plumbing restored - Used for MHC volunteers

NHP055-NEW	Bovey	Cabins 11-32	Commercial	N/A	N/A	Electrical plumbing restored - Used for MHC volunteers
NHP056-NEW	Bovey	East Building No. 33-38	Commercial	N/A	N/A	Electrical plumbing restored - Used for MHC volunteers
NHP057-NEW	Bovey	Village Pump	Commercial	N/A	N/A	Under reconstruction with salvaged materials
HP065	1864	Content Corner***	MHC/Commercial	Watch	Good	Received preservation treatments from 2003-2010, mold abatement; Need structure fixed; flooring roof repaired
HP066		Content Corner Root Cellar	MHC/Commercial	Watch	Good	Needs structure fixed; roof repaired; interior floor done
HP067-REPRO		Ruby Chang's	Commercial	Satisfactory	Good	Basic preservation treatment needed
HP068-REPRO	Bovey	Gypsy Arcade	MHC Display	Satisfactory	Good	Basic preservation treatment needed
HP070	1863-4	E.L. Smith Store	MHC Display	Satisfactory	Good	Basic preservation treatment needed
HP071		E.L. Smith Icehouse		Watch	Fair	Internal stonework cracked, flooring joists repair
HP072	Bovey	Wells Fargo Display***	Commercial	Satisfactory	Good	Basic preservation treatment needed
HP073-REPRO	Bovey	Assay Office	MHC Display	Watch	Fair	Sagging floor, stonework
HP074-76	1864	Buford Block** (Wells Fargo)	MHC/Commercial	Satisfactory	Good	Repaired flooring/fixed roof/repaired electrical/plumbing 2015-2016
HP077-REPRO	Bovey	Elling Store	MHC Display	Satisfactory	Good	None needed for now
HP078-REPRO	Bovey	Boots & Shoes	Commercial	Satisfactory	Good	None needed for now
HP079		Photo Shop	Commercial	Satisfactory	Good	None needed for now
HP080		Shingle Shed	Commercial	Threatened	Poor	Wood deterioration, no foundation, drainage, roof stabilization
HP081		Barber Shop	MHC Display	Watch	Fair	Front porch stabilization, repair siding, wood treatment, foundation & drainage issues
HP082-REPRO		Virginia City Trading Company	Commercial	Watch	Good	Gutters, exterior wood treatment
HP083		Prasch Blacksmith Shop**	MHC Display	Watch	Fair	Needs permanent stabilization, currently has temporary bracing
HP084		Sauerbier Blacksmith Shop**	MHC Display	Satisfactory	Good	Structure reframed in early 2000s, needs interior chimney stabilization, drainage
HP085-REPRO	1863-1983	Bale of Hay Saloon*	Commercial	Satisfactory	Good	Flooring replaced; Electrical upgraded; New appliances
HP086-REPRO	Bovey	Bale of Hay Connection	Commercial	Satisfactory	Good	Drainage
HP087	1890s	Opera House***	Commercial	Satisfactory	Good	Masonry redone; Electrical/Heating fixed/ Flooring replaced 2015
NHP088		Opera House Shop	Commercial	Watch	Fair	Plywood siding in poor condition, foundation cracks
NHP089		Scenery Shed	Commercial	Satisfactory	Good	Vegetation control
HP090		Mutt Dixon House/Costume Shop	Commercial	Satisfactory	Good	Vegetation control, foundation, drainage
HP091		Mutt Dixon Shed	Commercial	Threatened	Poor	Reset on piers, vegetation, repair exterior wood, repair roof shingles

NHP093-MOVED	Bovey	Virginia City Depot*	MHC/Commercial	Satisfactory	Good	Fixed bathrooms; put in interior roof; painted and replaced flooring 2014-2015
HP094	1870s	Green Front "Hotel"***	MHC Display	Threatened	Fair	Complete foundation replacement, drainage, exterior wood treatments – Scheduled for preservation treatment in FY 2019
HP095	1870s	Green Front "Restaurant"****	MHC Display	Satisfactory	Good	Received preservation treatment in 2010
NHP096-MOVED		Motor Car Shed		Watch	Fair	Foundation, drainage
HP097		Little Joe's Cabin		Watch	Fair	Foundation, repair damaged sill logs, drainage
HP098		Little Joe's Outhouse		Watch	Poor	Foundation, drainage, wood treatment, vegetation
HP099-MOVED		Dry Bean Shed		Threatened	Poor	Relocated shell of building, appropriate treatment strategy uncertain
HP100-MOVED	Bovey	Fayette Harrington House	Commercial	Satisfactory	Good	Exterior wood treatments, eventual re-grading
NP101-MOVED	Bovey	Player's Bath House	Commercial	Watch	Fair	Vegetation, drainage, exterior wood treatment
NHP102-MOVED	Bovey	Ruby Cabin	Commercial	Satisfactory	Fair	Exterior wood treatments, eventual re-grading
NHP03-MOVED	Bovey	School House Cabin	Commercial	Watch	Fair	Foundation, sill logs, drainage
NHP104-MOVED	Bovey	Iron Rod Cabin	Commercial	Watch	Poor	Foundation, sill logs, drainage
NHP105-MOVED	Bovey	Duck Pond Cabin	Commercial	Watch	Fair	Sill logs, drainage
NHP106-MOVED	Bovey	Axolotl Cabin	Commercial	Watch	Fair	Sill logs, drainage
NHP108-MOVED		White Building (White Shed)	MHC storage	Satisfactory	Good	Foundation, re-grading
HP109		White Building Outhouse		Satisfactory	Good	Vegetation, eventual foundation
HP110		Bonanza Inn Coal Shed		Satisfactory	Fair	Exterior paint for aesthetics, eventual sill & foundation
HP111	1866	Bonanza Inn***	MHC	Satisfactory	Good	Foundation and drainage eventually
HP112	1875	Nunnery**	Commercial	Watch	Fair	Paint, foundation, drainage, vegetation
HP113	1870s	Minerva Coggswell Cabin**		Threatened	Poor	Foundation, roof, walls, sill logs, floor framing, drainage, exterior finish, under evaluation FY 2018
HP114	1870s	Jack Taylor Cabin**		Satisfactory	Good	Full preservation in Summer 2009
HP115	1864	Susan Marr House		Endangered	Poor	Still standing, needs full preservation, under evaluation FY 2018
HP116		Smitty's Garage		Satisfactory	Fair	Vegetation, drainage, wood treatments
HP117		Smitty's Coal Shed		Satisfactory	Fair	Foundation, wood treatments, drainage
HP118-REPRO	1864/Bovey	Governor Meagher Cabin	MHC	Satisfactory	Good	New foundation/Roof/In process of new flooring and plumbing 2015-2016
HP119	1876	"Lightening Splitter"/Harding	Commercial	Watch	Fair	Drainage, vegetation, eventual foundation
HP120	1884	Ron Abbie Cabin	Commercial	Watch	Fair	Foundation, vegetation, exterior wood treatments
HP121	1875	Methodist Church**	MHC storage	Satisfactory	Good	Re-secure parging, drainage

HP122	1864	Daems Cottages**	MHC	Satisfactory	Good	Full preservation in 2005-06
HP124	1869	Hickman House		Watch	Poor	Foundation, drainage, walls.
HP008	1863	Dr. Byam House	MHC	Satisfactory	Fair	Needs interior framing; paint and electrical upgrades
HP030	1864	Finney House	MHC	Watch	Fair	Need to finish flooring; roof; front right side of foundation
RA	1874	Reeder's Alley	MHC	Satisfactory	Fair	Cosmetic repairs were completed in 2015; Need new roofs, rain gutters and brick masonry work needed throughout the Alley.
SB	1880	Stone House Building	MHC Display/ Commerical	Satisfactory	Fair	2014-2015 Remodeled the inside with new flooring; electrical; masonry work. Needs new roof; masonry work and drainage system replaced
CC	1864	Caretakers Cabin	Commercial	Satisfactory	Fair	Needs new plumbing/roof and masonry work on left side.
PC	1864	Pioneer Cabin	MHC Display	Satisfactory	Good	2015 Made is so the building can be a static exhibit where people can go inside and look through interpretive doors and read interpretive signage.

Heritage Property (NR-listed) = 76 (Virginia City only)

Non Heritage Property = 27 (Virginia City only)

N/A = 13

Note: Not including Nevada City or Reeder's Alley properties (active research effort underway to clarify property types)

STATUS

Endangered: serious negative impacts to property historic integrity occurring, or have occurred, and resource condition is worsening.

Virginia City Buildings with this status: 2

Brewery Dugout Cabin (HP006) and Susan Maar House (HP115). Note: Both properties have deteriorated to the point of structural failure, presenting unique preservation challenges. The MHC is currently evaluating treatment strategies for next summer. Initial findings indicate that both properties have significant interpretive value as stabilized "ruins".

Threatened: serious negative impacts to property historic integrity have not occurred, but are impending

Virginia City NHL Buildings with this status: 10

Watch: negative impacts to historic integrity have the potential to occur

Virginia City NHL Buildings with this status: 39

Satisfactory: negative impacts to property historic integrity are unlikely to occur; or potential/impending loss of integrity has been addressed and mitigated in consultation with State Historic Preservation Office.

Virginia City NHL Buildings with this status: 46

CONDITION

Excellent: Well preserved; routinely maintained and monitored. If building or structure: meets current codes and use needs, while preserving historic integrity.

Virginia City NHL Buildings with this status: 0

Good: Stable; generally maintained and/or monitored. If building or structure: minimally meets current codes and use needs, while preserving historic integrity.

Virginia City NHL Buildings with this status: 45

Fair: Stable, but largely unmaintained; needs or will soon need preservation treatment. If building or structure: does not meet all current codes or use needs.

Virginia City NHL Buildings with this status: 40

Poor: Unstable; unmaintained; in need of preservation treatment. If building or structure: does not meet current codes, health or safety standards or does not meet use needs.

Virginia City NHL Buildings with this status: 12

Failed: Demolished; destroyed; resource is gone or lost its heritage values/eligibility

Virginia City NHL Buildings with this status: 0

Attachment: B

Prioritized Maintenance and Preservation Activities (FY 2018 and 2019)

(\$2.0 million allocation from 2017 Montana Legislature)

	FY 2018 (thru June 2018) First \$1.0 million (committed)	FY 2019 (thru June 2019) Second \$1.0 million (proposed)
Gilbert House (HP044)	0	\$300,000 (including planning, design and construction)
Methodist Church (HP121)	0	\$300,000 (including planning, design and construction)
Greenfront Hotel and Cafe (HP094-95)	\$25,000	\$50,000 (construction)
Harding House "Lightning Splitter" (HP119)	\$50,000	
Bickford House (HP058)	\$50,000	
Hickman House (HP125)	0	\$150,000 (including planning, design and construction)
Gracie Smith "Thomas Meagher" Cabin (HP118)	\$35,000	
Village Pump Visitor Center and Transportation Museum (reconstruct existing building)	\$300,000 (including planning, design and construction)	\$100,000 (construction)
Nevada City Hotel and Cabins (repair foundations, and upgrade electrical and plumbing)	\$250,000 (including planning, design and construction)	\$350,000 (including planning, design and construction)
TOTALS	\$710,000 committed (\$290,000 carryover to year 2)	\$1,250,000 (with \$40,000 contingency)

Attachment: C

PROGRAMATIC AGREEMENT BY AND BETWEEN THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION

AND THE MONTANA STATE HISTORIC PRESERVATION OFFICE REGARDING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION PRESERVATION PROGRAM

WHEREAS, the Montana Heritage Preservation and Development Commission (MHC) manages and operates state owned historic properties within the boundaries of the Virginia City National Historic Landmark (VC), Nevada City (NC), and Reeder's Alley (RA); and

WHEREAS, the MHC has determined that its management, including repair and maintenance of historic structures may have an effect on the qualities that make these properties eligible for National Register Listing and Montana State Heritage Properties, as well as an effect on other potential heritage properties including archaeological resources; and

WHEREAS, the MHC is required to consult with the SHPO on undertakings proposed for properties in VC, NC, and RA under the Montana State Antiquities Act (MSAA), (MCA 22-3-424 ARM 10-121-901 to 916); and

WHEREAS, the MHC will employ an in-house Preservation Team (PT) made up of building preservation specialists and an archaeologist to carry out or oversee preservation and documentation of cultural resources owned by MHC; and

NOW, Therefore, the MHC and the SHPO agree that the MHC Preservation Program shall be administered in accordance with the following stipulations to satisfy the MHC's responsibilities under the Montana State Antiquities Act for all undertakings implemented under the MHC Preservation Program.

STIPULATIONS

The MHC shall ensure that the following measures are carried out during the operation, repair and maintenance of historic structures:

- **APPLICABILITY OF AGREEMENT:**

- All reviews required by this agreement shall be completed prior to MHC's final approval of any project which affects any historic property, and prior to the initiation, or irrevocable commitment for project implementation.
- Any undertaking that does not qualify for review under this agreement (including electrical or mechanical upgrades or repairs, new construction, work not conducted by the PT), or projects to be conducted by private contractors shall be reviewed separately in accordance with the MSAA and ARM 10-121-901 to 916.
- Projects which may affect State owned Heritage Properties which are funded, permitted or otherwise assisted by a federal agency will be reviewed under Section 106 of the National Historic Preservation Act (36 CFR 800).

- Review of projects affecting properties previously funded by the Federal Save America's Treasures (SAT) program, also has the potential to involve the National Park Service. Properties that were rehabilitated with SAT funds are listed in Attachment E. These properties are further protected under a 50 year preservation easement established in 2004.
- PROJECTS NOT REQUIRING REVIEW BY THE SHPO:
 - The project is limited to activities enumerated in **Attachment A**; and
 - The project is conducted by the PT, or under its *direct on-site supervision*; and
 - The project is confined to repair activities unless replacement is necessary to halt material loss; and
 - The project is accomplished without damage or alteration of material, trim or details which do not require repair; and
 - The project results in repairs/replacements that match original features in design, materials and construction techniques based on written, photographic or surviving physical evidence or will match the design, materials, and construction techniques of the existing features; or
 - The project is treated according to the recommendations of a Historic Preservation Treatment Plan that has been previously reviewed and approved by the SHPO. As of the signing of this agreement, Historic Preservation Treatment Plans exist for VC and RA, but do not exist for properties in NC. However, the treatment approach for properties in NC will follow the Secretary of the Interior's Standards for the Treatment of Historic Properties.

3. STAFFING AND CONSULTING SERVICES

- a. The MHC will employ and contract with preservation and archaeology professionals who will work in accordance with this agreement. These professionals will participate in project planning, preservation and archaeological work, documentation of preservation process and completed work, and ongoing monitoring and maintenance of MHC properties. Necessary personnel and project consultants are defined in **Attachment B**.
- b. The MHC will assign staff as described in **Attachment B** to ensure repairs, maintenance and rehabilitation undertakings are designed and carried out in accordance with the Standards and Scopes of Work submitted and agreed upon in consultation with the SHPO. Qualified staff will also be responsible for the design and execution of projects enumerated under Attachment A to assure only approved work is initiated. Qualified staff will certify the work was carried out as planned and submitted and will maintain records documenting that work as outlined in Stipulation 7.

4. ARCHAEOLOGY

- a. The MHC will maintain a program for archaeological identification, evaluation, data recovery, reporting, treatment and management for all MHC property as defined in **Attachment D**.
- b. All projects enumerated in **Attachment A**, as well as, any activities not listed in Attachment A, shall be reviewed by the MHC Archaeologist for ground disturbance in the planning stages and prior to the initiation of any project, pursuant to **Attachment D**. Following **Attachment D**, SHPO consultation may be required for archaeological consideration even if the structure work does not.

5. PROJECTS REQUIRING REVIEW BY THE SHPO

- a. MHC Preservation Program projects not exempt under Stipulation 2 may require the planning and design services of a Consulting Historical Architect as determined by the Historic Preservation Specialist (defined in Attachment A). Prior to any such undertaking the MHC shall provide the SHPO clear unobstructed photographs of the property, Historic Structure Reports, architectural drawings, and final project Scope of Work.
- b. If ground disturbance is likely, a plan for considering effects to archaeological resources shall also be included pursuant to **Attachment D**.
- c. MHC will determine if the project conforms to the The Secretary of Interior's Standards for Treatment of Historic Properties (Standards). Projects in VC will also conform to the MHC's Guiding Principles for Virginia City Preservation Practices (**Attachment C**) and all future preservation plans established in consultation with SHPO. The MHC shall state in writing how the proposed project would affect those qualities that qualify the site as a Heritage Property as defined in MCA 22-3-421.
- d. If the MHC determines that No Properties will be affected, the MHC shall notify the SHPO in writing with their finding of *no effect* with appropriate documentation of proposed work. If the SHPO does not object within 15 working days, the undertaking may proceed as submitted without further review.
- e. If the MHC determines that a project will have an effect but conforms to the Standards, it shall notify the SHPO in writing with their finding of *no adverse effect* with appropriate documentation of proposed work. If the SHPO does not object within 15 working days, the undertaking will be considered to Not Adversely Effect Historic Properties and may proceed as submitted without further review.
- f. If the MHC or the SHPO finds that a project does not conform to Standards the project will be considered to Adversely Effect historic properties. The SHPO may recommend modifications to the scope of work or conditions under which the project would conform to the Standards (including additional archaeological considerations) in its response to the MHC. The MHC shall consult with the SHPO to seek means to avoid, minimize or treat Adverse Effects.
- g. The MHC shall notify the SHPO of any changes to the Scope of Work previously agreed upon under Stipulation 5(a,b,c) and shall provide the SHPO with the opportunity to comment on such changes. The MHC will allow 15 working days for SHPO comment, however if the construction schedule requires the MHC to request a shorter comment period it will notify the SHPO and work with the SHPO to identify an appropriate schedule.

6. DISCOVERIES AND UNFORSEEN EFFECTS:

- a. If during the implementation of any project a previously unconsidered historic or archaeological property is discovered or unforeseen effects to known properties occur or may occur in an unanticipated manner the MHC shall immediately notify the SHPO and propose actions to avoid, minimize or treat potential Adverse Effects. If the MHC and SHPO agree upon an action the MHC shall document those actions with a report within a reasonable time after the work has been completed.
- b. SHPO agrees to a no more than 2 working days review period in a discovery situation.

7. REPORTING AND ANNUAL REVIEW:

- a. The MHC shall hold an annual review meeting with the SHPO by February 28th of each year during which this agreement is in force.

b. At least 15 working days prior to this meeting the MHC shall provide the SHPO with Final Project Completion Reports and a comprehensive list of all projects undertaken pursuant to this agreement during the preceding year. The PT will certify the work that the projects were complete as described in those reports and will document the work completed, with before and after photographs. Interim photographs will be included if they will assist the parties in determining the project fulfilled the Scope of Work, qualified as an exception to review under Stipulation 2 or conformed to the Standards. The MHC shall retain this documentation, including Scopes of Work and photographs as part of its permanent project record. Contributions to the Archaeological Management Plan and other archeological activities will also be documented here,

c. The parties to this Agreement will review this material and assess the effectiveness of the Agreement. Any concerns will be discussed, and amendments or addenda, which would increase effectiveness, identified. The MHC will consult with the SHPO on any proposed changes to the Agreement as soon as practicable and will follow Stipulation 10 to execute amendments or addenda.

8. THE SHPO MAY MONITOR ANY ACTIVITIES CARRIED OUT UNDER THIS AGREEMENT.

9. DISPUTE RESOLUTION:

a. Should the SHPO object within the time period provided for under this Agreement to any project undertaking, they shall work with MHC to resolve the objection.

10. AMENDMENTS:

Any party to this agreement may request that it be amended where upon all parties will consult to consider such amendment. No amendment will be effective without the concurrence of all parties.

11. TERMINATION:

Any party to this Agreement may terminate it by providing 30 working days notice to all other parties, providing that the parties will consult during that period to seek agreement on alternatives to termination.