



KENAI PENINSULA BOROUGH

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Milli Martin, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DR* David R. Carey, Mayor
MB Max Best, Planning Director
MA Marcus A. Mueller, Land Management Officer

FROM: Bruce Richards, Ladd Project Manager *Mir for BR*

DATE: July 23, 2009

SUBJECT: Ordinance 2009-42 authorizing the Mayor the enter into an agreement to transfer artifacts to the Native Village of Tyonek and to authorize the mayor to execute the Programmatic Agreement under section 106 of the National Historic Preservation Act related to the Chuitna Coal Project

In compliance with federal permitting regulations and the National Historic Preservation Act, archeological and cultural field studies were conducted on borough land in the Ladd Landing area. These studies identified a number of Dena'ina cultural artifacts. As the landowner, the Kenai Peninsula Borough (KPB) is also the owner of the artifacts. Completed studies indicate the Native Village of Tyonek has the most immediate cultural and religious ties to the Dena'ina artifacts.

A Programmatic Agreement developed between state and federal agencies, PacRim Coal, KPB, Native governments and other stakeholders has identified processes to avoid, minimize, and mitigate any disturbance of historic properties.

This ordinance would authorize the mayor to enter into an agreement to transfer the artifacts severed from KPB-owned lands related to the Chuitna Coal Project to the Native Village of Tyonek. The ownership transfer would occur upon delivery of artifacts to the University of Alaska Fairbanks Museum.

Additionally, this ordinance would authorize the mayor to execute the Programmatic Agreement that has been drafted under Section 106 of the National Historic Preservation Act related to the Chuitna Coal Project.