AMENDED
PROGRAMMATIC AGREEMENT
BETWEEN
DEPARTMENT OF THE ARMY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
CONCERNING
REALIGNMENT AND CLOSURE OF ARMY INSTALLATIONS
IN ACCORDANCE WITH
BASE CLOSURE AND REALIGNMENT ACT

WHEREAS, the Department of the Army (Army) is responsible for implementation of applicable portions of the Base Closure and Realignment Act of 1988 (P.L. 100-526) and the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510), commonly known as the "BRAC" program; and

WHEREAS, the Army is proceeding with base realignment and closure actions, to include the realignment of functions and units, closure of installations, and disposal of surplus property in a manner consistent with the "Report of the Defense Secretary's Commission on Base Realignments and Closures," December 29, 1988 (Commission Report) and "Defense Base Closure and Realignment Commission Report to the President 1991," July 1, 1991; and

WHEREAS, the Army has determined that its implementation of the BRAC program may have effects on properties included in and eligible for inclusion in the National Register of Historic Places (historic properties); and

WHEREAS, the Army has entered into a Programmatic Agreement on February 5, 1990 with the Advisory Council on Historic Preservation (Council) and the National Conference of State Historic Preservation Officers (NCSHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Sections 106 and 110(f) of the National Historic Preservation Act (NHPA) and Army Regulation 420-40, "Historic Preservation;" and

WHEREAS, the Army has renewed its consultation with the Council and the NCSHPO to amend the previous Agreement because of new realignment and closure actions not covered by the previous Agreement;

NOW, THEREFORE, the Army, the Council, and the NCSHPO agree that the Army's implementation of the BRAC program shall be administered in accordance with the following stipulations, which will supersede the Agreement of February 5, 1990, and will satisfy the Army's Section 106 and 110(f) responsibilities for all individual undertakings under the BRAC program.

Encl 1

Stipulations

The Army will ensure that the following measures are carried out.

I. Applicability

The terms of this Agreement apply only to Army installations which may be affected under the provisions of P.L. 100-526 and P.L. 101-510 (see Attachment 1).

II. Areas of Potential Effects

Although some BRAC actions may induce changes in population distribution, traffic, and land use that extend beyond the particular facilities to be closed and parcels on which new construction will occur, the effect of these changes on historic properties is uncertain at this time. Accordingly, during preliminary coordination with the SHPO (Stipulation III), the Army will define the area of potential effects of a BRAC action consistent with the Council's regulations (36 CFR Section 800.2(c), 800.9(a), and 800.9(b)) and with reference to possible adverse effects to known historic properties which may reasonably be expected to occur on or adjacent to the property subject to the BRAC action. In cases of dispute over the area of potential effects of a BRAC action, the opinion of the Council will be binding on all parties to this Agreement.

III. NEPA and Preliminary Coordination with the SHPO

A. It is mutually understood that many of the terms of this Agreement will be carried out after the Army has complied with the National Environmental Policy Act (NEPA) and filed its Record of Decision (ROD), Finding of No Significant Impact (FNSI), or Record of Environmental Consideration (REC). Nevertheless:

1. the Army must meet all its NHPA responsibilities for BRAC generated activities; and

2. whenever it is feasible for the Army to carry out the terms of this Agreement prior to filing the ROD, FNSI, or REC, the Army will do so; and

3. when it is infeasible to complete the actions required by Sections 106 and 110(f) of the NHPA prior to issuance of a REC, FNSI (assuming a FNSI is otherwise proper given the affects on historic properties) or ROD, the Army will stipulate in the REC, FNSI or ROD the specific areas in which the Army has not complied with the NHPA. The FNSI or ROD will further specify that the Army will not undertake any new BRAC construction, renovation, land disposal, training exercises, or other activities which could

affect historic properties until the actions necessary to inventory, assess, and take into account the effects on historic properties have been completed consistent with the terms set forth in this Agreement; and

4. the Army Historic Preservation Officer or her designee will review the draft ROD or FNSI for each BRAC project to ensure that outstanding historic preservation requirements are adequately addressed in these documents; and

5. the Army will ensure that no actions that could result in effects on historic properties are undertaken pursuant to a ROD, FNSI, or REC until the terms of this Agreement have been carried out.

B. The Army will notify the appropriate SHPO within 60 days after the signing of this agreement about the nature and timing of the BRAC actions for individual installations and will provide the following information:

1. a description of the type and location of the undertaking.

2. currently available milestones for BRAC actions affecting the installation.

3. information available about historic properties at the installation.

4. currently available information about the actions of the Department of Defense Office of Economic Adjustment concerning the setup of local reuse committees for those installations or portions of installations which the Army will dispose.

C. The Army will coordinate the NEPA process with its NHPA activities. In accordance with the memorandum to all BRAC participants (Attachment 2), NEPA documentation for each facility will:

1. identify known historic properties and past studies;

2. identify the potential for historic properties to be affected by the BRAC process; and

3. identify the steps necessary for the Army to meet its Section 106 responsibilities under NHPA.

D. The level of documentation in Stipulation III. C. 1-3. above will be commensurate with the type of environmental document prepared. Only brief overviews and summaries of impacts, if any, are expected in Records of Environmental Consideration and Environmental Planning Guides. When Environmental Assessments and Environmental Impact Statements are prepared, a more detailed presentation of data will be included.

E. The Army will send the Council and appropriate SHPOs all BRAC Environmental Assessments (EAs) and Draft Environmental Impact Statements (DEISs) for their review and comment. There will be a 45 day review period for each EIS during the public comment period. The review time for each EA, however, will be 15 working days from receipt, due to an accelerated schedule. The information included in these documents will constitute the first effort in the process to identify historic properties and assess the potential effects on them as defined in 36 CFR Part 800.4 and 800.5.

F. The Army will ensure that copies of final BRAC EAs and Final Environmental Impact Statements (FEISs) are provided to appropriate SHPOs and the Council.

G. The Army shall provide a copy of this Agreement, its attachments, AR 420-40, 36 CFR 800, and the materials listed in Stipulation IX of this Agreement to appropriate commanders and Army elements responsible for Army BRAC NEPA compliance.

H. On November 1, 1992 and on that same date every year thereafter, the Army will provide the Council, all appropriate SHPOs, and the NCSHPO, with an annual update report on the status of BRAC activities. The report shall discuss all BRAC historic resource investigations and coordination undertaken and document all no effect or no adverse effect determinations received for BRAC projects. The report will also include a discussion of activities undertaken for closing facilities by the Department of Defense Office of Economic Adjustment. This report will be prepared until such time as all necessary NHPA requirements for BRAC have been met or a decision has been made by the Army not to proceed with further BRAC actions.

IV. IDENTIFICATION AND EVALUATION

A. Identification

1. Based on the assembly of existing information through the NEPA process, the Army will consult with appropriate SHPOs and make a reasonable and good faith effort to identify historic properties located on installations under Army control that will be affected by BRAC construction, U.S. Army Corps of Engineers

Toxic and Hazardous Materials Agency (THAMA) BRAC cleanup activities, or U.S. Army BRAC land disposal activities.

2. When existing information is not adequate for identifying historic properties that will be affected by BRAC activities, the Army will undertake installation-specific field surveys in accordance with appropriate professional standards as defined in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716-42; hereafter "Standards and Guidelines"), except as provided in Attachment 3.

3. The Army will develop priorities for undertaking identification and evaluation of historic properties on individual installations. These priorities will be determined by:

a. the specific nature and timing of the undertaking proposed;

b. the land configuration, size, current mission, and land use history of the individual Army installation;

c. the potential nature and extent of historic properties (including but not limited to those which may be of special significance for their connection with the origins and the development of the Cold War); and

d. possible constraints on field investigations, such as ranges, impact and contaminated areas, safety zones and hazardous materials.

4. All identification and evaluation actions will be carried out by the Army in consultation with the appropriate SHPO. The Army will provide information to the SHPOs concerning the constraints of the type noted in Stipulation IV.A.3.d. above. In addition, the Army and the SHPOs will assemble and exchange information as it becomes available on the location and evaluation of historic properties.

5. The Army will ensure the identification of records and objects related to the historic significance of properties to be disposed of. Each installation will be required to identify extant historic records and related historic objects.

6. Throughout the planning and implementation of the BRAC program, the Army will provide guidance to the field to ensure that historic properties are not inadvertently damaged, destroyed, or allowed to deteriorate before, during, or after closure or realignment.

B. Evaluation

The Army will determine, in consultation with the appropriate SHPO, the eligibility of properties for inclusion in the National Register in accordance with 36 CFR 800.4(c), and with reference to inventories and planning by the State, the Army's history and traditions, previous Army historic site surveys, and any thematic studies that may have been completed or are underway. If the Army and SHPO fail to agree upon the National Register eligibility of a property, the Army will obtain a determination of eligibility from the Secretary of Interior pursuant to 36 CFR 800.4 (c)(4).

V. Determinations of Effect

A. The Army, in consultation with the appropriate SHPO, shall determine the effect of BRAC actions on historic properties in accordance with 36 CFR 800.5, applying the Criteria of Effect and Adverse Effect at 36 CFR 800.9.

B. Where the Army determines pursuant to 36 CFR 800.5 that an adverse effect may occur, then:

1. if the Army determines, in consultation with the SHPO and taking into account the comments, if any, of the interested persons identified at 36 CFR 800.5(e)(1), that it is appropriate to apply the standard mitigation measures set forth in Attachment 4, the Army will provide the SHPO and the Council with sufficient documentation to support this determination, advise them that the Army intends to carry out the specified measures, and request their concurrence within 30 days. If the Council and the SHPO concur within 30 days of their receipt of such documentation, the Army shall carry out the standard mitigation measures it has determined to be appropriate. Failure by the Council or SHPO to respond within the specified time period shall be conclusive of that party's concurrence. Should the Council or SHPO disagree with the Army's determination, the Army will initiate consultation in accordance with 36 CFR 800.5(e).

2. if the Army and the SHPO, taking into account the comments, if any, of the interested persons identified at 36 CFR 800.5(e)(1), agree on a program to avoid, minimize, or mitigate the adverse effect, the Army will provide the Council with sufficient documentation to support this determination and request its concurrence within 30 days. If the Council concurs within 30 days of its receipt of such documentation, the Army shall carry out the program. Failure by the Council to respond within the specified time period shall be conclusive of the Council's concurrence. Should the Council object to the program, the Army will undertake

consultation in accordance with 36 CFR 800.5(e).

3. if the Army determines that neither paragraph 1 nor paragraph 2 above is applicable, or effects on an NHL are involved, then the Army will initiate consultation in accordance with 36 CFR 800.5(e).

VI. Treatment and Management.

A. The Army will ensure that the effects of BRAC actions on historic properties are treated in accordance with the determinations and agreements reached pursuant to Stipulation V.

B. For those installations or portions of installations which will remain under Army control, the Army will develop treatment and management plans to ensure that properties affected by BRAC are incorporated into installation Historic Preservation Plans/Cultural Resource Management Plans (HPP/CRMP) in accordance with AR 420-40, and shall create such HPP/CRMPs should they not presently exist. All such HPP/CRMPs shall be developed or amended to include properties affected by BRAC within a reasonable period of time following the date of this Agreement, not to exceed the September 30, 1995 date for completion of BRAC actions as specified in P.L. 100-526 and the July 1, 1998 date as specified in P.L. 101-510.

C. Notwithstanding any other provision of this Agreement, the Army may undertake documentation of historic structures in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 FR 44730-34) prior to making a determination or reaching an agreement pursuant to Stipulation V, if the Army judges that such documentation is likely to be part of an acceptable mitigation program.

D. Notwithstanding any other provision of this Agreement, the Army may enter into agreements with appropriate SHPOs and the Council, seeking the concurrence of other interested persons, if any, establishing processes for the identification, evaluation, treatment and management of historic properties that may be subject to effect by a BRAC action, in lieu of identifying such properties and establishing specific treatment or management plans for them prior to making a decision regarding such an action, where:

1. the precise nature, schedule, location or design of the action is uncertain, and

2. the Army, SHPO, and Council agree that the effects of the action are likely to be relatively minor, or affect historic

properties whose treatment or management will require the application of routine procedures.

E. The Army will ensure that the provisions of the Archaeological Resources Protection Act (P.L. 96-95) and the Native American Graves Protection and Repatriation Act (P.L. 101-601) are implemented, as appropriate, during the BRAC program.

VII. Interim Protection, Records Retention, and Long-Term Curation

A. The Army will notify the appropriate commanders of the need for interim protection of identified and potential historic properties to ensure that deferred maintenance or other management decisions do not adversely affect the integrity of these properties. Important architectural elements will be identified to ensure future appropriate disposal.

B. The Army will consult with the SHPO on terms of curation and disposition of historical documents, drawings, photographs, reports, and archeological materials generated by BRAC studies.

VIII. Public Involvement

A. For those installations or portions of installations of which the Army will dispose, the Army will notify the Department of Defense Office of Economic Adjustment and the local reuse committees about NHPA requirements and concerns. To the fullest extent possible and appropriate, the Army will work with the local reuse committees, appropriate SHPOs and other interested parties to develop treatments and/or management plans to ensure compatible reuse.

B. The Army and the appropriate SHPO will consider the need for additional consulting parties consistent with the Council's publication, "Public Participation in Section 106 Review: A Guide for Agency Officials" (Advisory Council on Historic Preservation, 1989).

C. To the extent practicable, public participation shall be coordinated with public participation under NEPA.

IX. Standards and Guidelines

Standards and guidelines for implementing this Agreement include, but are not limited to:

Army Regulation (AR) 420-40: Historic Preservation

(Department of the Army, 15 May 1984);

36 CFR Part 800: Protection of Historic Properties;

The Section 110 Guidelines: Guidelines for Federal Agency Responsibilities under Sec. 110 of the National Historic Preservation Act (53 FR 4727-4746);

The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716-42);

The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (National Park Service, 1990);

Identification of Historic Properties: a Decisionmaking Guide for Managers (Advisory Council on Historic Preservation, 1988);

Public Participation in Section 106 Review: A Guide for Agency Officials (Advisory Council on Historic Preservation, 1989); and

Preparing Agreement Documents (Advisory Council on Historic Preservation, 1989).

Guidelines for Evaluating and Documenting Traditional Cultural Properties (National Register Bulletin 38, 1991).

X. Dispute Resolution

A. Should a SHPO or an interested person identified at 36 CFR 800.5(e)(1) object to the Army's implementation of any part of this Agreement, the Army shall consult with the objecting party to resolve the objection. If the Army determines that the objection cannot be resolved, the Army shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. provide the Army with recommendations, which the Army will take into account in reaching a final decision regarding the dispute; or

2. notify the Army that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the

Army in accordance with 36 CFR 800.6(c)(2) with reference to the subject of the dispute.

B. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; the Army's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

C. Should a member of the public object to any measure carried out under the terms of this Agreement, or the manner in which such a measure is implemented, the Army shall take the objection into account and consult as needed with the objecting party, the SHPO, and the Council to resolve the objection.

XI. Amendments

Any party to this Agreement who determines that some portion of the Agreement cannot be met must immediately request the other signatories to consider an amendment or addendum to this Agreement which would ensure full compliance. Such an amendment or addendum shall be executed in the same manner as the original Agreement. Should any party to this Agreement be unable to maintain a level of effort sufficient to carry out the terms of this Agreement, that party shall notify the others and seek an appropriate amendment.

XII. Termination of Existing and New Agreements

A. The Agreement of February 5, 1990 for the BRAC program will terminate upon the date of final signature of this Agreement.

B. This Agreement will terminate on September 30, 1997, unless the parties agree to extend the terms of this agreement beyond that date.

Execution and implementation of this Programmatic Agreement establishes that the Army has satisfied its responsibilities under Sections 106 and 110(f) of the National Historic Preservation Act for all individual undertakings of the BRAC program as outlined in this Agreement.

DEPARTMENT OF THE ARMY

BY: Paul W. Johnson (date) 13 July 92
Paul W. Johnson, Deputy Assistant Secretary of the Army
(Installations and Housing)

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

BY: H. Bryan Mitchell (date) 7/17/92
H. Bryan Mitchell, President

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: John C. Harper (date) 7/15/92
John C. Harper, Chairman

ATTACHMENT 1

BRAC I AFFECTED FACILITIES

Alabama

Alabama Army Ammunition Plant - closure
Coosa River Annex - closure
Anniston Depot - realignment
Redstone Arsenal - realignment

Arizona

Navajo Activity - closure
Fort Huachuca - realignment
Yuma Proving Ground - realignment

California

Presidio of San Francisco - closure
Hamilton Army Air Field - closure
Sierra Depot - potential realignment
Fort Ord - realignment*
Oakland Army Base - realignment
Fort Irwin - realignment
Camp Parks - realignment
Sacremento Army Deport - realignment*

Colorado

Bennett Army National Guard Facility - closure
Pueblo Depot - realignment
Fort Carson - realignment
Fitzsimmons Army Medical Center - realignment

District of Columbia

Fort McNair - realignment
Walter Reed Army Medical Center - realignment

Florida

Cape St. George Reservation - closure

Georgia

Fort Gordon - realignment
Fort Benning - realignment

Hawaii

Kapalama Military Reservation - closure
Schofield Barracks - realignment

Illinois

Fort Sheridan - closure

Indiana

Jefferson Proving Ground - closure
Indiana Army Ammunition Plant - partial closure
Fort Benjamin Harrison - realignment*

Iowa

Fort Des Moines - partial closure

Kansas

Fort Leavenworth - realignment

Kentucky

Lexington Bluegrass Army Depot - closure
Bluegrass Activity - realignment
Fort Knox - realignment
Fort Campbell - realignment

Louisiana

New Orleans Military Ocean Terminal - closure

Massachusetts

Army Materials Technology Laboratory - closure
Fort Devens - realignment*
Natick Research, Development & Engineering Center - realignment

Maryland

Nike site at Aberdeen Proving Ground - closure
Gaithersburg Army Reserve Center - closure
Fort Meade - partial closure and realignment
Fort Holabird - partial closure and realignment
Fort Detrick - realignment+
Aberdeen Proving Ground - realignment
Harry Diamond Laboratory - realignment

Michigan

Pontiac Storage Facility - closure
Detroit Arsenal - realignment+

Missouri

Nike site at Kansas City - closure
Fort Leonard Wood - realignment

North Carolina

Fort Bragg - realignment

New Jersey

Fort Dix - realignment
Fort Monmouth - realignment+
Picatinny Arsenal - realignment+
Nike Philadelphia 41/43 (stand alone housing) - closure

New Mexico

Fort Wingate - closure
White Sands Missile Range - realignment

Nevada

Hawthorne Army Ammunition Plant - realignment

New York

Fort Drum - realignment

Okalahoma

Fort Sill - realignment

Oregon

Umatilla Depot - realignment

Pennsylvania

Tacony Warehouse - closure
Tobyhanna Depot - realignment
Letterkenny Depot - realignment
Fort Indiantown Gap - realignment

South Carolina

Fort Jackson - realignment

Texas

Fort Bliss - realignment
Red River Depot - realignment

Utah

Fort Douglas - closure
Tooele Depot - realignment

Virginia

Cameron Station - closure
Fort Belvoir - realignment
Fort Lee - realignment
Fort Myer - realignment
Fort A. P. Hill - realignment

Washington

Fort Lewis - realignment

Wisconsin

Fort McCoy - realignment

The Defense Base Closure and Realignment Act of 1990, Public Law 101-510, (BRAC 91) overturned a number of the base realignment and closure recommendations made by the Base Closure and Realignment Act of 1988, Public Law 100-526, (BRAC I).

* Indicates that the installation is now recommended for closure by BRAC 91.

+ Indicates that the realignment actions proposed by BRAC I have been overturned by BRAC 91 recommendations.

BRAC 91 AFFECTED FACILITIES

Alabama

Anniston Army Depot - realignment
Redstone Arsenal - realignment

Arizona

Fort Huachuca - realignment

Arkansas

Fort Chaffee - realignment

California

Fort Ord - closure
Sacramento Army Depot - closure

Colorado

Fort Carson - realignment

Illinois

Rock Island Arsenal - realignment

Indiana

Fort Benjamin Harrison - closure

Kentucky

Fort Knox - realignment

Louisiana

Fort Polk - realignment

Maryland

Aberdeen Proving Ground - realignment
Harry Diamond Laboratories, Adelphi - realignment

Massachusetts

Fort Devens - closure

Missouri

Aviation Systems Command & Troop Support Command - realignment

New Jersey

Fort Dix - realignment
Fort Monmouth - realignment
Picatinny Arsenal - realignment

New Mexico

White Sands Missile Range - realignment

Ohio

Army Aviation Propulsion Directorate - realignment

Pennsylvania

Letterkenny Army Depot - realignment
Tobyhanna Army Depot - realignment

South Carolina

Fort Jackson - realignment

Texas

Corpus Christi Army Depot - realignment
Fort Hood - realignment
Red River Army Depot - realignment

Virginia

Army Research Institute - realignment
Fort Belvoir - realignment
Harry Diamond Laboratory, Woodbridge Research Facility - closure

Washington

Fort Lewis - realignment

ATTACHMENT 2

PLAN TO ACCOMPLISH HISTORIC AND CULTURAL RESOURCES REQUIREMENTS IAW BASE REALIGNMENT AND CLOSURE IMPLEMENTATION PLAN FOR THE ARMY

1. Purpose. The Army will accomplish the requirements of this Programmatic Agreement IAW the BRAC Implementation Plan and the following guidance.

2. Chief of Engineers (COE) will:

a. Provide technical advice and assistance relating to compliance with historic and cultural resources laws, rules, and regulations.

b. Develop standards for information about historic and cultural resources and for assessments of undertakings having an effect on significant and historic resources.

c. Assist MACOMs in developing MOAs and compliance documents for individual installations.

d. Obtain the signature of the Army's Federal Representative (OASA(I&H)) on Memorandum of Agreement (MOA) entered into with the Advisory Council and the SHPOs for installation base realignment and closure undertakings.

e. Review historic and cultural resources work requirements and cost estimates, as requested by MACOMs.

f. Monitor compliance activities in order to correlate with BRAC schedule and report to Deputy Assistanct Secretary of the Army (Installations and Housing).

g. Prepare an annual update report on BRAC cultural resource activities for distribution to appropriate Army offices, SHPOs and the Advisory Council. This report will be based upon information to be supplied by appropriate MACOMs.

h. Notify appropriate SHPOs about the nature and timing of BRAC actions on Army installations within their states. The content of these notifications will be based upon information supplied by affected MACOMs.

i. Coordinate with and inform the Office of Economic Adjustment and designated reuse committees about historic property concerns at closing Army facilities.

j. Point of contact is Constance Ramirez (CEHSC-FN) CML 703-704-1570, DNS 654-1570.

k. USACE Mobile District will assist CEHSC-FN with the management and coordination of the BRAC cultural resources program.

3. MACOMs will:

a. Ensure that all installations meet NHPA requirements.

b. Include compliance with NHPA in MACOM Base Realignment and Closure Implementation Plan and engineer action plan.

c. Consolidate, evaluate, and program installation historic and cultural resources work and funding requirements based upon Corps of Engineers input.

d. Identify compliance tasks and schedule for each installation.

e. Assist installations, as appropriate, in development of MOAs and other compliance and mitigation documents.

f. Forward all MOAs to CEHSC-FN for ratification by Army's Federal Representative (DASA(I&H)).

g. Review DD Form 1391 to ensure project compliance with NHPA and/or MOAs.

h. Coordinate with Center for Military History on treatment of historic records associated with historic places.

i. Provide CEHSC-FN with annual updates of BRAC cultural resource accomplishments so that an annual report can be prepared for submission to appropriate Army offices, SHPOs, and the Advisory Council.

j. Provide CEHSC-FN with information about the nature and timing of BRAC actions at individual installations so that this information can be communicated to appropriate SHPOs.

k. MACOM historic preservation contacts are:

FORSCOM: Dr. James Cobb/FCEN-CED-E/(404)669-7812

TRADOC: Dr. Paul Green/ATBO-GE/(804)727-2037

AMC: Mr. Paul McGuff/CESWF-PL-RC/USACE Fort Worth District/(817)334-2625

MDW: Ms. Edna Barber/ANEN-E/(202)475-2793

Other MACOMs: Dr. Constance Ramirez/CEHSC-FN/(703)704-1570

l. MACOMs will ensure that installations:

(1). Provide all existing information about historic and cultural resources to USACE districts preparing Section 106

Consultation Packages and Environmental Assessment/Environmental Impact Statements.

(2). Ensure adequacy of historic and cultural resource information in NHPA and NEPA documentation.

(3). Establish a POC for historic resources for all base realignment and closure actions and forward name, address and telephone number to MACOM POC.

(4). Provide materials about the installation's mission and its historic and cultural resources for compliance consultation with SHPO, Advisory Council and MACOM.

4. MACOMs will provide guidance to USACE District Offices and contractors preparing or overseeing preparation of NEPA documents to:

a. Ensure that adequate information on historic and cultural resources are included in each REC, EA, and EIS.

b. Include the following information in each EA and EIS regarding historic and cultural resources:

(1) Reference and description of BRAC Programmatic Agreement.

(2) Background statements on the prehistory, civilian history, and military history of the affected installation.

(3) Overview of previous cultural resource inventories, investigations, agreements, and historic preservation plans.

(4) List and give general locations of all National Historic Landmarks or National Register properties and districts located on the subject installation. When feasible and not considered detrimental to site protection and preservation, the locations of these properties should be displayed on maps.

(5) If applicable, list and give locations of National Historic Landmarks or National Register properties located off of Army property that might be affected physically, visually, or audibly by BRAC activities. When feasible and not considered detrimental to site protection and preservation, the locations of these properties should be displayed on maps.

(6) Give the number and general location of archeological sites and historic buildings on the subject facility. State how many of these properties have been determined eligible for the National Register. When feasible and not considered detrimental to site protection or preservation the locations these properties should be displayed on maps.

(7) State whether the buildings or lands to be affected by BRAC actions have been inventoried for National Register significance. Identify any historic buildings and/or archeological sites that will be affected by BRAC actions. Give the National Register status of these properties. If the areas to be affected have been previously examined and a no effect or no adverse effect will result from the BRAC activities, reference the SHPO correspondence that concurs with this opinion.

(8) If National Register eligible or listed properties are located within the area of potential effect, determine the effects of the BRAC action on these historic properties. Effects may include but not be limited to:

(a) Destruction of historic buildings.
(b) Construction in historic districts.
(c) Repair or alteration of historic buildings.
(d) Construction in areas with archeological sites.
(e) Transfer of ownership to non-federal parties.
(f) Decreased maintenance resulting in deterioration of historic buildings.
(g) Change of mission training in range areas resulting in soil erosion or disturbance of ground surface in new areas.

(9) Describe and state the results of any cultural resource investigations undertaken for BRAC actions.

(10) Identify any additional cultural resource investigations that will be required to meet NEPA and NHPA Section 106, 110, and 111 requirements before the BRAC action can proceed. The scope of these actions should be identified in as much detail as possible. Recommendations for work should be restricted solely to those effects brought about by BRAC closure, realignment, or land disposal actions. Information about work efforts to be recommended at the affected installations will include at least the following:

(a) Approximate size (in acres) of areas to be recommended for archeological survey.

(b) Approximate number and locations of buildings, structures, districts, objects or sites to be recommended for historical inventory.

(c) Approximate number of known archeological sites needing additional investigations to determine National Register eligibility.

(d) Approximate cost estimates to complete the above recommended work items.

(11) Provide POC for historic resources actions to MACOMs.

5. Schedule: In order to ensure that NHPA requirements do not delay realignments and closure activities, work should be initiated and funded at the earliest possible date to accomplish necessary resource inventories, studies, mitigation, and coordination measures.

6. Point of Contact for techical questions is CEHSC-FN (Constance Ramirez) at CML 703-704-1570/DNS 654-1570. Point of contact for questions concerning policy issues is DAEN-ZCI-B (Doug Macherey) at CML 703/693-5039/AV 223-5039.

ATTACHMENT 3

EXCEPTIONS TO IDENTIFICATION PROCEDURES

Where existing information is not adequate for identifying historic properties, the Army nonetheless need not undertake installation-specific field surveys pursuant to Stipulation IV.A.2 if:

a. the lands involved will be transferred to another Federal agency that will use them for purposes no more likely to adversely affect historic properties than those for which the lands are presently used by the Army, provided the recipient Federal agency agrees to develop and implement a program, in consultation with the SHPO and other interested persons, for carrying out the requirements of Section 110(a)(2) of the National Historic Preservation Act on the lands it receives; or

b. the lands involved will be transferred to a State or local agency that enters into an agreement with the Army, the SHPO, and the Council stipulating that it will use them for purposes likely to have no adverse effect on historic properties which may be present, and that it will develop and implement a program, in consultation with the SHPO, the Council, and other interested persons, for identifying and protecting historic properties in a manner consistent with the "Standards and Guidelines" and other applicable Department of the Interior and Council guidelines: or

c. the BRAC action that will affect the lands involved, and the nature of the historic properties that may exist on such lands, are such that the Army, the SHPO, the Council, and other interested persons agree that identification need not be carried out, or may be carried out at a later date, and enter into an agreement stipulating how and by whom any identification will be carried out.

ATTACHMENT 4

STANDARD MITIGATION MEASURES

1. Transfer of a historic building or structure subject to a preservation covenant, enforceable under applicable State law, equivalent to the example shown in Figure 7 of the Council's 1989 publication: "Preparing Agreement Documents" (pp. 30-31), combined with a program of recordation approved by the SHPO as consistent with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation (48 FR 44730-34).

2. Recovery of data from an archeological site or sites in accordance with a research design and data recovery plan prepared in consultation with the SHPO and interested persons (including any interested Indian tribe or other Native American group) and addressing each of the following points:

- the property, properties, or portions of properties where data recovery is to be carried out;

- any property, properties, or portions of properties that will be altered or transferred without data recovery;

- the research questions to be addressed through the data recovery, and the importance and relevance of each;

- the methods to be used, and their relevance to the research questions;

- the methods to be used in analysis, data management, and dissemination of data, including a schedule;

- the disposition of recovered materials and records;

- the methods for involving the interested public in the data recovery;

- the methods for disseminating results of the work to the interested public;

- the methods by which local governments, Indian tribes, and other interested persons will be kept informed of the work and afforded the opportunity to comment; and

- the methods and schedule by which progress and final reports will be provided to the SHPO, the Council, and interested persons.