



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
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April 14, 2009

Department of the Army
Philadelphia District, Corps of Engineers
Attn: James N. Boyer
Regulatory Branch, Applications Section II
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3390

RE: ER# 07-0722-101-R
CENAP-OP-R-2007-120-24
Findings of Effect: Proposed SugarHouse
Casino Project, City of Philadelphia

Dear Mr. Boyer:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources. Our comments are as follows:

Historic Resources

As noted in our correspondence of January 17, 2007 to Jennifer Pesch of Urban Engineers, Inc., in our opinion, this project will have no effect on historic resources, specifically, historic structures. This pertains to the Pennsylvania Sugar Refinery complex which was demolished in 1997. We concur with your finding that the demolition of this building complex resulted in a catastrophic loss of integrity, eliminating its potential status as an historic property eligible for listing in the National Register of Historic Places.

Archaeological Resources

We concur with your recommendation for Phase III data recovery for the following features associated with the historic period component of the SugarHouse Casino Site (36 Ph 137):

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Features 124, 125, 132 and 134 (circular shaft features located in Area H-1)
Feature 154 (rectangular shaft feature located in Area H-1)
Feature 10 and 10A (stacked barrel privy located in Area H-2)
Feature 174 (plank-lined rectangular shaft feature located in Area H-2).

We concur that the historic period component(s) represented by these features is eligible for the National Register of Historic Places under Criterion D for the information they contain on past lifeways during historic times within the project area.

We concur with your finding that the prehistoric component of the SugarHouse Casino Site is eligible for the National Register of Historic Places under Criterion D for the information it contains on past lifeways during prehistoric times within the project area.

We concur with the proposed mitigation program for both the historic and prehistoric components of the SugarHouse Casino Site outlined on pages 165-166 of the *Phase IB/II Archaeological Investigation, SugarHouse Casino Site (36Ph137, Volume I)* prepared by A.D. Marble & Company (February 2008). In our opinion, the mitigation treatment for Feature 174, which had not yet been identified at the time the Phase IB/II report was prepared, should be the same as for all other shaft features recommended for data recovery.

We concur that provisions should be made in a Memorandum of Agreement (MOA) for archaeological testing below Penn Street once the buried utilities are removed and this area is available for archaeological investigation. Based on your March 30, 2009 correspondence to this office, it is our understanding that the MOA for this project will also include stipulations addressing monitoring, recording and assessment of any other portions of the SugarHouse Casino Site which may have additional National Register-eligible archaeological resources that are not yet identified. In addition to monitoring, recording and assessment of any such additional resources, the MOA should include a provision for archaeological mitigation of such resources.

To summarize, we agree with your agency's findings that: 1) the identification phase for historic properties is complete, with the exception of the area beneath Penn Street; 2) a good faith effort has been made to identify historic properties; 3) application of the National Register eligibility criteria has resulted in the identification of one historic property which contains a Euro-American component represented by several historic period occupations and a prehistoric, Late Archaic period component; and 4) the proposed project will have an adverse effect on those qualities of the historic property that qualify it for listing in the National Register of Historic Places.

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We agree that the next step in the process is the development of an MOA as noted above. We also agree that your agency should formally invite the Advisory Council on Historic Preservation to continue their participation in the consultation process and to be a signatory to the MOA.

Based on your March 30, 2009 correspondence to this office, it is our understanding that a draft MOA will be provided to our office, the Advisory Council on Historic Preservation, and the various consulting parties. We look forward to reviewing the draft MOA for this project.

As a concluding remark, we note some minor errors in your March 30, 2009 correspondence to our office. In the third full paragraph on page 4, 36 PG 137 should be 36 Ph 137. Also, in the same paragraph, the available information indicates the prehistoric component of 36 Ph 137 is a Late Archaic period occupation, not a Late Woodland period occupation. In the first full paragraph on page 5 of your March 30, 2009 correspondence, it is stated that application of the National Register eligibility criteria has resulted in a finding of one prehistoric and one historic property. This is incorrect use of the term "historic property" as it is defined in the federal laws and regulations cited above. In our opinion, one National Register-eligible historic property is located within the project area. This property (site 36 Ph 137) has both a Euro-American component represented by several historic period occupations and a prehistoric component represented by a Late Archaic period occupation.

If you have any questions or comments regarding our review of this project, please contact Mark Shaffer at (717) 783-9900.

Sincerely



Douglas C. McLearn, Chief
Division of Archaeology and Protection

cc: Tom McCullough, Advisory Council on Historic Preservation