



Preserving America's Heritage

July 7, 2015

Ms. Sally Stang
Director
Housing and Community Development Department
310 North Commerce Park Loop
Tucson, AZ 85726

Ref: *Proposed Partial Demolition of the Downtown Motor Hotel
City of Tucson, AZ*

Dear Ms. Stang:

On June 16, 2015, the Advisory Council on Historic Preservation (ACHP) received a request from the City of Tucson (City) to review and provide comment on a final draft Memorandum of Agreement (MOA) for the referenced project. The City is acting as the Responsible Entity pursuant to the environmental regulations of the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 58. The ACHP has been participating in consultation to develop an MOA to address adverse effects to the Downtown Motor Hotel, which is a contributing resource to the Armory Park Historic District.

The ACHP believes the final draft MOA contains the appropriate stipulations to resolve the adverse effects resulting from the undertaking. We have two minor edits, which we suggest that the City make as depicted in the red line strikeout feature in the attached PA. We encourage the City to incorporate these edits into the final MOA so that it can be circulated for signature.

Consulting parties continue to question the applicability of the Secretary of Interior's Standards for Rehabilitation (SOI Standards) to this project, and to question why an adverse effect determination was made for the Barrio Libre Historic District as a result of the undertaking. As previously stated in our correspondence, meeting the SOI Standards is not required by Section 106 of the National Historic Preservation Act (NHPA) when it is determined that an undertaking will result in an adverse effect. Nor is compliance with the SOI standards a required "mitigation" option to resolve adverse effects. The MOA's stipulations, which include salvage, rehabilitation of selected elements, a mitigation fund and commitment to Section 106 training, are all acceptable mitigation strategies under Section 106. While the City ultimately determined that there were no adverse effects to the Barrio Libre Historic District, the MOA, nevertheless, includes stipulations that will benefit both historic districts. Further, the ACHP believes that the City has met the reasonable and good faith effort standard in our regulations to identify and evaluate historic properties and to consider effects to historic properties. While consulting parties may not agree with the City's determinations, the City has followed the Section 106 process that is appropriate to the scale and scope of this undertaking.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

The ACHP looks forward to receiving the final MOA for execution after the City, the Arizona State Historic Preservation Officer and invited signatories have signed it. In addition, we suggest that the City place the executed MOA on its website, and in other public locations, to ensure that the public is aware of the outcome of Section 106.

If you have any questions, please contact Ms. Jaime Loichinger at (202) 517-0219 or via email at jloichinger@achp.gov.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs
Federal Permitting, Licensing and Assistance Section