



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 28TH BOMB WING (ACC)
ELLSWORTH AIR FORCE BASE SOUTH DAKOTA

Colonel Kevin B. Kennedy
Commander, 28th Bomb Wing
1958 Scott Drive, Suite 1
Ellsworth AFB, SD 57706-4710

31 JUL 2014

Ms. Mary Hopkins
Wyoming State Historic Preservation Officer
State Parks & Cultural Resources
2301 Central Avenue
Cheyenne WY 82002

Re: WY SHPO #0910JPL002

Dear Ms. Hopkins,

We appreciate the assistance provided by your staff, particularly John Laughlin, in our effort to conclude the Programmatic Agreement (PA) under Section 106 on the proposed Powder River Training Complex (PRTC) undertaking. Many of the other signatories have already signed the PA. Because the additional general provision clauses your Attorney General requested are unique to Wyoming and adding them to the body of the agreement at this point would require recirculation of the entire agreement, we have included these clauses on the PRTC PA signature page for Wyoming, which the Air Force signatory has countersigned. The Advisory Council on Historic Preservation concurs with this approach. The revised signature page is attached for consideration and execution by the Attorney General and you. Please return the signature page, so we can include it along with the other signature pages when forwarding the entire agreement to the Council.

In Mr. Laughlin's February 27, 2014 letter, he proposed additional stipulations relating to Devils Tower National Monument and potential PRTC operations in the airspace above Wyoming during the months of June and July. The PRTC undertaking would not change long standing limitations regarding Devils Tower National Monument which do not permit 28 BW operations to fly lower than 18,000 feet above Mean Sea Level over the monument or within five nautical miles of the monument below that altitude. In addition, Stipulation IV of the agreement requires the development and implementation of an avoidance protocol in which the 28 BW will consider requests from consulting parties to avoid particular portions of the PRTC on specific dates. We will accommodate those requests to the extent possible. However, maintaining an altitude of at least 20,000 feet AGL during operations over northeastern Wyoming is not feasible.

Sincerely,



KEVIN B. KENNEDY, Colonel, USAF

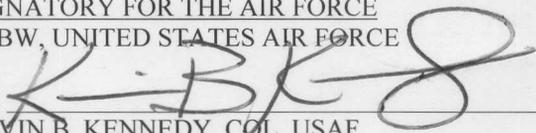
Attachment:
PRTC Programmatic Agreement WY Signature Page

Cc: Katherine Kerr, ACHP

**PROGRAMMATIC AGREEMENT
AMONG
28th BOMB WING, ELLSWORTH AIR FORCE BASE,
THE STATE HISTORIC PRESERVATION OFFICES OF
MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND WYOMING,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROPOSED DEVELOPMENT, IMPLEMENTATION AND
OPERATION
OF THE POWDER RIVER TRAINING COMPLEX**

- A. Entirety of Agreement. This PA, consisting of thirty (30) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with Section 106 of the National Historic Preservation Act for those aspects of the Proposed Development, Implementation and Operation of the Powder River Training Complex throughout the visual APE that will or may have adverse effects on the settings of historic properties.
- B. Prior Approval. This PA shall not be binding upon any party unless this PA has been reduced to writing before performance begins as described under the terms of this PA, and unless the PA is approved as to form by the Attorney General or his representative.
- C. Severability. Should any portion of this PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
- D. Sovereign Immunity. The State of Wyoming and the WYSHPO do not waive their sovereign or governmental immunity by entering into this PA and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of the PA.

SIGNATORY FOR THE AIR FORCE
28 BW, UNITED STATES AIR FORCE

By: 
KEVIN B. KENNEDY, COL, USAF
Commander, 28th Bomb Wing

Date: 31 July 2014

SIGNATORIES FOR THE STATE OF WYOMING
WYOMING STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____
MARY HOPKINS
State Historic Preservation Officer

WYOMING ATTORNEY GENERAL

By: _____ Date: _____