ARMY NATIONAL GUARD
CULTURAL RESOURCES HANDBOOK

2013

Cover Photos

Top row left: Stone Arch Bridge, January 1988, Camp Ravenna Joint Military Training Center, Ohio.

Top row center: Tacoma Armory, August 2008, Tacoma, Washington.

Top row right: Members of Brown County Historical Society and Brownwood Boy Scouts, October 2006, Camp Bowie, Brownwood, Texas.

Middle row left: Winter Haven Armory, January 2008, Winter Haven, Florida.

Middle row center: Archaeological Resources Protection Act Warning Sign, date unknown, installation unknown, Texas.

Middle row right: New York Army National Guard Military Museum, May 2006, Saratoga Springs, New York.

Bottom row left: Cultural Feature, New Mexico Army National Guard, ca. 2008, Roswell, New Mexico.

Bottom row center: Post Chapel, ca. 2009, Camp Edwards, Massachusetts.

Bottom row right: Land Ships SS Swatara *and* SS Manada*, 1890, Fort Indiantown Gap, Pennsylvania.*

ARMY NATIONAL GUARD
CULTURAL RESOURCES HANDBOOK

_____

Prepared For:

U.S. Army National Guard

Environmental Division

2013

ABSTRACT

The National Guard Bureau (NGB) is a Federal agency and as such, must comply with Federal statutes and regulations, including, but not limited to, The National Historic Preservation Act of 1966, 16 United States Code [USC] 470 et seq., (NHPA), as amended; the Native American Graves Protection and Repatriation Act, 25 USC 3001 et seq., (NAGPRA); the National Environmental Policy Act, (42 USC 4321 to 4370f), (NEPA); Department of Defense Directive (DoDD) 5105.77, *National Guard Bureau, (NGB)*; Department of Defense Instruction (DoDI) 4710.02-*DoD Interactions with Federally-Recognized Tribes*; Executive Order (EO) 13175-*Consultation and Coordination with Indian Tribal Governments*; and U.S. Army regulation (AR) 200-1, *Environmental Protection and Enhancement*.

As a result of the unique structure of the National Guard,[1] the Army National Guard (ARNG) Directorate, a component of NGB, carries out Army Command responsibilities and serves as a channel of communication among NGB, the United States Army, and the State ARNGs. State Guard organizations are mandated to comply with cultural resource laws, statutes, policies, and executive orders for ARNG actions on behalf of the NGB, in accordance with ARNG Directorate and U.S. Army guidance.[2] This is necessary given NGB's status as a higher headquarters and the direct relationship between State Guard organizations and the Tribes.[3]

This handbook establishes cultural resource identification priorities and evaluation standards for all ARNG installations, and provides a schedule to accomplish program objectives. Central to this purpose is the identification of cultural resources and determination of the resources' eligibility for listing in the National Register of Historic Places (NRHP). Cultural resources under the stewardship of an installation might consist of archaeological sites; cultural landscapes; documents; buildings and structures; Native American sacred sites; and properties of traditional, religious, and cultural significance, including artifacts collected during previous projects. A successful cultural resource management program requires projects to identify resources, implement protection and compliance actions, and consult with internal and external stakeholders. This handbook provides guidance and supports the ARNG cultural resource management program in achieving regulatory compliance and ensuring that ARNG stewardship responsibilities are met.

Background information on cultural resource management and practical information provided in this document present a unified picture of the steps necessary to manage cultural resources on the various ARNG installations. Sections include information on laws and regulations, roles and responsibilities, document review processes, Integrated Cultural Resource Management Plans (ICRMPs), NHPA agreement documents, Native American Consultation (including development of Memoranda of Understanding), and training opportunities. Also included are a discussion of NEPA, Historic Buildings and Structures, Archaeological Sites and Investigations, Cultural Landscapes, Traditional Cultural Properties, and Sacred Sites. Appendices contain further informational resources such as contact lists, website links, and sample forms and agreements.

---

[1] DoDD 5105.77

[2] U.S. Army guidance with regard to cultural resources is outlined in AR 200-1

[3] The word "Tribes" (with a capital T) is used inclusively throughout this document to include Federally recognized Native American Tribes, Alaskan Natives, and Native Hawaiians Organizations as defined in the NHPA and NAGPRA.

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

Volume II - Appendices

Appendix A: Frequently Asked Questions

Appendix B: Supplemental Laws, Statutes, and Regulations

Appendix C: Points of Contact List — ARNG, Tribes, and SHPO

Appendix D: Sample Memorandum for Record

Appendix E: Sample NHPA Memorandum of Agreement

Appendix F: Environmental Document Review SOPs

Appendix G: NHPA Programmatic Agreement Guidance

Appendix H: Sample Tribal Consultation Checklist

Appendix I: Tribal Consultation Memorandum of Understanding (MOU) Guidance and Sample

Appendix J: Tribal Consultation Meeting Guidance

Appendix K: NHPA Programmatic Agreement Signatory Guidance

Appendix L: ICRMP Guidance Memorandum

Appendix M: Nationwide Programmatic Agreement for Army National Guard Readiness Centers Maintenance and Repair

Appendix N: Statement of Work Guidance

Appendix O: Relevant Laws, Regulations, and Policies

Figures

Tables

Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation
ACSIM	Assistant Chief of Staff for Installation Management
ACUB	Army Compatible Use Buffer
AEDB-EQ	Army Environmental Database – Environmental Quality
AEP	Annual Execution Plan
AHPA	Archaeological Historic Preservation Act of 1974
AIRFA	American Indian Religious Freedom Act of 1978
APE	Area of Potential Effect
AR	Army Regulation
ARNG	Army National Guard
ARNG-ILE	Army National Guard – Environmental Division
ARNG-ILI	Army National Guard – Installations Division
ARNG-TRS	Army National Guard – Training Division
ARPA	Archaeological Resources Protection Act of 1979
ARPTP	Archaeological Resources Protection Training Program
ASA	Assistant Secretary of the Army
ATAG	Assistant to The Adjutant General
BASOPS	Base Operations
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
BRAC	Base Realignment and Closure
CA	Comprehensive Agreement
CEQ	Council on Environmental Quality
CFMO	Construction Facility Management Officer
CFR	Code of Federal Regulations
CLG	Certified Local Government
CRM	Cultural Resources Manager
CATEX	Categorical Exclusion
DNR	Designation Rescinded
DoD	U.S. Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DOI	Department of the Interior
DPW/MS	Directorate of Public Works Maintenance Shops
EA	Environmental Assessment
EDW	Enterprise Data Warehouse
EIS	Environmental Impact Statement

ELPA	Eligible for the Purposes of a Program Alternative
EO	Executive Order
EPM	Environmental Program Manager
EQCC	Environmental Quality Control Committee
FGDC	Federal Geographic Data Committee
FLPMA	Federal Land Policy and Management Act
FMO	Facilities Management Office
FNSI	Finding of No Significant Impact
FPO	Federal Preservation Officer
FY	Fiscal Year
GIS	Geographic Information System
GKO	Guard Knowledge Online
GSA	General Service Administration
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HQDA	Headquarters, Department of the Army
I&E	Installations and Environment
ICRMP	Integrated Cultural Resource Management Plan
IFS	Integrated Facilities System
INRMP	Integrated Natural Resources Management Plan
IPR	In-Progress Review
ISE	Installation, Service and Environment
ITAM	Integrated Training Area Management
JA	Judge Advocate
LEED	Leadership in Energy and Environmental Design
MFR	Memorandum for Record
MILCON	Military Construction
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPD	Multiple Property Documentation
MPL	Multiple Property Listing
MTP	Maintenance and Treatment Plan
NAGPRA	Native American Graves Protection and Repatriation Act of 1990
NCA	National Cemetery Administration
NCE	Noncontributing Element
NEV	Not yet Evaluated
NEPA	National Environmental Policy Act of 1969, as amended
NGB	National Guard Bureau
NHO	Native Hawaiian Organization

NHPA	National Historic Preservation Act of 1966, as amended
NPS	National Park Service
NRHP	National Register of Historic Places
OACSIM	Office of the Assistant Chief of Staff for Installation Management
PA	Programmatic Agreement
PAO	Public Affairs Office
POC	Point of Contact
POTO	Planning Operations and Training Officer
PRIDE	Planning Resources for Infrastructure Development and Evaluation
PRPA	Paleontological Resources Preservation Act
REC	Record of Environmental Consideration
ROD	Record of Decision
RPA	Real Property Assets
RTLA	Range Training Land Assessment
SDS	Spatial Data Standards
SHPO	State Historic Preservation Officer
SJA	Staff Judge Advocate
SMO	Supply Management Office
SOP	Standard Operating Procedure
SOW	Statement of Work
SRM	Sustainment, Restoration, and Modernization
STP	Shovel Test Pits
TAG	The Adjutant General
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Officer
Tribes	Federally Recognized Tribes
TU	Test Unit
UFC	Unified Facilities Criteria
USACE	U.S. Army Corps of Engineers
USACERL	U.S. Army Construction Engineering Research Laboratory
USAEC	U.S. Army Environmental Center
USC	United States Code
USPFO	U.S. Property and Fiscal Office
VA	Veterans Affairs

1. INTRODUCTION AND OVERVIEW

Cultural resources management is the identification of culturally, historically, architecturally, and archeologically significant properties and management of those properties in a manner that is consistent with applicable state and Federal laws and regulations and the mission of Army National Guard (ARNG) and that is respectful of the intrinsic values of the properties. This handbook is intended to provide State ARNGs with an overview of the primary Federal regulations, ARNG policies and procedures, standard operating procedures (SOPs), best management practices (BMPs), and other tools necessary for the day-to-day management of cultural resources that may be affected by ARNG actions.

The National Guard Bureau (NGB) is a Federal agency and as such, must comply with Federal statutes and regulations. As a result of the unique structure of the National Guard, the ARNG Directorate, a component of NGB, carries out Army Command responsibilities and serves as a channel of communication among NGB, the United States Army, and the State ARNGs. State Guard organizations are mandated to comply with cultural resource laws, statutes, policies, and executive orders for ARNG actions on behalf of the NGB, in accordance with ARNG Directorate and U.S. Army guidance. This is necessary given NGB's status as a higher headquarters and the direct relationship between State Guard organizations and the Tribes.[4]

State ARNGs are state agencies with dual Federal and state missions. State ARNGs are under the direct command of The Adjutant General (TAG), who is under the direction of the governor. For actions without Federal involvement (lands, funding, or permitting), state and local preservation laws and regulations apply.

1.1 Purpose of Handbook

This handbook supports the ARNG cultural resource management program in achieving regulatory compliance and meeting ARNG stewardship responsibilities. Goals of a robust cultural resources management program include:

- Support the ARNG mission through cultural resource management and stewardship on installations and associated properties;

- Incorporate cultural resource stewardship in management, planning, and training activities, such as real property planning, master planning, natural resource management planning, Range Training Land Assessment (RTLA), Homeland Security, Force Protection, Threatened and Endangered Species Program, and Integrated Training Area Management (ITAM);

- Develop streamlined approaches to the management of cultural resources in order to reduce mission delays;

- Engage ARNG personnel in the development of SOPs, real estate transactions, and any project that could affect cultural resources;

- Identify and protect known and potential cultural resources on ARNG installations in consultation with State Historic Preservation Officers (SHPOs), Tribes, and external stakeholders;

- Engage in ongoing consultation with Tribes as required by Federal law to support the identification and protection of cultural resources and areas of Tribal significance;

---

[4] The word "Tribes" (with a capital T) is used inclusively throughout this document to include Federally recognized Native American Tribes, Alaskan Natives, and Native Hawaiians Organizations as defined in the NHPA and NAGPRA.

- Promote outreach with interested stakeholders in natural and cultural resources and ensure their access to these resources, when possible;

- Enhance personnel awareness of, and appreciation for, cultural resource preservation and improving the effectiveness of the State ARNG decision-making process in this regard;

- Adopt an approach to protecting archaeological resources that is consistent with the Department of the Interior's (DOI) *National Strategy for Federal Archaeology* to emphasize the wise use and preservation of archaeological sites, collections, and records under their management or affected by their programs through protection, research, and interpretation;

- Ensure the confidentiality and security of scientific and historical data recovered from cultural resources at ARNG installations.

This handbook will provide guidance for Cultural Resources Managers (CRMs) to achieve these goals.

The handbook is intended as a reference guide for anyone in the State ARNG with direct or indirect responsibility for the management of cultural resources. This may include, but is not limited to CRMs, Natural Resource Managers, Environmental Program Managers (EPMs), Construction and Facilities Management Officers (CFMO), and Training and Range Managers. Frequent changes in participants at all levels of ARNG operations due to the normal rotation of military and civil service personnel creates a need to familiarize all participants with the purpose and procedures of cultural resource management for various ARNG activities.

1.2　Application of Cultural Resource Regulations to ARNG Activities

Environmental stewardship is an integral part of the ARNG mission. However, ARNG operations have the potential to adversely affect the environment (directly or indirectly) due to mission-related and installation-support activities. Such activities may include:

- Military training;

- Force management;

- Environmental management plans;

- Innovative readiness training;

- Real property development planning;

- Real property acquisition, granting of rights for specific use, and disposal;

- Military construction; and

- Equipment modernization.

Effects and impacts to the environment, including cultural resources, from these mission-related and installation-support activities require assessment in accordance with Federal and/or state laws.

1.3　Contents of Handbook

This handbook contains background information on cultural resource management and practical information about managing ARNG cultural resources. Information in this handbook is subject to change as policies are updated.

Chapters in this document are:

Chapter 1:   **Introduction and Overview.** This section provides interpretive background information on cultural resource laws and regulations and identifies roles and responsibilities of military personnel and internal and external stakeholders.

Chapter 2:   **National Historic Preservation Act (NHPA) Compliance.** This section focuses on Section 106 consultation, and includes an explanation of compliance agreements such as the Memorandum of Understanding (MOU), the Memorandum of Agreement (MOA), and the Programmatic Agreement (PA).

Chapter 3:   **National Environmental Policy Act (NEPA) Process and Cultural Resource Management.** This section describes the NEPA process as it pertains to cultural resources and the role of the CRM/Cultural Resources Program in implementing and reviewing NEPA documents.

Chapter 4:   **Tribal Consultation.** This section provides an overview of the consultation process. The section covers ongoing responsibilities, NEPA requirements, government-to-government consultations, and the procedure to create a Memorandum for Record (MFR) or a tribal consultation MOU.

Chapter 5:   **Writing Agreement Documents.** This section discusses the components of various types of agreement documents, to assist the State ARNG with the development of NHPA MOAs and PAs, tribal consultation MOUs, curation agreements, and state agreement documents.

Chapter 6:   **Statewide Integrated Cultural Resources Management Plans (ICRMPs).** This section describes the ICRMP process. Variance requests, annual updates, five-year updates/revisions, NEPA interface, and the document-review process (including coordination and staffing) are discussed.

Chapter 7:   **Historic Property Data Management and Reporting.** This section discusses the process for reporting cultural resource management activities. A subsection covers Planning Resources for Infrastructure Development and Evaluation (PRIDE) and the Real Property Data Mart.

Chapter 8:   **Management and Evaluation of Cultural Resources.** This section describes various types of cultural resources, and summarizes the evaluation process of cultural resources for eligibility for listing in the National Register of Historic Places (NRHP). It introduces the large-scale landscape approach as a holistic method for identifying, evaluating, and managing significant cultural resources.

Chapter 9:   **Historic Buildings and Structures.** This section outlines the management of historic buildings and structures. Topics include evaluating resources' eligibility for inclusion in the NRHP, maintenance, care, treatment plans, renovation, repair, and building disposal and demolition. This section also discusses special World War II and Cold War-era structures, and provides information on funding, performing economic analyses, understanding Force Protection and Antiterrorism Standards, and cultural landscapes.

Chapter 10:   **Archaeological Sites and Investigations.** This section provides information concerning archaeological site types and investigations, eligibility, management options, permitting, Native American Graves Protection and Repatriation Act (NAGPRA), planned and inadvertent discoveries, and curation of artifacts.

Chapter 11:   **Cultural Landscapes, Traditional Cultural Properties (TCPs), and Sacred Sites.** Planning and management of cultural resources within the context of a comprehensive and integrated land, resource, and infrastructure approach that adapts and applies principles of ecosystem management is considered a cultural landscape approach. This section presents rationales for the cultural landscape approaches and outlines National Park Service (NPS) recommended methods for cultural landscape preservation planning.

Chapter 12:   **Cultural Resource Training.** This section provides recommendations for training cultural resource managers and associated personnel as well as non-environmental ARNG personnel.

Chapter 13:   **Glossary.** This section provides definitions of terms used in the report.

Chapter 14:   **References Cited.** This section identifies sources of information.

Chapter 15:   **Index.** This section provides a quick reference to areas of interest in the handbook.

Appendices   The appendices contained in Volume II of the *Army National Guard Cultural Resource Handbook* provide further resources such as contact lists, website links, documents, flowcharts, sample forms/agreements, and pertinent memoranda.

1.4   *Cultural Resource Laws, Regulations and Policies*

ARNG's compliance responsibilities are spelled out in a wide array of Federal laws, regulations and executive orders. The Federal statutes, regulations, and executive orders most frequently referenced by the CRMs at ARNG installations are summarized below. A summary of all of the applicable statutes, regulations, and executive orders related to cultural resources are found at **Appendix B**, and the regulations themselves are available in **Appendix O**.

1.4.1   *Federal Laws and Regulations*

All Federal laws, regulations, and major court decisions are accessible online from Cornell University Law Library at: http://www.law.cornell.edu/. All Army regulations, pamphlets, publications, and forms are available online at: http://www.army.mil/usapa/. The ARNG is not responsible for the content of referenced Web sites.

Federal laws are enacted by the United States Congress and are codified in the *United States Code*. Laws are different from regulations. Regulations are rules promulgated by Federal agencies to implement that agency's regulatory programs. Regulations often provide specific processes or standards to put in action the intent of corresponding Federal laws. Regulations are proposed and adopted by Federal agencies in accordance with the Administrative Procedures Act (5 USC Chapter 5).

1.4.1.1   *National Historic Preservation Act (NHPA)*

- Establishes the Federal government's policy in providing leadership in the preservation of historic properties and administering Federally owned or controlled historic properties in the spirit of stewardship.

- The Advisory Council on Historic Preservation (ACHP) promulgated 36 *Code of Federal Regulations* (CFR) 800, *Protection of Historic Properties*, which requires consultation to establish the procedural requirements to identify and evaluate historic properties, and to determine effects of all undertakings on those properties. The text of 36 CFR 800 is available online at www.achp.gov.

1.4.1.2   36 CFR 800 Protection of Historic Properties

- Regulation 36 CFR 800 implements the NHPA and sets forth the procedural requirements to identify, evaluate, and determine effects and resolve adverse effects of undertakings on historic properties. This review process includes consultation with the SHPO and others.

1.4.1.3   Archaeological Resources Protection Act of 1979 (ARPA)

- Provides for the protection of archaeological resources on public, Federally owned land, and American Indian lands.

- Forbids anyone from removing archaeological resources from Federally owned or American Indian lands without a permit issued by the land managing agency.

1.4.1.4   32 CFR 229 – Protection of Archeological Resources

- Implements the provisions of ARPA, establishes uniform definitions, standards, and procedures for all Federal land managers.

- Enables Federal land managers to protect archaeological resources through permits to authorize excavation and or removal of archaeological resources, through provisions for the preservation of collections and data, and through ensuring confidentiality of information about archaeological resources.

1.4.1.5   Native American Graves Protection Repatriation Act of 1990 (NAGPRA)

- Establishes guidelines on the ownership or control of American Indian cultural items and human remains that are excavated or discovered on Federal or tribal lands after 16 November 1990.

- The requirements and procedures for implementing NAGPRA are set forth in 43 CFR 10 and are separated into two parts: (1) items from Federally funded facilities (collections) and (2) those items discovered on Federal land (accidently or through permitted excavation).

1.4.1.6   National Environmental Policy Act of 1969 (NEPA)

- Sets forth a national policy that encourages and promotes harmony between humans and their environment.

- Requires that environmental information is made available to public officials and citizens before Federal decisions are made or actions are taken.

- Helps public officials make decisions based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment.

- Provides opportunities for input from Tribes and the public to the decision-making process.

- Regulation 40 CFR 1500–1508, *NEPA Regulations*, promulgated by the Council on Environmental Quality establishes the policy requirements that are binding on all Federal agencies for implementing NEPA.

1.4.1.7   32 CFR 651 – Environmental Analysis of Army Actions

- Sets forth policy, responsibilities, and procedures for integrating environmental considerations into Army planning and decision making. This is the Army's NEPA implementation regulation.

1.4.1.8   36 CFR 79 Curation of Federally-owned and Administered Archaeological Collections

- Defines Federal collections and sets forth the provisions for processing, maintaining, and curating Federally owned and administered archaeological materials.

- Requires management of cultural items and human remains in accordance with NAGPRA and 43 CFR 10.

1.4.2   Executive Orders

Executive orders are neither laws nor regulations. Executive orders are issued by the President of the United States for the purpose of interpreting, implementing, or giving administrative effect to a provision of the U. S. Constitution or of a law or treaty. (See Black's Law Dictionary 5th ed. 1979.)

1.4.2.1   Presidential Memorandum dated 29 April 1994 – Government-to-Government Relations with Native American Tribal Governments / Department of Defense Annotated Policy for the American Indian and Alaska Native Policy, 27 October 1999

- Outlines the principles that executive departments and agencies must follow when interacting with American Indian tribal governments.

1.4.2.2   Executive Order (EO) 11593 – Protection and Enhancement of the Cultural Environment (13 May 1971)

- Requires Federal government agencies to provide leadership in preserving, restoring, and maintaining the nation's historic and cultural environment by initiating measures to preserve, restore, and maintain Federally owned sites, structures, and objects of historical, architectural, or archaeological significance.

1.4.2.3   EO 13006 – Locating Federal Facilities on Historic Properties in our Nation's Central Cities (21 May 1996)

- Orders Federal government agencies to utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in central business areas.

1.4.2.4   EO 13007 – Indian Sacred Sites (24 May 1996)

- Guides each executive branch agency on accommodating access to and ceremonial use of American Indian sacred sites by American Indian religious practitioners.

- Guides each executive branch agency on avoiding adverse effects to the physical integrity of such sacred sites.

1.4.2.5   EO 13175 – Consultation and Coordination with Indian Tribal Governments (09 November 2000)

- Directs the Federal government to strengthen its government-to-government relationships with Tribes.

- Directs the Federal government to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that affect tribal members.

- Directs the Federal government to reduce the imposition of unfunded mandates on these groups.

1.4.2.6   EO 13287 – Preserve America (03 May 2003)

- Directs the Federal government to provide leadership in preserving America's heritage by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.

- Directs the Federal government to actively advance the protection, enhancement, and contemporary use of historic properties owned by the Federal government.

- Directs the Federal government to inventory resources and promote ecotourism.

1.4.3   DoD/Army Guidance and Regulations

The Department of Defense (DoD) provides guidance and regulations for cultural resources management. The DoD guidance includes SOPs for sustainably managing cultural resources, integrating natural and cultural resource management, conducting tribal consultations, and reviewing and updating ICRMPs. DoD guidance and regulations are accessible online at http://www.dtic.mil/whs/directives/corres/ins1.html.

1.4.3.1   DoD Instruction (DoDI) 4715.16 – Cultural Resources Management (18 September 2008)

- Instructs management of cultural resources in a sustainable manner that considers the preservation of historic, archaeological, architectural, and cultural values.

1.4.3.2   DoDI 4710.02 – DoD Interactions with Federally Recognized Tribes (14 September 2006)

- Implements DoD policy, assigns responsibilities, and provides procedures for DoD interactions with Tribes in accordance with DoD Directive (DoDD) 5134.01; DoDD 4715.1E; DoDI 4715.16; Secretary of Defense Policy, 20 October 1998; EO 13175; and the Presidential Memorandum, 23 September 1994.

1.4.3.3   American Indian and Alaskan Native Policy – Implementing DoDI 4710.02 (24 October 2012)

- Direction on implementing Army policy 4710.02 (14 September 2006) and the DoD American Indian and Alaskan Native Policy (20 October 1998). This establishes Department of the Army policy for interaction with Federally recognized American Indian and Alaskan Native Tribes. Concerning cultural resources, the Department of the Army will meet its responsibilities to Tribes, build stable and enduring government-to-government relations, recognize and take into consideration the significance that Tribes ascribe to resources, and integrate the principles of meaningful consultation.

1.4.3.4   DoDI 4710.03 – DoD Consultation with Native Hawaiian Organizations (NHOs)

- This instruction establishes policy and addresses the policies and interactions that govern consultation between Native Hawaiian Organizations and DoD, establishes a framework for consultation and provides the DoD components in Hawaii with a framework to develop localized processes to facilitate consultation.

1.4.3.5   Army Regulation (AR) 200-1 – Environmental Protection and Enhancement (28 August 2007)

- Implements environmental laws and DoD policies for conserving, protecting, preserving, and restoring the quality of the environment.

- This regulation should be used in conjunction with 32 CFR 651, *Environmental Analysis of Army Actions*.

1.4.4   ARNG Guidance

This guidance is also available on Guard Knowledge Online (GKO; https://gkoportal.ngb.army.mil/sites/ARE/C/Cultural/default.aspx).

1.4.4.1   PA Guidance

- This guidance outlines the process and requirements for drafting and completing a PA in accordance with ARNG Directorate/ARNG-ILE. It ensures ARNG-ILE's involvement in the decision-making process associated with the creation of a State ARNG PA.

1.4.4.2   MOU Guidance

- MOU guidance outlines the process and requirements for developing an MOU in accordance with ARNG Directorate/ARNG-ILE.

1.4.4.3   ICRMP Guidance

- ICRMP guidance provides details for the development of ICRMPs, as required under DoDI 4715.16 and AR 200-1. It outlines the process and requirements for developing and updating an ICRMP in accordance with ARNG Directorate/ARNG-ILE, including the completion of annual updates and five-year reviews.

1.4.4.4   Document Review SOPs

- This guidance outlines the review and approval process for Federal agreement documents (e.g., NHPA agreement documents, ICRMPs, and Federal MOUs) once they are staffed to ARNG-ILE. It identifies the reviewing parties, and provides timelines for each stage of review.

1.4.4.5   Armories and NHPA

- This guidance outlines when and how the NHPA might apply to actions to armories, such as alterations or disposal.

1.4.4.6   Historic Property Guidance

- This guidance aims to assist in the preservation and maintenance of historic properties.. These should be applied in conjunction with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, *Guidelines for Rehabilitating Historic Buildings*, and *Guidelines for the Treatment of Historic Landscapes*. In some cases, Army Standards are more specific and these standards should take precedence.

1.4.4.7   NEPA-Record of Environmental Consideration (REC) Guidance

- This guidance assists the State CRM to complete the cultural resource section of the NEPA REC and Checklist.

1.4.5   State and Local Laws and Regulations

State and local historic preservation laws may also apply to ARNG installations, particularly those installations that receive state funding or are state-owned. Historic preservation laws in some states are more restrictive than Federal laws, and meeting state regulation requirements could entail additional compliance activities by the agency conducting a Federal undertaking (36 CFR 800.16[y]). When a project is not a Federal undertaking, compliance with state, local, city, county, or certified local government (CLG) laws and regulations is required. Links to searchable databases of state statutes are included in **Appendix B**.

Historic districts can also have covenants or building codes; for ARNG installations within state or local historic districts (CLGs), some undertakings may require compliance with these covenants or building codes. A list of CLGs is available at http://www.nps.gov/history/hps/clg/index.htm.

1.4.6   Paleontological Resource Laws

Paleontological resources are any fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust that provide information about the history of life on earth. The term excludes material associated with an archaeological resource as defined in section 3(1) of ARPA or any cultural item as defined in section 2 of NAGPRA. Although paleontological resources are not formed through cultural processes, they are of cultural interest. Consequently, CRMs are sometimes responsible for managing paleontological resources. The managing agent of paleontological resources will be determined at the discretion of the installation.

The major laws protecting paleontological resources on Federal lands are the Federal Antiquities Act of 1906, NEPA, the Federal Land Policy and Management Act of 1976 (FLPMA), and the Paleontological Resources Preservation Act of 2009 (PRPA). These laws are discussed in **Appendix B**. Some of these laws apply to non-DoD lands; the State ARNG should work with the landowner to designate responsibility should paleontological resources be identified as a result of ARNG training activities.

1.5   State Army National Guard Stakeholders

ARNG personnel are responsible for the implementation and ultimate success of an installation's cultural resource management program. Military and nonmilitary personnel fulfill different and often interdependent roles. Certain actions that typically trigger internal coordination and compliance under cultural resource regulations include, but are not limited to:

- Building maintenance and repair;
- Landscape and grounds repair or replacement;
- New construction of buildings or additions, infrastructure, roads, and trails;
- Major renovations to buildings;
- Major changes in the use of buildings;
- Major changes in training locations or types;
- Master planning;
- Property divestment;
- Demolishing buildings or structures;
- Leasing or using private or public property;
- Emergency operations; and

- Compliance with Force Protection and Antiterrorism requirements.

Because military mission activities or construction can adversely affect cultural resources, the planning process must include each ARNG office involved with planning, construction, building repair or maintenance, management of training, or other mission activities. Open lines of communications between all stakeholders is vital to ensuring that cultural resource management supports rather than hinders or delays the ARNG mission. The CRM needs to be integrated into project planning as early as possible so that potential challenges can be addressed and resolved before they become problems. Table 1-1 provides a brief summary of the roles of State ARNG personnel as they relate to the management of cultural resources. These roles are discussed in more detail in the following sections (**Sections 1.5.1 – 1.5.9**).

TABLE 1-1. INTERNAL STAKEHOLDER COORDINATION.

Internal Stakeholder	Interface with Cultural Resource Program and CRM
Leadership: TAG, Assistant to the Adjutant General (ATAG), Chief of Staff	• Provide leadership support to the cultural resource program. • Through review and signing of ICRMP, determine the cultural resource policy and procedures for the ARNG. • Participate in cultural resource awareness training.
CFMO, Facilities Management Office (FMO), Supply Management Office (SMO)	• Include the ICRMP as a component plan within the installation Master Plan and Design Guide. • Provide project and program information to the CRM for review during planning stages. • Include schedules for cultural resource compliance. • Maintain access to the current inventory of cultural resources. • Invite CRM to planning and project meetings. • Establish a permitting system for any ground-disturbing activities on the installation. The CRM shall review digging plans and implement mitigation measures as required. • Provide the CRM with background information on facilities, environmental, and geographic factors, surface disturbance, threatened and endangered species, wetlands, and other sensitive natural resources. • Coordination with Training Command is crucial as they pose the biggest threat to archaeological sites.
U.S. Property and Fiscal Office (USPFO)	• Include the ICRMP as a component plan within the installation Master Plan and Design Guide. • Maintain access to the current inventory of cultural resources, and discuss upcoming projects with the CRM to ensure timely compliance. • Invite CRM to planning and project meetings. • Participate in cultural resource awareness training.
Master and Strategic Planning	• Include the ICRMP as a component plan within the installation Master Plan and Design Guide. • Maintain access to the CRM review master / strategic plans and training plans. • Include time schedules for cultural resource compliance and any necessary tribal consultation in implementation of plans and training. • Invite CRM to planning and project meetings. • Participate in cultural resource awareness training.

TABLE 1-1. INTERNAL STAKEHOLDER COORDINATION.

Internal Stakeholder	Interface with Cultural Resource Program and CRM
Facilities Maintenance	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents pertinent to relevant facilities and SOPs. • Participate in cultural resource awareness training.
Facility Managers, Readiness Centers (armories)	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents pertinent to relevant facilities and SOPs. • Participate in cultural resource awareness training.
EPM	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents pertinent to relevant facilities and SOPs. • Participate in cultural resource awareness training.
Range Control	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents pertinent to relevant facilities and SOPs. • Provide background information concerning facilities, environmental and geographic factors, surface disturbance, threatened and endangered species, wetlands, and other sensitive natural resources to the CRM. • Participate in cultural resource awareness training.
Unit Commander, Environmental Liaison, Environmental Unit Command Officer	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents and SOPs. • Participate in cultural resource awareness training.
Environmental Quality Control Committee (EQCC)	• Include the ICRMP as a component of quality control and planning. • Understand cultural resource compliance requirements. • Include time schedules for cultural resource compliance. • Invite CRM to committee meetings. • Maintain access to the current cultural resource inventory. • Participate in cultural resource awareness training.
Historian	• Review historic context and provide historic information to CRM and Public Affairs Office (PAO).
ITAM	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents pertinent to relevant facilities and SOPs. • Coordinate with the CRM concerning the budget for site protection measures. • Participate in cultural resource awareness training.

TABLE 1-1. INTERNAL STAKEHOLDER COORDINATION.

Internal Stakeholder	Interface with Cultural Resource Program and CRM
PAO	• Act as a liaison between the CRM and the public, facilitate public meetings, and arrange and conduct meetings or information dissemination with the media, as appropriate. • Promote National Historic Preservation Week. • Provide news stories to internal newsletters, newspapers (*On Guard*), Environmental Division (ARNG-ILE) publications, and local media.
Joint Forces	• Maintain access to the current inventory of significant cultural resources and be aware of cultural resource survey boundaries; should be provided information on any agreement documents pertinent to relevant facilities and SOPs.
Recruiters	• Be aware of cultural resource preservation program and history and promote the program to recruits.

1.5.1 State Cultural Resource Manager (CRM)

Each State Guard organization must have a designated CRM appointed in accordance with AR 200-1. The CRM is responsible for the daily management of cultural resources. The CRM performs ongoing consultation with external stakeholders for Section 106 compliance and during ICRMP and agreement document reviews. The CRM ensures all ARNG activities are compliant with applicable cultural resource requirements. A key responsibility of the CRM is the development and implementation of the ICRMP. The CRM serves as a liaison among all parties involved in the ICRMP.

1.5.2 Environmental Program Manager (EPM)

The EPM is responsible for ensuring State ARNGs satisfy all environmental regulations. The EPM enforces proponent compliance with NEPA by overseeing documentation requirements and mitigation implementation. The EPM is also a proponent for the ICRMP and is responsible for maintaining open lines of communication between the environmental staff, including the CRM, and other State ARNG divisions.

1.5.2.1 Land and Natural Resource Managers

Land and Natural Resource Managers and CRMs comply with cultural resources laws and regulations and often work closely together. Land and Natural Resource Managers provide background information concerning geographic factors at installations. They can provide important environmental information about the geographic settings of a cultural resource, such as surface disturbances, access, geology, and vegetation.

1.5.3 Directorate of Plan, Training and Range Control

The Directorate of Plan, Training and Range Control allocates and schedules the use of installation training lands for field exercises. Coordination with Training and Range Control is key to effective cultural resource management. Training and Range Control activities typically have potential to affect subsurface resources. To comply with preservation laws and regulations, this office requires a current inventory of cultural resources on training lands.

1.5.4   Resource Management Office

The Resource Management Office is responsible for the financial management and accounting of the State ARNG funds. They also are responsible for tracking cultural resource funds and providing funding information.

1.5.5   Construction and Facilities Management Officer (CFMO)

The CFMO manages the State ARNGs real property and construction activities. The CFMO ensures that real property master planning is accomplished in accordance with published Army and NGB regulations and policies. This office should coordinate with the Environmental Programs division, including the CRM, during the earliest planning stages of any real property actions, including construction, maintenance, repair, or disposal. The CFMO should work with the CRM with regards to maintenance of the real property database.

- All real property actions involving Federal funds or activities must be reviewed through this office.

1.5.5.1   Real Property Office

The Real Property Office may be able to provide much of the data needed to determine if a building or group of buildings is eligible for NRHP listing. The CRM should provide this office with information on historic properties.

1.5.5.2   Master Planner

The Master Planner should include the ICRMP as a component plan within the installation Master Plan and Design Guide, and coordinate all Master Plan activities with the Environmental Programs division.

1.5.5.3   Engineers

The Engineers should include time schedules for cultural resource consultation in their project design and delivery schedules to ensure that cultural resources, including the possibility of inadvertent discoveries, are considered.

1.5.5.4   Directorate of Public Works Maintenance Shops (DPW/MS)

The Directorate of Public Works Maintenance Shops (DPW/MS) is responsible for completing minor maintenance and repairs on installation property. The shops should use the appropriate standards and techniques established for maintenance and repair of historic properties. The CRM should provide this office with a current inventory of cultural resources, and work with the DPW/MS office to ensure that staff are adequately trained to consider cultural resources.

1.5.6   U.S. Property and Fiscal Office (USPFO)

The USPFO is the Federal office responsible for:

- Receipt and accountability for all funds and property of the United States in the possession of the Army National Guard for which he is property and fiscal officer; and

- Returns and reports concerning those funds and that property, as required by the Secretary of the Army.

The USPFO gives advice on spending funds to facilitate the cultural resources program within each state. The USPFO requires notification of any legal requirements or agreements for cultural resources to ensure that contracts are consistent with those requirements.

1.5.7   Staff Judge Advocate (SJA)

The Staff Judge Advocate (SJA) interprets the various laws and regulations related to cultural resource management within each state.

1.5.8   The Adjutant General (TAG)

The TAG reports to the State governor as well as NGB, and is the senior National Guard military official at the State ARNG level. For Federal actions, the TAG is responsible for ensuring compliance with environmental laws and regulations, including cultural resources management.

The TAG provides leadership support to the cultural resource program; determines cultural resource policy and procedures; reviews and signs ICRMPs and participates in cultural awareness training. The TAG is a State Guard signatory for agreement documents, and participates in tribal consultations when tribal leaders are present.

1.5.9   Other State-level Stakeholders

Interaction with internal stakeholders who are not key participants may be necessary on a project-by-project basis. These may include the State Command Historian (Unit Historical Officer) and the State Public Affairs Office:

1.5.9.1   State Command Historian or Unit Historical Officer

State Command Historian or Unit Historical Officer assists in locating background information on military activities.

1.5.9.2   State Public Affairs Office (PAO)

The Public Affairs Office (PAO) can help find historic information concerning sites or activities. The PAO can assist in promoting the ICRMP to the public and the installation. They are involved in promoting Historic Preservation Week activities to increase public awareness and can assist in developing interpretive programs.

1.6   Army National Guard/National Guard Bureau

1.6.1   Environmental Division (ARNG-ILE)

ARNG-ILE is the Office of the Director of Environmental Programs, which is responsible for carrying out the Assistant Chief of Staff for Installation Management (ACSIM) Army staff function for the Army's cultural resource management program. ARNG-ILE personnel provide guidance in accordance with AR 200-1 and other Headquarters, Department of the Army (HQDA) policies. They serve as a primary Point of Contact (POC) for installation requirements. ARNG-ILE provides state CRMs with resource management funding and manages NHPA compliance and tribal consultation.

1.6.2   Installations Division (ARNG-ILI)

ARNG-ILI is the Office of the Director of Installations, which is responsible for validating and providing Federal funding to State ARNGs for installation real property actions. ARNG-ILI ensures that all environmental legal requirements have been met, prior to releasing funds, and works closely with ARNG-ILE to coordinate guidance regarding real property actions and their potential to affect historic resources.

Appendix C contains a POC list of ARNG contacts.

1.7   Headquarters, Department of the Army (HQDA)

1.7.1   Office of the Assistant Chief of Staff for Installation Management (OACSIM)

The OACSIM is the HQDA office responsible for implementation of the Army Environmental Program. OACSIM establishes priorities, guidance, and procedures for environmental stewardship within the Army. OACSIM develops and directs the planning, programming, and budget execution for Army Environmental programs.

1.7.2   Installation, Service and Environment (ISE)

The Installation, Service and Environment (ISE) carries out the ACSIM Army staff function for the Army's cultural resource management program. The ISE is responsible for environmental program policy implementation and HQDA level program oversight. It reports to HQDA leadership, ACSIM, and Congress on progress meeting the goals and objectives of the annual execution plan (AEP). ISE develops guidance for implementation, utilization, and coordination of geospatial information and services within the environmental program.

1.7.3   Assistant Secretary of the Army (ASA) (Installations and Environment [I&E])

The Assistant Secretary of the Army (ASA) (Installations and Environment [I&E]) serves as the Federal Preservation Officer (FPO) and is a senior policy level official for historic preservation in accordance with EO 13287, *Preserve America*. The ASA is responsible for oversight and coordination of Army activities under the NHPA. Accordingly, the ASA is responsible for approving and signing Army NRHP nominations for Federally owned and controlled historic properties.

1.8   External Partners

Legal and regulatory compliance requires consultation with nonmilitary partners. This section summarizes the roles and responsibilities of nonmilitary participants.

1.8.1   Advisory Council on Historic Preservation (ACHP)

The ACHP provides guidance and advice on the application of 36 CFR 800, *Protection of Historic Properties*, and oversees compliance with the Section 106 process. The ACHP approves Federal agency procedures for substitution of ACHP regulations. The agency provides dispute resolution and issues regulations to implement Section 106 of the NHPA. The ACHP must be notified of the ARNG's initiation of the consultation process and given the option to participate in drafting agreement documents. The agency offers training in cultural resource laws, regulations, and practice.

1.8.2   State Historic Preservation Officer (SHPO)

The SHPO represents the interests of the state or territory and its citizens in the preservation of cultural resources. The ARNG consults with SHPO regarding determinations of NRHP eligibility and effect. The ARNG works with the SHPO to develop agreement documents to mitigate adverse effects or to develop alternative approaches to Section 106 compliance. The ARNG should submit the ICRMP revision or update to the SHPO for review, although the SHPO does not sign ICRMPs. The SHPO is a useful resource for technical advice on the management of cultural resources.

Appendix C provides SHPO POC information.

1.8.3   Tribal Historic Preservation Officer (THPO)

The Tribal Historic Preservation Officer (THPO) represents the interests of the Tribe and its members in the preservation of cultural resources. In some instances the THPO may act as the Cultural Resources POC for a particular Tribe. When consulting on tribal land, the THPO assumes the responsibilities of the

SHPO (Section 101(d)(2)). Currently no ARNG installations are located on tribal land; however, ARNG training activities may occur on tribal land. In those cases, the THPO should be consulted in addition to the SHPO.

Appendix C provides information for acquiring THPO POC information.

1.8.4   Tribes

Section 101(d)(6)(B) of the NHPA requires Federal agencies to consult with any Tribe that attaches religious and cultural significance to historic properties that might be affected by an undertaking. Consultation shall be on a government-to-government basis, and take place through the provisions of the NHPA and 36 CFR 800. It is the responsibility of each State Guard organization to make an effort to identify Tribes requiring consultation pursuant to Section 106 of the NHPA. The Tribal Leader may participate in the consultation process in conjunction with or independent of the THPO.

Appendix C provides information for identifying Tribes/THPOs in each state.

1.8.5   Interested Parties

Each State Guard organization is responsible for seeking and considering the views of individuals or organizations with a demonstrated interest in the project, regarding the compliance with NHPA Section 106 actions/undertakings, including MOAs, and development and implementation of an ICRMP. Identified interested parties may participate in the development of Federal agreement documents and sign as Concurring Parties.

Interested parties may include, but are not limited to:

- Preservation specialists;
- Elected officials;
- Environmental groups;
- Property owners;
- Chambers of commerce;
- Tourism councils;
- Academic institutions;
- Government agencies;
- Non-profit organizations;
- Private firms;
- Main Street programs;
- Builders and developers.

1.8.6   Local Governments

State ARNGs are required to provide local governments with the opportunity to participate in the Section 106 consultation process (36 CFR 800.2 (c)(3)). Additionally, local governments with active historic preservation programs can provide historic preservation guidance and can assist with the identification of historic properties and development of preservation plans.

> **Certified Local Governments (CLGs)**
>
> CLGs are local governments with active historic preservation programs that meet certain requirements under NHPA (16 USC 470a(c). CLGs are required to have systems in place for allowing public participation in historic preservation and historic property identification and evaluation programs. As such CLGs can be invaluable partners in the State ARNG's cultural resources program.

1.8.7   The Public

Each State Guard organization is required to seek and consider the views of the public. Compliance with this requirement will vary from project to project. The public includes a multitude of diverse groups with different and sometimes competing interests.

Although it is important to reach out to those beyond the historic preservation community, it is rarely feasible to include everyone in the consultation process. The groups most relevant to an undertaking are identified by weighing the consequences of their exclusion and identifying groups or individuals that have contacted the CRM or other parties involved in the action. Relevant groups also include those already involved in historic preservation, those that will be affected by the outcome, or those that make decisions affecting the cultural resources. Interested members of the public are identified through lists of special interest groups and suggestions from knowledgeable informants.

THIS PAGE INTENTIONALLY LEFT BLANK

2. NATIONAL HISTORIC PRESERVATION ACT (NHPA) COMPLIANCE

The NHPA of 1966 (16 USC 470) charges the Federal government with good stewardship of prehistoric and historic resources located on Federally owned, administered, or controlled lands[5] for the "inspiration and benefit of present and future generations" and encouragement of public and private sector preservation (16 USC 470-1). The Act:

- Established a national historic preservation program that includes the NRHP as a list of places and resources worthy of historical significance to our nation (Section 101);

- Established the ACHP as a regulator for Section 106 compliance (Section 106);

- Defined Historic Property as a resource included in or eligible for inclusion in the NRHP (Section 301);

- Requires Federal agencies to consider effects to historic properties (Section 106);

- Requires Federal agencies to develop historic preservation programs (Section 110);

- Requires Federal agencies to develop professional standards for historic preservationists (Section 112).

State ARNG CRMs will most often deal with Sections 106 and 110 of the NHPA. These are discussed individually in this chapter.

2.1 NHPA Section 106

Section 106 of the NHPA requires Federal agencies to "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register" (16 USC 470f). It requires the Federal agency to identify potential effects of an action on historic properties (cultural resources listed in or eligible for listing in the NRHP), and to allow interested parties to comment on those effects and mitigation actions, as appropriate. This is accomplished through consultation with the SHPO, Tribes, and other parties as appropriate in compliance with 36 CFR 800. The state CRM is responsible for completing the Section 106 process on behalf of the Federal agency (NGB).

2.1.1 Consultation under Section 106

Consultation with regulators and internal and external stakeholders is a key element of the Section 106 process. Consultation is defined in 36 CFR 800.16(f) as "the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process." The CRM consults with the appropriate SHPO and potential interested parties, who may include Tribes, local governments, permit or license applicants, and members of the general public. States should initiate this consultation early in the process and provide the SHPO with a project description, preliminary Area of Potential Effect (APE) definition, preliminary consulting parties list, and an invitation to consult. Sample consultation letters (SHPO, Tribes, ACHP) are available on GKO.

---

[5] The State ARNG should contact ARNG-ILI for a list of federally owned ARNG properties.

2.1.1.1   SHPO Consultation

Each state government has a historic preservation organization,[6] headed by the SHPO, that assists Federal and state agencies with Section 106 compliance (see **Appendix C** for a list of SHPOs). SHPO responsibilities include consultation with the CRM about an affected resource's NRHP eligibility; the effects of proposed actions on NRHP eligible or listed properties; and alternatives to avoid, minimize, or mitigate adverse effects on such properties. The SHPO normally has 30 days to review determinations of eligibility and determinations of effect once consultation has been initiated (36 CFR 800.4 and 800.5). The SHPO can also be a useful resource in identifying potential interested parties who may wish to participate in the consultation process.

2.1.1.2   Tribal Consultation

Consultation with interested Tribes is required on Federal undertakings. Tribal notification of all such proposed projects is required unless a written agreement is in place between the ARNG and the Tribe precluding the need for consultation. The CRM must make a reasonable and good faith effort to identify any Tribes that might attach religious or cultural significance to historic properties in the APE and invite their participation as consulting parties (DoDI 4710.02.II, III). Tribes that request participation in writing are consulting parties.

Occasionally, ARNG training activities may occur on tribal land. In this event, the THPO may assume the responsibilities of the SHPO, pursuant to Section 101(d)(2) of the NHPA. The State ARNG CRM should contact the ARNG-ILE POC prior to initiating consultation on undertakings occurring on tribal lands.

2.1.1.3   Consultation with the ACHP

The ACHP's role in Section 106 is to issue regulations to implement the process, provide guidance and advice on the application of the procedures set forth in this part of the Act, and to generally oversee the 106 process. The ACHP also provides comments to the State ARNG and CRM on individual undertakings that affect historic properties. ACHP's participation in the 106 process is optional and will occur at ACHP's discretion. The ARNG should notify the ACHP of any undertakings that are likely to have an adverse effect on historic properties as early as possible. Generally, the ACHP will participate if the undertaking:

- Has substantial impacts on important historic properties;
- Presents important questions of policy or interpretation;
- Presents potential procedural problems;
- May generate substantial concern among interested parties.

2.1.1.4   Consulting Parties

In accordance with 36 CFR 800.2(c)(5), the State ARNG is required to identify individuals and groups who may take a particular interest in ARNG Federal undertakings and want to be involved. These groups should be identified in consultation with the SHPO in accordance with 36 CFR 800.3(f). Once identified, the CRM should work with the groups to determine the nature and extent of participation. The CRM must consider all written requests of individuals and organizations to participate as consulting parties and, in consultation with the SHPO who has expressed interest in an undertaking affecting historic properties,

---

[6] The name of this office will vary from state to state.

determine which should be consulting parties. Identified interested parties may participate in the development of Federal agreement documents and sign as Concurring Parties.

2.1.1.5   Public Involvement

Public involvement is key to successful Section 106 consultation, and the public's views should be solicited and considered early in the process. The CRM identifies the appropriate points for seeking public input and for notifying the public of proposed actions, consistent with 36 CFR 800.2(d).

Regulation 36 CFR 800.2(d)(1) states that the public should be notified "in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public. . ., confidentiality concerns. . ., and the relationship of the Federal involvement to the undertaking." It is therefore up to the State ARNG CRM to determine how much effort should be made to solicit public input, based on the project and its larger context. A large project, a highly visible project, or a project that is likely to generate interest among particular groups or the public at large may require more diligent efforts to reach out than a small or routine project.

2.1.2   The Four Steps of Section 106

The Section 106 compliance process as outlined in 36 CFR 800, Subpart B includes the following steps: 1) initiating the process; 2) identifying historic properties; 3) assessing effects to historic properties; and 4) resolving adverse effects.

2.1.2.1   Initiate the Process: Define the Undertaking and the APE, Initiate Consultation

The first step required of a Federal agency is to determine whether compliance with Section 106 is necessary for a particular action. Section 106 applies if (1) the project or action is a Federal undertaking and (2) if the action is the type of action that has the potential to impact historic properties.

The NHPA and 36 CFR 800.16(y) define an undertaking as "a project, activity, or program funded in whole or in part under the direct jurisdiction of a Federal agency, including those carried out on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval." An action is thus a Federal undertaking if it involves:

- Federal property,
- Federal funding,
- OR Federal permits, licenses or approval.

ARNG projects that do not involve Federal funding, Federal permits, or Federal property are not subject to Section 106 compliance. However, state and local preservation laws and regulations may apply to those actions.

Determine Whether There is an Existing PA/MOA

If the undertaking is determined to have potential effects on historic properties, then the CRM should assess whether the undertaking is covered by an existing NHPA PA or MOA. If the undertaking is covered by an existing PA or MOA, procedures outlined in at agreement document should be followed. If the undertaking is not covered by an agreement document, the Section 106 process should be initiated, as described below.

Defining the APE

Section 106 requires Federal agencies to define and document the APE. According to 36 CFR 800.16(d), the APE is the "geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist." The APE is determined by

the "scale and nature of the undertaking" and may differ for various types of effects resulting from a single undertaking. The delineation of the APE should take into account the following factors:

- All alternative locations for all elements of the undertaking;

- All locations where the undertaking may result in ground disturbance;

- All locations from which elements of the undertaking (new buildings or other facilities, land disturbance, etc.) may be visible or audible;

- All locations where the activity may result in changes in traffic patterns, land use, or public access.

The APE may include multiple or noncontiguous areas. It is important to keep in mind that the APE may extend beyond the project footprint. For example, the construction of a new readiness center may necessitate the disposal of the old facility. The old facility is part of the APE for this undertaking, and effects must be considered under Section 106. The State ARNG CRM should contact the ARNG-ILE POC with questions about defining an APE.

Furthermore, an APE defined for NHPA compliance may differ from a "Study Area" defined under NEPA for the same undertaking. In defining the APE, it is important to remember that adverse impacts to historic property viewsheds may not end at the ARNG property line but have the potential to affect historic properties within line of site.

Initiating Consultation

If the ARNG determines that Section 106 applies to an action, the CRM should initiate consultation at this stage of the process. At a minimum, this initial consultation should serve to identify consulting parties, including the SHPO, Tribes, interested groups, and the public, as appropriate, and describe the undertaking and preliminary APE in a letter,

NOTE: this initial invitation to consult can be combined with the State ARNG Determination of Effects if an Expedited Consultation procedure is adopted (see sidebar).

> **Expedited Consultation**
> **(36 CFR 800.3(g))**
>
> Depending on the extent of existing historic property evaluation efforts and the nature of the undertaking, the consultation initiation, resource identification, and effect assessment steps can be addressed in a single consultation letter. This is particularly true when existing surveys have shown that no historic properties are present in the APE.

2.1.2.2   Identify Historic Properties within the APE

The second step in the 106 process is to identify – through inventory and evaluation – historic properties that may exist within the APE (36 CFR 800.4(b)(1)). Once the APE has been established, through consultation, the CRM must determine the presence or absence of historic properties (i.e., cultural resources eligible for or listed in the NRHP) within the APE. This consists of two parts:

- A review of existing survey reports of structures and archaeological sites in the area, as available;

- New inventories to identify above- and below-ground resources, as necessary.

> **Resolving Eligibility Disputes**
>
> The Keeper of the National Register (Keeper) is the final arbiter of all disagreement between the State ARNG and the SHPO over determination of eligibility. The State ARNG should work with the SHPO to resolve the dispute and contact ARNG-ILE prior to submitting any disputed eligibility determinations to the Keeper.

All cultural properties identified within the APE require evaluation for NRHP eligibility per the criteria set forth in 36 CFR 60.4. The identification phase is incomplete until the appropriate SHPO has reviewed the results and concurred with the eligibility determinations. Note that there is no difference from a management standpoint between properties that are eligible for listing in the NRHP, and those that are listed. They are treated the same under Section 106. Detailed discussions of the identification and assessment of properties are found in 36 CFR 800.4.

Timing

Timing for Section 106 inventories and evaluations will vary depending on the size and nature of the undertaking, and the availability of existing reports. In general, the CRM should anticipate three to six months for identification of historic property efforts within smaller APEs where no previous investigations have been conducted.

No Historic Properties

If no historic properties are identified within the APE, the CRM will request concurrence from the SHPO on a finding of "no historic properties present." The CRM will provide a copy of its findings to the Tribes and other consulting parties (as appropriate). The following documentation should be provided to the SHPO and interested parties to substantiate the finding:

- A description of the undertaking, specifying Federal involvement;

- A description of the APE including photographs, maps, and drawings, as necessary;

- A description of the steps taken to identify historic properties (36 CFR 800.4(b));

- The basis for determining no historic properties are present or affected;

- Survey reports, as appropriate. NOTE: The location of archaeological sites is protected under 32 CFR 229.18, regardless of eligibility status. Survey reports should not be released to the public.

The SHPO has 30 days to concur with the ARNG finding of "no historic properties affected." If the SHPO fails to respond within 30 days, the ARNG may assume concurrence. In such cases, a follow-up contact is recommended prior to commencing with the undertaking. If no concerns are expressed over the findings, the Section 106 process is considered completed, and the ARNG can proceed with the undertaking with no additional consultation required.

If historic properties are identified within the APE, consultation will continue with an assessment of effects.

2.1.2.3   *Assess Effects to Historic Properties*

The state CRM must determine if the undertaking will affect historic properties identified within the APE, and if so, if those effects are adverse. Regulation 36 CFR 800.5(a)(1) defines an adverse effect as any action that "may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." Examples include:

- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR 68) and applicable guidelines;

- Removal of the property from its historic location;

- Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance;

- Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian Tribe or Native Hawaiian organization; and

- Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

An adverse effect includes reasonably foreseeable effects that may occur at the time of implementation of the undertaking, as well as those that may occur later in time, be further removed in distance, or be cumulative. For example, if the construction of a new building (with Federal funds) will require the disposal of another building, and the building slated for disposal is historic, adverse effects to that historic building must be considered, even if the disposal will not take place for several years.

One of two determinations of effect may result from this assessment: no adverse effect, or adverse effect.

No Adverse Effect

If the ARNG finds that the undertaking will not have an adverse effect on a historic property, the CRM will request concurrence from the SHPO on a finding of "no adverse effect." The CRM will provide a copy of its findings to the Tribes and other consulting parties (as appropriate). The following documentation should be provided to the SHPO and interested parties to substantiate the finding:

- A description of the undertaking, specifying Federal involvement;

- A description of the APE including photographs, maps, and drawings, as necessary;

- A description of the steps taken to identify historic properties (36 CFR 800.4(b));

- The basis for determining no adverse effect;

- Survey reports, as appropriate. NOTE: The location of archaeological sites is protected under 32 CFR 229.18, regardless of eligibility status. Survey reports should not be released to the public.

The SHPO has 30 days to concur with the ARNG finding of "no adverse effect." If SHPO fails to respond within 30 days, the ARNG may assume concurrence. In such cases, a follow-up contact is recommended prior to commencing with the undertaking. If no concerns are expressed over the findings, the Section 106 process is considered completed, and the ARNG can proceed with the undertaking with no additional consultation required.

> **Resolving Effect Determination Disputes**
>
> In the event that the SHPO disagrees with the State ARNG's determination of effect, the State ARNG can request comments from the ACHP on the effect finding (36 CFR 800.5(c)(2)). The State ARNG should contact ARNG-ILE prior to requesting comment from the ACHP.

Adverse Effect

If the CRM determines that the undertaking will result in an adverse effect on a historic property, the CRM will notify ARNG-ILE, the SHPO, the ACHP, and consulting parties of its finding, and of its intent to resolve the adverse effect. The ARNG-ILE must be apprised of a project (and any adverse effect findings) early in the planning stage, and prior to the State

ARNG notifying ACHP. The ACHP must be invited to participate in consultation where there is a finding of adverse effect. The consultation should be an open dialogue among the parties; the regulations do not provide any minimum or maximum timeframes or prescribed means of conducting the consultation. The CRM's notification letters, need to have the following documentation:

- A description of the undertaking, specifying Federal involvement;

- A description of the APE including photographs, maps, and drawings, as necessary;

- A description of the steps taken to identify historic properties (800.4(b));

- A description of the affected historic properties, including characteristics that qualify them for listing in the NRHP;

- A description of the undertaking's effects on historic properties;

- An explanation of why the criteria of adverse effect were found applicable or inapplicable;

- Discussion of any conditions or future actions to avoid, minimize, or mitigate adverse effects;

- Copies or summaries of any views provided by consulting parties.

The CRM should also re-evaluate its efforts to notify the public. The above information should be made available. The CRM should contact the ARNG-ILE for questions about public notification.

2.1.2.4   *Resolution of Adverse Effects*

The State ARNG has three options to resolve an adverse effect – avoidance, minimization, or mitigation.

- Avoidance: the State ARNG may make the decision to alter the project in order to avoid adverse effects to historic properties. These decisions may need to be codified in an agreement document, depending on the nature of the effects and the avoidance measures required, but will <u>ultimately result in a finding of "no adverse effect."</u> Depending on the scale of the project alterations, this may require additional Section 106 consultation if the APE changes.

- Minimization and mitigation: in cases where adverse effects cannot be avoided, the State ARNG must mitigate the adverse effects. Where possible, these efforts should minimize the adverse effects, but will still <u>ultimately result in a finding of "adverse effect</u>." These decisions will need to be codified in an agreement document (an MOA), that will be signed, at a minimum, by the TAG, SHPO, Chief, ARNG-ILE, and the ACHP (if they have chosen to participate.) The MOA is a legally binding document.

Section 2.2 provides further discussion of Section 106 agreement documents including MOAs and PAs.

Creative Mitigation

As discussed above, there are instances when the ARNG cannot implement actions that avoid or minimize adverse effects to historic properties. Measures to mitigate adverse effects are negotiated through the Section 106 process and memorialized in an MOA. However, sometimes standard mitigation measures such as Phase III data recovery or Historic American Buildings Survey (HABS) documentation are not feasible. This may be due to risks to health and human safety, expedited project schedules, or if the standard mitigation measures fail to address the adverse effect or have already been completed.

In these situations it may be necessary to develop alternate mitigation measures to address the adverse effects of the property. Creative mitigation measures should relate to the adverse effect or the type of resources being affected, and should attempt to offset the loss of historic properties or their features by providing another outlet for preservation or representation of a property's significance. It always is

beneficial to consider the relative benefit to the American public of a proposed mitigation measure. Such examples of creative mitigation might include:

- Offsite mitigation: This is commonly used if the property is located in an area that cannot be safely mitigated, or if the ARNG does not own the property;

- Historic interpretation (historic markers, exhibits, etc): This may include static displays of cultural resources located on or off the ARNG installation;

- Use of protective easements or covenants (Army Compatible Use Buffer [ACUB] lands);

- Development of historic contexts or predictive models: these can also be used as future planning tools;

- Collection of oral histories of the area to be adversely affected from former residents, staff, or Guardsmen;

- Public outreach programs: creative mitigation measures may be an excellent way to educate the public, raise awareness, and generate interest. Interpretive signage or brochures, historic trails, interactive displays, or websites are good ways to capture public interest in an installation's cultural resources.

2.1.3   Documenting Consultation

As a legal requirement, it is recommended that State ARNGs retain accurate records of the consultation process. This should include copies of all correspondence, determinations of eligibility and effect, SHPO concurrence, public notifications, and records of any pertinent meetings, phone calls, etc.

An MFR can be developed by the CRM to document those portions of the consultation process that are not otherwise captured in formal correspondence. This is important in maintaining a thorough record of the consultation process. There is no set format for an MFR although the CRM should consult AR 25-50 (Chapter 2-7) for guidance on its development, and a sample MFR is included in **Appendix D**. At a minimum, the MFR should include the following:

- Names of parties in communication;

- Contact information for the parties;

- Affiliations of the parties in communication;

- Form of contact (email, telephone, etc.);

- Date of contact;

- Topics discussed;

- Agreements reached or identification of items requiring further discussion.

2.2   Agreement Documents

Two types of documents (MOAs and PAs) formally recognize and delineate relationships among interested parties and stakeholders; typically the State ARNG, the NGB, the SHPO, and other parties, as appropriate. MOAs are project-specific, and used when an adverse effect is known and definable. PAs may be project-specific (where effects are yet to be determined) or procedural, and are used to streamline the consultation process.

The general format of both document types is the same but the intent and function of each is different. Agreement documents range from general consultation agreements to procedures for project-specific

situations. Using the correct agreement document avoids mission delays in the long run. The following are descriptions of the two document types.

2.2.1   MOAs

An MOA is the document that records the terms and conditions agreed upon by the ARNG and consulting parties to resolve the adverse effects of an undertaking upon historic properties (32 CFR 800.16(o)). It addresses a *specific project or goal in accordance with the NHPA's Section 106 process,* and defines the responsibilities and actions required of each party to resolve the adverse effects and fulfill the Section 106 process.

When drafting an MOA, the State ARNG should work closely with the ARNG-ILE POC, and use the templates provided by ARNG-ILE and available on GKO. Sample MOAs can be found in **Appendix E**. Consultation with the SHPO, ACHP (if appropriate), and interested parties (including Tribes) should occur before the draft MOA is sent to ARNG-ILE for review, to ensure that the regulators and interested parties concur with the stipulations set forth.

The document will be reviewed by divisions within ARNG Directorate (Environmental, Installations, Training, Public Affairs), by NGB-JA, and by the OACSIM prior to being signed by the Chief, ARNG Environmental Divisions Program. Other signatories to the MOA include the TAG, SHPO, and ACHP (if they choose to participate). Other parties involved in the consultation process may sign the MOA as Concurring Parties. The ARNG-ILE document review process can be found in **Appendix F**.

Timing: Typically this process requires a minimum of 6 months.

More detailed discussion on writing an MOA can be found in **Chapter 5**.

2.2.2   PAs

A PA is a program alternative to the normal Section 106 process, designed to streamline consultation by resolving adverse effects resulting from certain complex project situations or multiple undertakings. The PA records the terms and conditions agreed upon by the ARNG, the ACHP, and other parties, as appropriate (SHPO, Tribes) to resolve the potential adverse effects of a Federal agency program or complex undertaking (36 CFR 800.16(t)). This type of agreement *establishes the procedures* for consultation, review, and compliance with Section 106. A PA may be useful:

- Where routine activities are taken at Federal installations or with Federal funds;
- When effects on historic properties are similar and repetitive, or regional in scope;
- When effects on historic properties cannot be fully determined prior to approval of an undertaking;
- When nonfederal parties are delegated major decision-making responsibilities;
- When a project is large, complex, or controversial;
- When a project will involve several parties with diverse roles and responsibilities;
- When a project will occur in phases over long periods of time (years);
- Where other circumstances warrant a departure from the normal Section 106 process.

When drafting a PA, the State ARNG should first review the *National Guard Bureau (NGB) Guidance for the Completion and Implementation of Programmatic Agreements under the National Historic Preservation Act* (16 March 2009; see **Appendix G**). The State ARNG should work closely with their

ARNG-ILE POC. Consultation with the ACHP, SHPO (if appropriate), and interested parties (including Tribes) should occur before the draft PA is sent to ARNG-ILE for review, to ensure that the regulators and interested parties concur with the stipulations set forth.

The document will be reviewed by divisions within ARNG Directorate (Environmental, Installations, Training, Public Affairs), by NGB-JA, and by the OACSIM prior to being signed by the Chief, ARNG Environmental Divisions Program. Other signatories to the PA include the TAG, ACHP, and SHPO (if appropriate). Other parties involved in the consultation process may sign the PA as consulting parties. The ARNG-ILE document review process can be found in **Appendix F**.

Timing: The development of a PA can take up to 12 months.

More detailed discussion on writing a PA can be found in **Chapter 5**.

2.3   Program Alternatives

Per 36 CFR 800.14, Federal agencies may develop Program Alternatives for the purposes of streamlining the normal Section 106 process. These are generally developed at the NGB, HQDA or DoD level and include the following:

- Alternate Procedures: developed by the agency (HQDA) and the ACHP, these consist of a comprehensive alternative process for Section 106 compliance;

- PAs: discussed in **Section 2.2.2**, these are developed at the state or agency level and are generally less comprehensive than Alternate Procedures;

- Exemptions: identify categories of undertaking that are exempt from the standard Section 106 process. These are generally established on a nationwide basis;

- Standard Treatments: established by the ACHP for the standard methods of treating a category of property, undertaking, or effects;

- Program Comments: established by the agency (HQDA) in consultation with the ACHP for a category of undertaking. They are specific to a type of undertaking or resource.

> **Identifying Program Alternatives**
>
> DoD, HQDA, and NGB have developed a streamlined Section 106 consultation processes for specific building types and maintenance activities (see Chapter 9.2.2). These Program Alternatives should be reviewed during the earliest stages of the process to determine if or how they may apply to the undertaking.

2.4   Emergencies

The following refers only to State ARNG responses to State ARNG-controlled properties. This is not guidance for deployment of National Guard units in response to a disaster or emergency.

Per 36 CFR 800.12 (Emergency Situations), the timeline for Section 106 review can be substantially reduced if the renovation or repair to historic buildings is required as a result of an emergency situation (e.g., flooding, tornados, earthquakes, or hurricanes). **This timeline reduction only applies in situations where the President or the Governor has declared an official state of emergency.** The CRM notifies ARNG-ILE ACHP, SHPO, THPO, and any other interested parties, who then have *7 days* (rather than the traditional 30 days) to comment on the undertaking. Developing a PA among the ARNG, ACHP, SHPO/THPO, and interested parties as a proactive measure may serve to streamlines procedures for emergency situations.

The emergency does not negate the Section 106 process. Once the emergency has passed, the CRM will conduct all appropriate actions, including submittal of any reports or correspondence documenting the actions taken to the consulting parties, to complete the Section 106 process. In an emergency situation, the state CRM should contact the ARNG-ILE POC, after the risks to health and human safety have been addressed.

2.5   Failure to Comply with Section 106

It is a serious matter if a Federal agency fails to comply with the Section 106 process and afford the SHPO, ACHP, Tribes, or other interested parties a reasonable opportunity to comment on such effects. Such compliance lapses can halt or delay critical activities or programs. The ACHP can determine that a State ARNG did not comply with Section 106 properly and its opportunity to comment had been foreclosed (36 CFR 800.9(b)). In such a case, the ACHP would officially notify the Secretary of the Army that it had not appropriately complied with Section 106 in accordance with 36 CFR 800. A foreclosure on the part of a State ARNG would result in a high level of attention from ARNG Directorate, NGB, and Army leadership. NGB is prohibited from granting a loan, loan guarantee, permit, license, or other assistance to a State ARNG who, with intent to avoid the requirements of Section 106, has intentionally adversely affected a historic property to which the assistance would relate (36 CFR 800.9(c)(1)).

2.6   Section 110

Section 110 compliance is different from Section 106 compliance and outlines the Federal agency's responsibilities to historic properties. Federal agencies should rely on The Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 *Federal Register* 44720–44726) to ensure adequate methods and personnel are employed.

- Section 110 tasks the Federal agency (NGB) with protection of historic properties.
  Federal agencies are required to locate, inventory, and nominate all properties that may qualify for the NRHP on that agency's land.

- Section 110 requires that each state have a cultural resources management program.
  This program must include methods to identify, evaluate, and, if applicable, nominate historic properties within its control. The management plan must also include methods to preserve and protect historic properties.

- To comply with Section 110 NGB recommends, the State ARNG should complete planning-level surveys (i.e., a comprehensive inventory of cultural resources under their purview) to assist with planning of future training activities

  o Section 110 inventories are not project-driven. Section 110 compliance is not project specific and is required, as time and funds permit, regardless of the potential for adverse impacts on historic properties.

  o Inventories should occur on all Federal lands, and on state lands that receive any Federal support. The agency must assume responsibility for historic properties owned or controlled by the agency, and may be carried out in consultation with other state and Federal agencies, Tribes, and the private sector.

  o Funding for 110 surveys is usually low-priority. Surveys are conducted as funds are available. Currently, most cultural resource inventories and evaluations are conducted as part of Section 106 undertakings.

THIS PAGE INTENTIONALLY LEFT BLANK

3. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PROCESS AND CULTURAL RESOURCE MANAGEMENT

NEPA (42 USC 4321–4347) requires the examination of the environmental consequences associated with a proposed project and a consideration of the alternative courses of action. The NEPA process involves a structured approach to the identification and analysis of potential environmental effects of certain proposed Federal actions before those actions are initiated. NEPA also requires informing and involving the public. The procedures in Section 102 of the Act require that agencies:

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on:

i.   the environmental impact of the proposed action,
ii.   any adverse environmental effects which cannot be avoided should the proposal be implemented,
iii. alternatives to the proposed action,
iv.   the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
v.   any irreversible and irretrievable commitments of resources that would occur if the action was implemented.

The NEPA approach is systematic and interdisciplinary; cultural resources are one of the resources analyzed. No statutory definition of cultural resources exists under NEPA; however, the term is defined in other environmental laws and regulations. For the purposes of a NEPA analysis, cultural resources include:

- Historic properties, as defined in the NHPA;

- Cultural items, as defined by NAGPRA;

- Archeological resources, as defined by ARPA;

- Historic and paleontological resources, as defined by the Antiquities Act;

- Sites that are scientifically significant, as defined by the Archaeological Historic Preservation Act (AHPA);

- Sacred Sites, as defined in EO 13007, *Indian Sacred Sites*;

- Collections, as defined in 36 CFR 79.

This chapter provides a brief overview of NEPA; for more detailed discussion and step-by-step guidance on completing the cultural resources requirements under NEPA, the ARNG CRM should refer to the October 2011 *ARNG NEPA Handbook*.

3.1   Types of NEPA Review

The NEPA planning process requires five levels of environmental review: (1) Exemption by Law (law prohibits, exempts, or makes full compliance with NEPA impossible), (2) Emergencies (immediate actions that will have environmental impacts), (3) Categorical Exclusions, (4) Environmental Assessments, and (5) Environmental Impact Statements. The last three review levels are the most common and are discussed in more detail below. Figure 3-1 illustrates the process for determining the level of NEPA review for a proposed action.

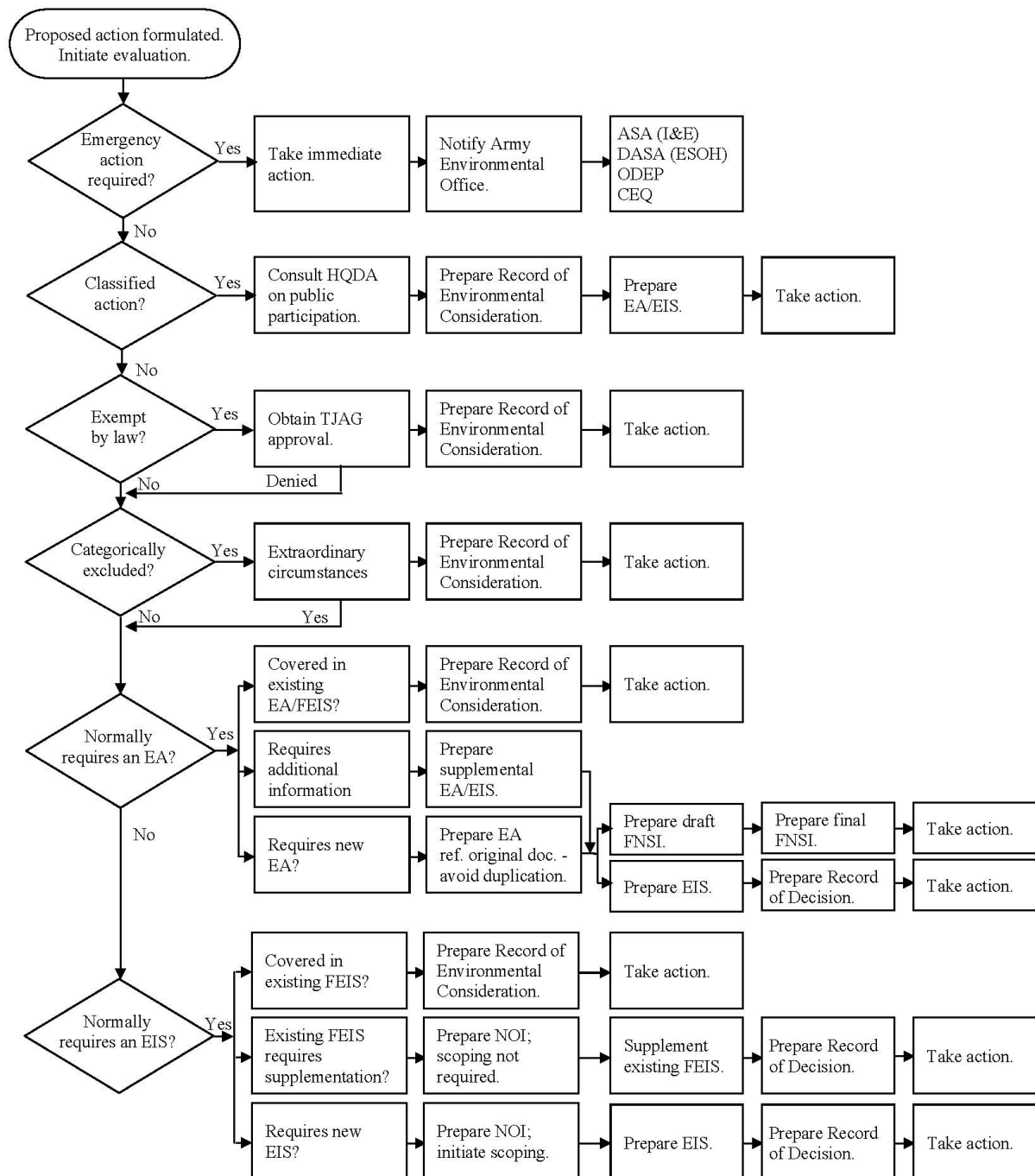**FIGURE 3-1. NEPA DECISION FLOWCHART.**

The applicability of NEPA will depend on the type of action that is proposed, whether the action is covered by a pre-existing NEPA analysis, the type and level of the impacts, and the sensitivity of the resources involved (see AR 200-2 for specific guidance). The following is a brief description of the documentation required for different levels of review:

1. Record of Environmental Consideration (REC) – a document that is prepared when one of the following occurs: impacts are accounted for in a previous NEPA document; the review is exempt by law; a classified action review (AR 380-5) occurs; the proposed action qualifies as a CATEX (defined below).

2. Categorical exclusion (CATEX) – A review of a proposed action to determine if it will individually or cumulatively have a significant effect on the human environment. If it qualifies as one of the categories of actions that do not have an effect, then it is excluded from further NEPA review (may still require Section 106 review) and an REC should be prepared.

3. Environmental Assessment (EA) – Review and documentation that is prepared to provide sufficient evidence to consider the proposed impacts and to determine if the proposed action will have a finding of no significant impact (FNSI) or if an EIS should be prepared. In some cases, an EA will document significant impacts but a FNSI will be reached through an agreement document (MOA) that reduces the impact, via mitigation measures, below a significant level.

4. Environmental Impact Statement (EIS) – Prepared when the action does not qualify for a FNSI or when it is determined that the proposed action is likely to result in significant impacts.

Implementing regulations for NEPA from the Council on Environmental Quality (CEQ) are in 40 CFR 1500–1508, *Regulations for Implementing the Procedural Provisions of NEPA*. Implementing procedures to CEQ regulations are in DoDD 6050.1, *Environmental Effects in the United States of Environmental Actions*. The NEPA process does not replace other required environmental statutes and regulations, such as those addressing cultural resources. However, NEPA facilitates project coordination by integrating compliance requirements that might otherwise occur independently. Compliance with NEPA alone does not satisfy the applicable requirements of other cultural resource laws, nor does compliance with those laws preclude the need to comply with NEPA. For a full examination of the NEPA process and ARNG policies, see the current *ARNG NEPA Handbook* (1 October 2011).

3.2 NEPA and Section 106 of the NHPA

NEPA legislation mandates the consideration of cultural resources. NHPA is a separate legal requirement from NEPA; Section 106 compliance must be satisfied regardless of NEPA compliance. The NHPA process (see **Chapter 2**) is different from the NEPA process (i.e., the study area for NEPA may not be the same as defined by NHPA); however, coordination of the two is strongly encouraged in the early planning stages (Figure 3-2).

Section 106 compliance requirements (see **Chapter 2**) must be integrated into NEPA analyses. The NHPA process, including the cultural resource inventory and assessment work, determination of mitigation measures, and consultation with the SHPO and the public, should be completed prior to preparation of the final NEPA document (Figure 3-3). If an agreement document to resolve adverse effects is necessary, it must be developed and executed prior to the signing of the final NEPA document (REC, FNSI, or Record of Decision). The state CRM should contact ARNG-ILE or NEPA POC with questions about coordinating NHPA into the NEPA process.

> **Use of an EA or EIS in Lieu of Section 106**
>
> Under 36 CFR 800.8(c) the EA or EIS process can be used to meet the requirements of Section 106. This is a very challenging approach and is not recommended. State ARNGs should contact ARNG-ILE if they are considering this approach.
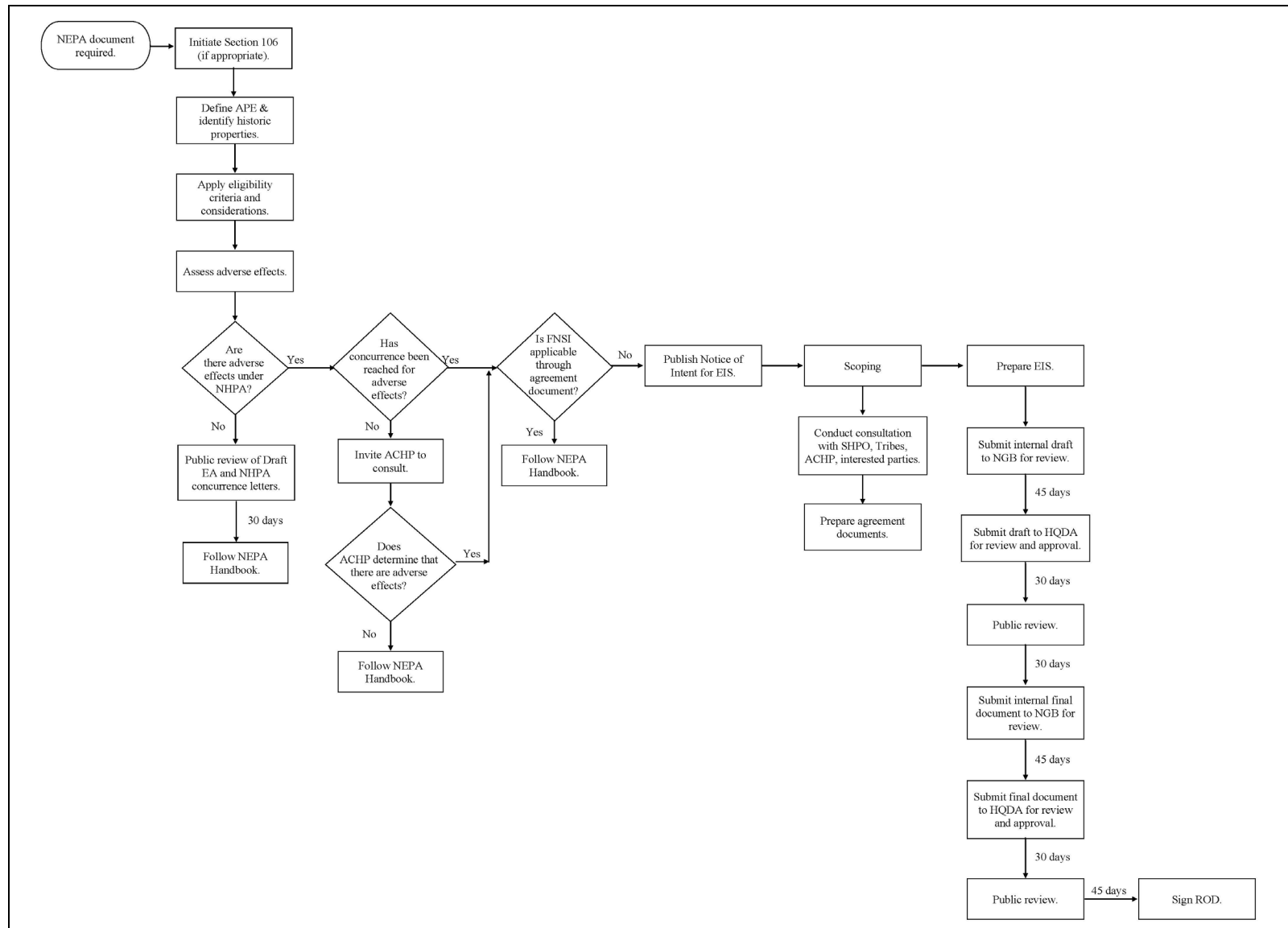
FIGURE 3-2. NEPA AND SECTION 106 COMPLIANCE FLOWCHART.

3.2.1   NEPA and Tribal Consultation

HQDA and DoD regulations and policy require consultation with Tribes during the NEPA analysis process. To comply with these requirements, State ARNGs must ensure that every Tribe with a cultural affiliation to the APE is formally invited to consult. Under AR 200-1 6-4 (4), the TAG is responsible for Tribal government-to-government consultation with Indian tribal leaders. Consultation is initiated using any established protocol agreed upon between the state and Tribes (e.g., MOU) per Section 106. When no established protocol exists, see **Chapter 4** for guidance.

Note: This figure represents an ideal coordination between NHPA and NEPA, not a required process. The coordination effort may not always happen according to the steps shown.

Source: Advisory Council on Historic Preservation.
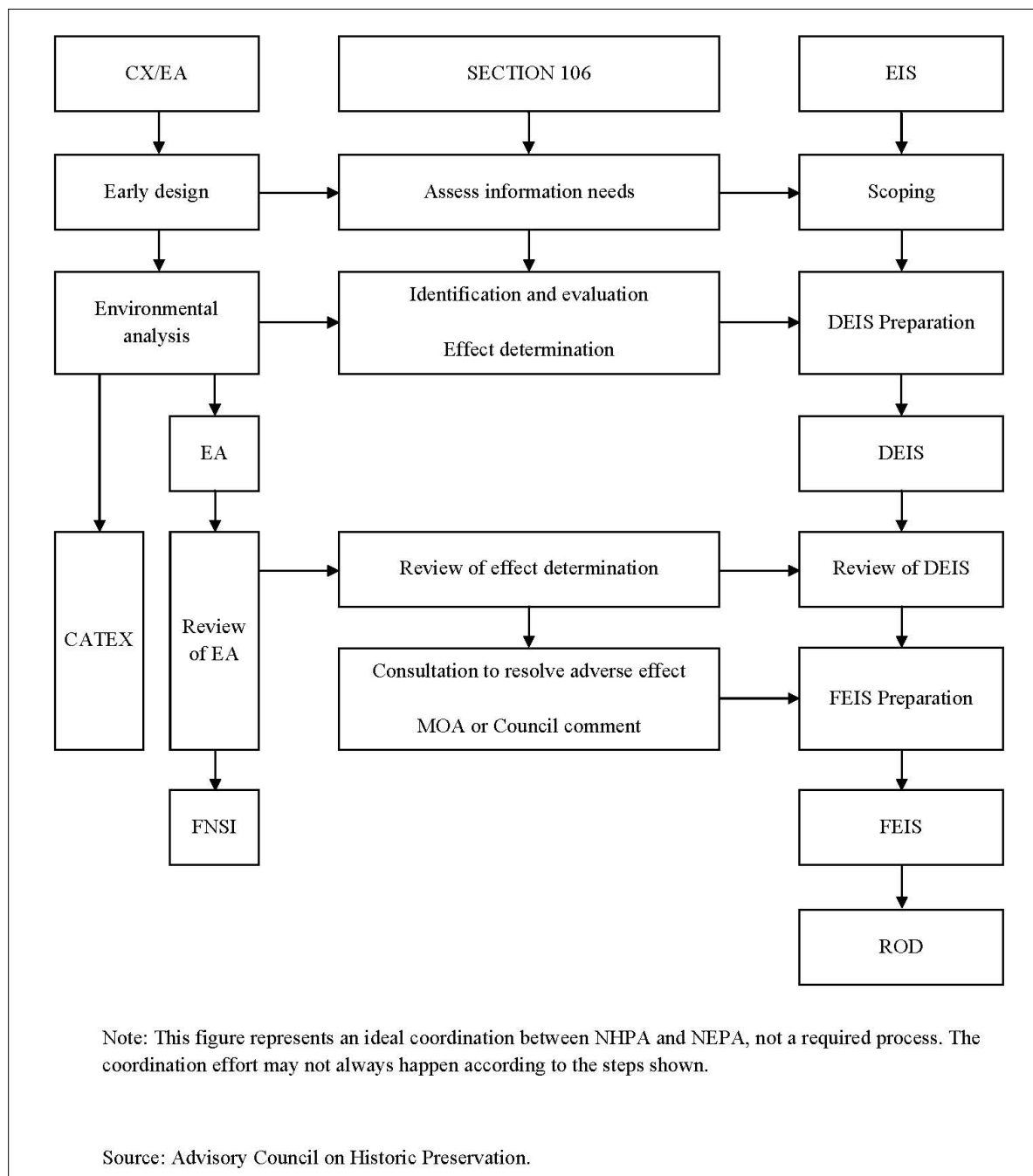
FIGURE 3-3. COORDINATING SECTION 106 AND NEPA REVIEWS.

3.3   Providing Cultural Resource Information for EAs and EISs

The state CRM should work with the NEPA manager to ensure that cultural resources considerations have been adequately addressed. The approach used for Section 106 compliance will provide the majority of information required for an adequate assessment of potential impacts to cultural resources under NEPA.

For detailed guidance in describing the affected environment and the environmental consequences for cultural resources, the ARNG CRM should refer to the most current October 2011 *ARNG NEPA Handbook*. Note: Cultural resource site location information is protected under NHPA and ARPA; therefore, certain reports and specific location data, including archaeological sites and TCPs, should not be included in a public NEPA document.

The EA/EIS must contain the following cultural resources information:

- A description of the APE for cultural resources and steps taken to identify cultural resources. The APE under the NHPA will generally be the same as the "study area" under NEPA. There are instances where the two might not match exactly. For example, the study area under NEPA might include adjacent roads as part of a consideration of impacts to traffic patterns. This would not necessarily be part of the APE as defined under NHPA, if changing traffic has no potential to impact cultural resources. In such cases, the cultural resources section of the NEPA document should clearly explain the differences.

- Summary of information from completed historic properties inventory. A summary of the presence, number and type, or absence of historic properties within the APE is essential. Include the dates of SHPO concurrence on the determinations of eligibility.

- Determination of effects on historic properties, and the date of SHPO concurrence on this determination.

- The State ARNG will need to resolve any adverse effects to historic properties prior to the finalization of the NEPA process. A discussion of the methods by which any adverse effects will be resolved or mitigated should be included in the body of the NEPA document. If an MOA is developed, it will be attached to the final EA/EIS as an appendix.

- Documentation of consultation with the SHPO, THPO, Tribes, interested parties (as appropriate), and ACHP.

- Discussion of the State ARNG's actions in the case of inadvertent discovery.

- Copy of signed MOU, if applicable.

4. TRIBAL CONSULTATION

4.1   Introduction

Federal agencies are required to consult with Tribes under various statutes, EOs, and departmental instructions and guidance. American Indian Tribes are independent sovereign nations. The head of an American Indian Tribe is the equivalent of the head (or president) of an independent foreign nation. The NGB is a Federal agency and as such, must comply with Federal statutes and regulations as they relate to tribal relations.

Resources of interest to Native American Tribes can include certain landscapes or landforms, often referred to as Traditional Cultural Properties (TCPs). The Tribes may also have interest in native plant species, certain wildlife species, or even mineral resources. Archaeological resources that may not be eligible under the NRHP evaluation criteria could still hold significance to the Tribes for reasons other than those defined by archaeologists. Sacred sites as defined in EO 13007, *Indian Sacred Sites* (24 May 1996), or locations or resources important to the practice of American Indian religion need not be old, historic, or eligible for the NRHP.

The unique structure of the National Guard, as described in DoDD 5105.77 and AR 200-1, requires that State Guard organizations pursue Native American consultation on behalf of the NGB. Consultation between the State Guard official (TAG) and the designated tribal government representative is on a government-to-government basis. Although an agency is required to consult, American Indian Tribes have no approval or veto authority over any action of an agency. Some salient laws, regulations, and EOs directing Federal agencies to consult with Tribes are as follows:

- AR 200-1;

- American Indian Religious Freedom Act (AIRFA);

- ARPA;

- DoDI 4710.02, *DoD Interactions with Federally-Recognized Tribes* (14 September 2006); DoD *American Indian and Alaska Native Policy* Annotated 27 October 1999, and its corresponding Army memorandum, *American Indian and Alaska Native Policy* (24 October 2012);

- DoDI 4710.03, *Consultation Policy with Native Hawaiian Organizations* (25 October 2011);

- NEPA;

- NAGPRA;

- EO 13007, *Indian Sacred Sites*;

- NHPA for undertakings affecting historic properties (properties included in or eligible for listing in the NRHP), including American Indian cultural sites and TCPs (which may be natural sites such as wildlife and/or plant communities, etc).

4.2   Tribal Consultation Program

Tribal consultation is an ongoing Federal responsibility, not a one-time event. A long-term tribal consultation program for a State ARNG begins by learning of their interests and concerns. The level and type of interest that Tribes express in the State ARNG land and its resources will influence the State ARNG long-term tribal consultation program. The tribal consultation program of each Federal installation or land holding will be different, and tailored to the concerns and interests of the Tribes and the resources.

Once the initial consultation outreach has occurred, it is the responsibility of the State ARNG to maintain this relationship and keep the lines of communication open. A long-term tribal consultation plan may be written that is updated annually by the State ARNG and the tribal communities.

An effective tribal consultation program should do the following:

- Establish and maintain a relationship among the State ARNG Commander, program personnel, tribal liaison, and tribal officials and representatives. This should include periodic consultation with Tribes by the State ARNG Commander;

- Identify resources/locations of interest or concern to involved American Indian Tribes and how those interests or concerns can be addressed;

- Ensure effective tribal consultation in resource management program and plans, including finalization of the ICRMP, Integrated Natural Resources Management Plan (INRMP), and draft SOPs, and updates to them;

- Ensure effective tribal consultation in the State ARNG plans and actions, including NEPA and Section 106 compliance;

- Ensure annual reviews of the tribal consultation plan by the State ARNG;

- Develop a process for inadvertent discovery of archaeological resources, human remains, and cultural items (in accordance with state and Federal law), or determine the adequacy of SOPs and the ICRMP.

Each of these issues is discussed in further detail throughout the rest of this chapter.

4.2.1 Streamlining Consultation

An MOU is a useful tool for the facilitation and documentation of tribal consultation procedures. An MOU is a document (not a NHPA document) describing an agreement of cooperation between two or more organizations. An MOU can be used to lay out a framework for consultation purposes and is a document that can be updated as needed. The document defines the roles and responsibilities of each participant with respect to developing a partnership. For example, an MOU could foster cooperation between ARNG and Tribes prior to any actions or contracts that may develop as a result of the partnership. The MOU describes *broad concepts* of mutual understanding, goals, and plans shared by the parties. It may be directly between the State ARNG and the Tribe, or the NGB may be a party if the MOU addresses any Federal regulations (a Federal MOU); for example, an agreement to streamline Section 106 requirements. A sample Federal MOU is included in **Appendix I**.

If a tribal consultation agreement (MOU, in most cases) is developed, its terms will provide direction to the State ARNG tribal consultation program. Regardless of how the consultation program develops, the State ARNG should recognize that the interests of various Tribes will differ; all tribal concerns require attention and respectful consideration. Concerns of different Tribes may conflict with one another, and it is important to address potential conflicts to the extent possible such that all parties may be satisfied. The State ARNG should be as proactive as possible in its consultation program. Consultation, if conducted successfully, will identify potential issues well in advance of project planning, such that projects would have minimal impact on resources of concern to the Tribes. The ARNG-ILE tribal consultation program manager is available to participate in consultation meetings, especially in cases of multi-state tribal consultation meetings. Participation of the NGB representative may also be beneficial when there are sensitive matters being discussed or conflicts that may require a third party to help work through.

4.3   Steps to Establishing and Maintaining a Government-to-Government Relationship

4.3.1   Identify Tribal Governments

Several sources are available to identify Tribes with whom the State ARNG should consult. These are Tribes that may be culturally affiliated as defined in NAGPRA or that have a past or contemporary connection to the area of the ARNG installation or to local resources.

If a State ARNG has multiple installations and training grounds, certain Tribes may express interest in consulting in specific geographic areas. Other Tribes may be interested in consultation concerning all State ARNG lands. Through ongoing consultation efforts, the state and the Tribes can come to an understanding concerning project notification.

Information can be gathered about the geographical area of interest each Tribe has within a state or region. This is gained by researching historical sources and calling THPOs or tribal cultural staff. Historical sources can be examined for indications of the presence of Tribes that used or were affiliated with lands within the state. Information about contemporary tribal interest or concern near an ARNG installation can also be gathered by contacting a THPO or tribal cultural staff. The tribal contacts may identify other potentially interested Tribes with which to consult. Research should begin by contacting the following agencies and resources for information about whom the ARNG installation should consult with:

- SHPO (http://www.nps.gov/history/nr/shpolist.htm);

- THPOs within the state (http://www.nathpo.org/main.html);

- Native American Consultation Database, National NAGPRA, NPS (http://grants.cr.nps.gov/nacd/index.cfm);

- Notices of Inventory Completion Database, National NAGPRA, NPS (http://www.cr.nps.gov/nagpra/fed_notices/nagpradir/index.html);

- Notices of Intent to Repatriate Database, National NAGPRA, NPS (http://www.nps.gov/nagpra/fed_notices/nagpradir/index2.htm);

- Culturally Unidentifiable Native American Inventories Database, National NAGPRA, NPS (http://grants.cr.nps.gov/CUI/index.cfm);

- Database of Land Cessions and Treaties, National NAGPRA, NPS;

- Treaty and land cessions records and maps;

- Indian Claims Commission records;

- Other Federal agencies who have been consulting with Tribes;

- Project proponents of other recent Federal and nonfederal undertakings in the vicinity of the ARNG installation in which Tribes participated or commented.

4.3.1.1   Establishing Tribal Interests

There are a variety of methods used to identify Tribes with concerns or with interests in State ARNG activities. Examples may include: checklists with types of undertakings that Tribes may have an interest in, or maps indicating where the ARNG activities are conducted (see **Appendix H** for an example of a checklist). If there are no established consultation methods between the State ARNG and the Tribes, or if there is a change in leadership either at the State ARNG or within the Tribe, the State ARNG should initiate government-to government consultation. The process listed below is recommended for this initiation.

- The TAG must initiate consultation through a certified letter to the tribal leader (chairperson, president, THPO, etc.). The letter will contain a packet of information about the ARNG installations and training activities, and the TAG's delegation to the state CRM for future correspondence with the tribal POC.

- The CRM should follow up with the tribal office within 30 days of the initial letter by telephone or email. The CRM should ask the tribal office to identify the POC for cultural issues within the office, either a NAGPRA representative, a THPO, or a designated CRM specialist.

- If no response has been received from the Tribe within 60 days, the state CRM should send a final letter, reiterating the points mentioned in the first letter and directing all future correspondence to the CRM.

- The state CRM will document all communications attempts in an MFR and will continue the consultation process with the designated tribal POC.

4.3.2   Initial Tribal Consultation Meeting

Face-to-face consultation meetings with identified Tribes are an effective way to address upcoming state Guard activities that the Tribes may have an interest in, and to discuss any concerns. The State ARNG will work with the Tribes to determine when and how frequently consultation meetings should occur. Commonly a consultation meeting is held after initial methods of communication have been established, or when there is a change in leadership; these meetings may involve multiple Tribes or states. Subsequent meetings may occur periodically or as needed.

- The involvement in the consultation meetings of the TAG, an ARNG Directorate representative (when appropriate) the state CRM, the Natural Resources Manager, and other top decision makers is necessary. A tribal chairman is the equivalent of a head of state of a foreign nation.

- The designated tribal POC for the State ARNG (usually the CRM) will send a letter to a tribal leader inviting participation in a meeting to tour an installation and discuss interests or concerns about cultural resources. The letter should describe the agenda and the travel and lodging assistance that would be provided. Follow-up communication will occur as necessary.

- The meeting should be held at a "neutral" location such as a hotel or other public meeting facility, and may be moderated by a consulting firm.

- Consultation meetings often occur over a two-day period, not including travel. The first day may include the following elements:

  o Welcoming remarks by the TAG;

  o An opening prayer by one of the tribal representatives;

  o Introductions;

  o Presentations by ARNG personnel on the history of the installation, organizational structure, land and resource management, future plans and installation construction, upcoming fiscal year projects, and cultural resources information;

> **Multi-State Tribal Consultation Meetings**
>
> If several State ARNGs consult with the same tribal governments, they may choose to host multi-state tribal consultation meetings. These meetings can streamline the consultation process, save time and money, and can result in a larger Tribal attendance. The state ARNGs can take turns hosting, and each State ARNG can contribute funds to the hosting state.

- o An escorted tour of the facility, if a Tribe has expressed interest in such (this may extend to natural areas and areas with noteworthy wildlife or plant resources);

- o A closing prayer by a tribal representative.

- The second day may include the following:

  - o Discussion of the ARNG's ICRMP and SOPs regarding inadvertent discoveries;

  - o Development of a tribal consultation protocol. Generally, more than one meeting is required to develop an agreement;

  - o Development of a follow-up list of actions to be distributed, and discussed with all meeting participants.

- In conjunction with the planning of a two-day meeting, the State ARNG is expected to provide the following expenses:

  - o Direct meeting expenses (room rental, court reporter, mailings, reproduction, telephone, etc);

  - o Tribal representative direct travel costs (mileage/transportation, lodging, per diem; meeting honoraria is optional but is usually provided to tribal representatives who are asked to present or instruct, etc);

  - o Consultant services for pre-meeting coordination, meeting arrangements, program assistance, and post-meeting report and accounting.

- The consultant or the state CRM will prepare a post-meeting report which summarizes the proceedings and outcome; provides a list of attendees, copy of the agenda, a financial report of meeting costs; and issues recommendations on future meetings or other actions. The report should be distributed to all meeting participants.

Additional guidance on conducting tribal consultation meetings can be found in **Appendix J**.

4.4 Tribal Consultation's Role in Resource Management

Tribal consultation is required to appropriately manage the natural and cultural resources on ARNG lands. Resource management is an integral part of the State ARNG's responsibilities; these are maintained through ICRMPs and INRMPs. Tribal consultation occurs during the drafting and implementation of these management plan documents. Consultation is also required under the NEPA review process and AR 200-1 6-4(4). Additionally, the Section 106 process requires outreach to Tribes and other external stakeholders for Federal undertakings.

The following summaries of compliance actions require tribal consultation and may require integrated, albeit separate, consultations.

4.4.1 Consultation during INRMP and ICRMP Development and Updates

DoDI 4715.16 (Enclosure 6(2)(i)) calls for tribal consultation in conjunction with the development and five-year revisions/updates of ICRMPs, as well as the ICRMP annual reports. DoDI 4715.03 (Enclosure 3(1)(e)(3)) mandates tribal consultation during the initial INRMP development.

Consultation for the ICRMP/INRMP should consist of outreach during the earliest stage of document development. Including ICRMP/INRMP updates during tribal consultation meetings is recommended to apprise Tribes of the document and its content.

The State ARNG should develop SOPs that specify plans of action for specific situations: for example, tribal coordination with NEPA and other cultural resource requirements, and inadvertent discoveries of Native American cultural deposits, including human remains or grave goods. These SOPs may be included in the ICRMP and should be referenced in all project plans and distributed to the onsite team.

4.5   Consultation in State ARNG Plans and Actions

4.5.1   Tribal Consultation under Section 106

To comply with Section 106 consultation requirements, the State ARNG must identify Tribes with a current or historic interest in the area, and initiate consultation with a letter describing the location and type of undertaking and inviting comment. If there is a prior established relationship between the State ARNG and the Tribe, this letter can come from the designated State ARNG tribal POC. If there is no prior relationship, the State ARNG must initiate government-to-government consultation per **Section 4.3** above. It is recommended that this letter serve as an addition to periodic face-to-face consultation meetings.

4.5.2   Tribal Consultation for NEPA Compliance

The requirements for consultation with Tribes are outlined in the NHPA, NAGPRA, EO 13175, and EO 13007. The State ARNG has a responsibility per DoDI 4710.02, *DoD Interactions with Federally Recognized Tribes*, to determine if a proposed action will impact tribal resources. These requirements, and the guidance in AR 200-1, require the State ARNG to consult with Tribes during the NEPA process to ensure that any Tribes with a cultural affiliation to the proposed project area(s) is given the opportunity to participate as a consulting party. Typically, these Tribes are identified, and their contact information updated as necessary, within the statewide ICRMP and then as part of the ICRMP annual reporting process.

> **Native American Consultation**
>
> The Native American Consultation process establishes and maintains a positive, long-term relationship between the State ARNG and the Tribes, including open, meaningful, and regular dialogue. The Native American Consultation process is *not* merely to provide the Tribes with information concerning ARNG activities and offer them an opportunity to comment.

NEPA and NHPA are two separate statutes, each with consultation requirements. Therefore, fulfillment of consultation requirements under NEPA does not necessarily mean the requirements under NHPA have been fulfilled. The specifics of tribal consultation under NEPA are addressed in Chapter 8 of the *ARNG NEPA Handbook*.

4.5.3   Inadvertent Discoveries of Native American Cultural Deposits

Each State ARNG should have a process in place for addressing the inadvertent discovery of Native American cultural deposits, including human remains or grave goods. As previously mentioned, the State ARNG's ICRMP should include SOPs that describe the procedures for such inadvertent discoveries. These SOPs may require tribal consultation as part of the protocol for particular discovery situations, including human remains or associated or unassociated grave goods. When the State ARNG has only state land, the CRM is responsible for researching and referencing the state burial laws for proposed project plans.

4.5.4   Consultation Regarding Land, Facilities, and Operations

DoDI 4710.02 states that consultation will apply to proposed actions that have the potential to impact tribal communities. These types of actions include:

- ground-disturbing activities;
- construction;

- cell tower development;

- training;

- overflights.

The State ARNG is also responsible for management and protection of properties of traditional religious and cultural importance. This may include:

- protection of sacred sites from vandalism and other damage;

- access to sacred sites;

- access to treaty-reserved resources;

- disposition of cultural items;

- land use decisions.

The state CRM should work with all State ARNG personnel responsible for land management and operations to ensure that tribal interests are considered as part of routine management and operation processes.

4.6   Protection of Information

Section 110 (a)(2) of the NHPA tasks State ARNGs with the development and maintenance of a comprehensive inventory of cultural resources on the installation. However, this information should not be released to the public. Provisions in various laws (including Section 304 of NHPA, EO 13007(1)(2), ARPA Section 9, and 36 CFR 800.6(5)) allow the State ARNG to protect information about the location and nature of sensitive Native American sites, if the Tribe objects to public disclosure. Information may also be restricted if the CRM or another participating agency official believes disclosure of the information may be detrimental for any reason.

THIS PAGE INTENTIONALLY LEFT BLANK

5. WRITING AGREEMENT DOCUMENTS

Agreement documents are used to set forth roles and responsibilities and interactions between parties. They can be project-specific or process-driven. The most common types of agreement documents developed and used by the State ARNG include:

- NHPA MOAs;
- NHPA PAs (Alternate Procedures);
- MOUs (Federal or state);
- Curation Agreements.

All agreement documents follow the same basic format and consist of five elements:

- Title;
- Preamble (i.e., Whereas clauses);
- Stipulations;
- Execution clause and Signature Page;
- Appendices (Supporting documentation).

Federal agreement documents (NHPA MOAs, NHPA PAs, and Federal MOUs) must be sent to ARNG-ILE for review prior to signature by the Chief, Environmental Division. Where appropriate, the documents will also be staffed with the ARNG Directorate Installations, Training, and Public Affairs Divisions, as well as NGB-JA and OACSIM. For a full description of the review process, consult the *ARNG-ILE Environmental Document Review Policy* (3 March 2011).

Curation agreements do not need to be reviewed or signed by ARNG-ILE or higher headquarters, although the ARNG-ILE CRMs are available to assist in the development of these types of documents, if necessary.

This section provides guidance on the necessary elements of each document type. Ensuring that the document contains all the necessary elements before going to ARNG-ILE for review will expedite the review process and reduce delays to projects.

5.1 Writing NHPA MOAs

ARNG-ILE has developed templates for MOAs dealing with adverse effects to both the built environment and archaeological resources. These are available on GKO and it is strongly recommended that State ARNGs use them to develop their own MOAs.

5.1.1 Contents of an MOA

An MOA should contain the following elements:

- **Title:** describing the undertaking and agencies bound by the MOA (typically this is NGB, the State ARNG, the SHPO, and the ACHP if they choose to participate).
- **Whereas clauses:** These clauses provide the background information and explain why an MOA is necessary. They should include:
  - A discussion of the role of NGB and the State ARNG;

- o A description of the undertaking;

- o A description of the APE;

- o Identification of historic properties;

- o A description of the adverse effects to the historic property(ies);

- o A summary of the consultation procedures with the SHPO, Tribes, and any interested parties, with dates of concurrence on the determinations of eligibility and adverse effect;

- o A summary of how the public was notified, whether any groups expressed interest in being a consulting party, and whether the ACHP decided to participate;

- o A discussion of alternatives to the undertaking.

- **Stipulations:** These are the measures by which the State ARNG will mitigate the adverse effects to the historic property (ies). These stipulations should be developed in consultation with the SHPO and any consulting parties, to ensure these parties are in agreement before the MOA comes to ARNG-ILE for review, and should include:

- o Stipulations directly related to the mitigation of adverse effects;

- o Stipulations that codify the administrative requirements of implementing the MOA.

- **Execution Clause**: States that the execution of the MOA fulfills the State ARNG's responsibilities under Section 106.

- **Signature Page:** The signatories to an MOA are typically as follows:

- o Chief, ARNG-ILE;

- o TAG;

- o SHPO;

- o ACHP, if they opt to participate;

- o Any groups that have participated in the development of the MOA may also sign as Concurring Parties. Note that Concurring Parties do not have the same authority as signatories with regards to amending and terminating the agreement;

- o More information on signatories to an MOA is available in the HQDA memorandum, *Defining Signatory Status for National Historic Preservation Act (NHPA) Programmatic Agreements (PA)* (19 January 2012) (**Appendix K**).

- **Appendices**: The appendices should consist of any documentation directly related to the implementation of the MOA. At a minimum, this should include the following:

- o Maps of the area, delineating the APE and the location of the affected historic property(ies). Maps should include a north arrow, scale, legend, and date of creation;

- o Any relevant standards and guidelines required in order to implement the MOA (e.g., state historic building recordation standards).

5.1.2   Timing for MOAs

TABLE 5-1. NHPA MOAS.

Step	Time Period	Time to Complete
Initiate consultation with SHPO and consulting parties on the undertaking per **Section 2.1**.	At earliest stages of the proposed project	30–90 days
Reach finding of adverse effect. Notify ARNG-ILE POC of finding of adverse effect and intent to develop MOA.	As soon as adverse effect is identified	ARNG-ILE will respond within 15 days.
Request concurrence from SHPO on finding of adverse effect; invite ACHP to consult.	After receiving response from ARNG-ILE	SHPO has 30 days to respond; ACHP has 15 days. If either requests additional information, the clock restarts.
Notify the public of the adverse effect and intent to resolve, and invite participation.	After concurrence of adverse effect has been received	Notification without NEPA: Public has 30 days to respond to notification. Notification concurrent with NEPA public comment period: Public notification timelines will vary depending on coordination with the NEPA process.
State ARNG develops draft MOA, in consultation with SHPO and any identified consulting parties.	After receipt of concurrence from SHPO. This can occur concurrently with the public notification period.	There is no maximum timeframe for the development of the draft MOA.
Submit draft to ARNG-ILE to initiate review process.	After SHPO and consulting parties have agreed on stipulations set forth in draft.	Minimum 90 days from initial submittal to staffing for Chief, ARNG-ILE signature. This may involve multiple levels of review. Refer to *ARNG-ILE Environmental Document Review Policy* in **Appendix F**.
Chief, ARNG-ILE signs document.	After receipt of legal sufficiency from NGB-JA and OACSIM-JA	Approximately 15 days
Other signatures obtained from signatories and Concurring Parties.	Signatures should be obtained in the following order: TAG, SHPO, other signatories, ACHP, Concurring Parties.	No set timeframe
Signed and executed MOA is submitted to ARNG-ILE and ACHP.		The MOA is formally executed once the ACHP acknowledges receipt.

5.1.3   Additional Notes on MOAs

- The ACHP must be notified and invited to participate in the MOA development at the beginning of the consultation process. The letter inviting ACHP consultation must include all the documentation outlined in 36 CFR 800.11, which includes: a description of the undertaking, steps taken to identify historic properties, effects on historic properties, an explanation for the finding of adverse effect, and copies or summaries of views provided by consulting parties and the public.

- State CRMs should notify consulting parties when mitigation stipulations have been fulfilled.

5.2   Writing NHPA PAs

ARNG-ILE has developed guidance for the development of a PA (*National Guard Bureau [NGB] Guidance for the Completion and Implementation of Programmatic Agreements under the National Historic Preservation Act* [16 March 2009]). This guidance is available on GKO, and in **Appendix G**. See also 36 CFR Sec. 800.14 (b)(1).

The process for writing PAs is very similar to that of writing MOAs; however, because of their nature and complexity, PAs will take longer to develop and execute.

5.2.1   Contents of a PA

A PA should include the following elements:

- **Title:** describes the undertaking and agencies bound by the PA (typically this is NGB, the State ARNG, the SHPO, and the ACHP);

- **Whereas clauses:** These clauses provide the background information and explain why a PA is necessary. They should include:

  o A discussion of the role of NGB and the State ARNG;

  o A description of the purpose of the PA;

  o A description of the APE;

  o Identification of types of properties or activities covered under the PA;

  o A description of the adverse effects that will be avoided or mitigated;

  o A summary of the consultation procedures with the SHPO, ACHP, Tribes, and any interested parties;

  o A summary of how the public was notified, and whether any groups expressed interest in being a consulting party.

- **Stipulations:** These are the measures by which the State ARNG will fulfill their consultation requirements outside of the standard Section 106 process. Stipulations may include mitigation measures where specific adverse effects have been identified, or they may group types of activities or historic properties together and outline consultation procedures for that category. These stipulations should be developed in consultation with the SHPO and any consulting parties to ensure these parties are in agreement <u>before</u> the PA comes to ARNG-ILE for review, and should include:

  o Stipulations directly related to the mitigation of adverse effects and/or;

  o Stipulations outlining alternative consultation procedures;

- o   Stipulations that codify the administrative requirements of implementing the MOA.

- **Execution Clause**: states that the execution of the PA fulfills the State ARNG's responsibilities under Section 106.

- **Signature Page:** The signatories to an MOA are typically as follows:

  - o   Chief, ARNG-ILE;

  - o   TAG;

  - o   SHPO;

  - o   ACHP;

  - o   Any groups that have participated in the development of the PA may also sign as Concurring Parties. Note that Concurring Parties do not have the same authority as signatories with regards to amending and terminating the agreement.

  - o   More information on signatories to a PA is available in the HQDA memorandum, *Defining Signatory Status for National Historic Preservation Act (NHPA) Programmatic Agreements (PA)* (19 January 2012; see **Appendix K**).

- **Appendices**: The appendices should consist of any documentation directly related to the implementation of the PA. At a minimum, this should include the following:

  - o   Maps of the area, delineating the APE and the locations of the affected historic property (ies), as appropriate. Maps should include a north arrow, scale, legend, and date of creation;

  - o   List of historic properties affected;

  - o   Any relevant standards and guidelines required in order to implement the PA (e.g., state historic building recordation standards).

5.2.2   Timing for PAs

TABLE 5-2. NHPA PAS.

Step	Timing	Time to Complete
Submit formal request to ARNG-ILE to develop PA.	Prior to inviting ACHP	ARNG-ILE will respond within 15 days.
Initiate consultation with SHPO, ACHP, and consulting parties on the undertaking per **Section 2.1**.	After ARNG-ILE approval received	30–90 days
Notify the public of the intent to develop PA, and invite participation.	Concurrent with consultation with SHPO, ACHP and consulting parties	Notification without NEPA: Public has 30 days to respond to notification. Notification concurrent with NEPA public comment period: Public notification timelines will vary depending on coordination with the NEPA process.
State ARNG develops draft PA, in consultation with ACHP, SHPO and any identified consulting parties.	After consulting parties have been identified	There is no maximum timeframe for the development of the draft PA.
Submit draft to ARNG-ILE to initiate review process.	After ACHP, SHPO, and consulting parties have agreed on stipulations set forth in draft.	Minimum 90 days from initial submittal to staffing for Chief, ARNG-ILE signature. This may involve multiple levels of review. Refer to *ARNG-ILE Environmental Document Review Policy* in **Appendix F**.
Chief, ARNG-ILE signs document.	After receipt of legal sufficiency from NGB-JA and OACSIM-JA	Approximately 15 days
Other signatures obtained from signatories and Concurring Parties.	Signatures should be obtained in the following order: TAG, SHPO, other signatories, ACHP, Concurring Parties.	No set timeframe
Signed and executed PA is submitted to ARNG-ILE and ACHP.		The PA is formally executed once the ACHP acknowledges receipt.

5.3   Additional Notes on NHPA Agreement Documents

- The State ARNG should develop and maintain an administrative record with all documentation associated with the development and execution of the MOA/PA. The administrative record should include:
  - Correspondence between the State ARNG, SHPO, ACHP, Tribes, and any other interested parties;
  - Copy of the public notice.

The state CRM should be prepared to provide a copy of the administrative record to ARNG-ILE, the ACHP, and any Signatories and Concurring Parties upon request.

- Inviting the public to participate in consultation is a mandatory and important aspect of the agreement document development process, and provides interested individuals an opportunity to comment on the proposed action (36 CFR 800.6(a)(4) and 800.14(b)(2)(ii)). State ARNG response to this requirement can vary significantly given the scope of the project. Solicitation of public involvement may involve:

  o Soliciting comments during NEPA public meetings. When using the NEPA public comment period to conduct public notification under NHPA, make sure that BOTH regulations are referenced;

  o Inviting local historical societies to participate in the development of the MOA/PA;

  o Posting notices in the local paper requesting public comment;

  o Finding and notifying local or state veterans' organizations;

  o Considering the interests of the ARNG personnel who utilize the facility and may have an interest in the management of its cultural resources.

- MOAs and PAs may have wide audiences who are not familiar with the technical lexicon used by the document's authors. Writing to facilitate understanding by a broad and nontechnical audience will help craft a useful agreement. Clear and direct language that specifically states the terms of the agreement is best. Using the active voice will help ensure clarity.

- Composing agreements is a flexible process; the documents should be written and structured in response to a specific circumstance. Agreements are tools to help everyone clarify actions in a certain situation and as such may be drafted differently for various participants and circumstances.

- All agreed upon provisions (including those for monitoring performance) must be in the document.

- Ensure that all mitigation measures have ARNG allocated funds from appropriate sources prior to offering/implementing.

- Professional qualifications: Both MOAs and PAs should stipulate that individuals performing the compliance work meet recognized professional standards and that the work will conform to recognized standards. These requirements may apply to history, archaeology, architectural history, architecture, and historic architecture. Current qualification standards are published online at http://www.nps.gov/history/local-law/arch_stnds_9.htm.

5.4   Writing Federal Tribal MOUs

An MOU is a beneficial tool for streamlining and documenting consultation procedures between the State ARNG and a Tribe. They generally focus on the roles and responsibilities of each party with respect to developing and maintaining a partnership.

5.4.1   Contents of an MOU

An MOU is a more flexible document with regards to content and organization than an NHPA agreement document. The following is a general guideline for the elements that may be included.

- **Title**: identifies the groups who are party to the MOU, and its purpose (typically this is NGB, the State ARNG, and the Tribe);

- **Whereas clauses:** These clauses provide the background information and explain why an MOU is necessary. They may include:

  o A discussion of the role of NGB and the State ARNG;

  o A discussion of the Tribe, its history, and its cultural affiliation to the area;

  o A discussion of the purpose and goals of the MOU;

  o Identification of areas of cultural significance;

  o A summary of the consultation procedures that occurred with the Tribes to develop the MOU.

- **Stipulations:** These are the measures that the State ARNG and the Tribe will implement in order to memorialize consultation procedures, and may include:

  o List of types of projects or historic properties that the Tribes have an interest in;

  o Identification of geographical areas of interest;

  o State ARNG and tribal POC designations;

  o Methods and frequencies of communication;

  o Discussion of inadvertent discoveries protocols.

- **Execution Clause**: states that the execution of the MOU fulfills the State ARNG's and the Tribe's responsibilities to maintain open channels of communication according to the stipulations therein.

- **Signature Page:** The signatories to an MOU are typically as follows:

  o Chief, ARNG-ILE;

  o TAG or EPM;

  o Tribal Leader.

- **Appendices**: The appendices should consist of any documentation directly related to the implementation of the MOU. At a minimum, this should include the following:

  o Maps delineating geographical areas of interest to the Tribe. Maps should include a north arrow, scale, legend, and date of creation;

  o Any relevant standards and guidelines required in order to implement the MOU (e.g., State ARNG and tribal POC contact information).

5.4.2   Timing for MOUs

TABLE 5-3. FEDERAL TRIBAL MOUS.

Step	Timing	Time to Complete
Initiate government-to-government consultation according to the steps outlined in **Section 4.3**.	As soon as a new Tribe, tribal leader, or TAG is identified	
Initiate specific consultation meeting to develop MOU. Identify the tribal POC for cultural resources.	During the initial tribal consultation meeting (**Section 4.3.2**)	
Develop draft MOU in consultation with the tribal POC.	After all parties agree to enter into an MOU	There is no set timeframe for the development of a draft MOU.
Submit draft to ARNG-ILE to initiate review process.	After the State ARNG and Tribe have agreed on language and terms	Minimum 90 days from initial submittal to staffing for Chief, ARNG-ILE signature. This may involve multiple levels of review. Refer to *ARNG-ILE Environmental Document Review Policy* in **Appendix F**.
Chief, ARNG-ILE signs document.	After receipt of legal sufficiency from NGB-JA	Approximately 15 days
Other signatures obtained from signatories.	Signatures should be obtained in the following order: TAG, Tribe.	No set timeframe. Once the fully signed MOU is received by ARNG-ILE, the MOU is considered formally executed.

5.4.3   Additional Notes on MOUs

MOUs are living documents intended to maintain an open and active dialogue between the State ARNG and the Tribe. They should be reviewed at every consultation meeting to ensure they are satisfying the goals of all parties, and can be revised as necessary.

5.5   Writing Curation Agreements

A Curation Agreement is an agreement between a collection owner and a curation facility for the long-term management and care of archaeological materials and associated records. It defines the terms of the management of the collection, including packaging and labeling, ongoing upkeep, regular inspections by qualified curators, and protocols for loaning materials or providing access to materials to researchers and students.

CRMs should identify a curation facility meeting Federal (per 36 CFR Part 79) or state standards during the development of the Statement of Work for any archaeological investigation. The State ARNG will develop and sign the agreement prior to the transfer of artifacts to the curation facility.

ARNG-ILE recommends that all ARNG curation agreements follow the agreement template in Appendix B of Part 79–*Example of a Memorandum of Understanding for Curatorial Services for a Federally-Owned Collection*.

ARNG-ILE expects that, as more specific information is obtained about ARNG collections (such as what objects are in them, where the objects are from, and how is the collection being curated), new curation agreements may need to be prepared, and current agreements may need to be modified. For additional assistance in addressing issues related to curation agreements, the State ARNG should contact the ARNG-ILE POC.

6. STATEWIDE ICRMPS

An ICRMP is designed to support the military mission and assist individual statewide installations in meeting the legal compliance requirements of Federal historic preservation laws and regulations in a manner consistent with the sound principles of cultural resource stewardship. The purpose of the ICRMP is to provide for the management of cultural resources in a way that maximizes beneficial effects on such resources and minimizes adverse effects and impacts without impeding the mission. At the discretion of each state, the ICRMP can also meet the individual state's historic preservation laws and regulations. Each ICRMP establishes priorities and standards for cultural resources identification and historic property evaluation on all ARNG installations and facilities in a state, and provides a schedule to accomplish program objectives. ICRMPs also provide a brief description of the ARNG virtual installation; an overview of known cultural resources, including NRHP status, across all ARNG installations and facilities within a state; and appropriate compliance and management activities for a five-year period. ARNG-ILE guidance requires the inclusion of all installations into one integrated plan, regardless of state or Federal ownership, because Federal actions or funding may be required, which triggers compliance with Federal regulations.

An ICRMP is an internal ARNG compliance and management plan required in accordance with DoDI 4715.16, *Cultural Resources Management*. An ICRMP is either revised or updated every five years in compliance with DoDI 4715.16 and AR 200-1. Additional guidance on ICRMPs is available in the 25 January 2010 Memorandum for Environmental Program Managers from ARNG-ILE (*Army National Guard Integrated Cultural Resource Management Plan (ICRMP) Policy Guidance for Revisions and Updates* from NGB-ARE) (see **Appendix L**).

6.1   ICRMP Template

Per AR 200-16-4a(1), all Federally owned Army, ARNG, and Army Reserves installations have statutory and regulatory cultural resource management responsibilities that necessitate the preparation and implementation of an ICRMP. As of the publishing of this handbook, all states have completed and implemented an ICRMP, or received a variance (see Section 6.2 below for a discussion of variances). States should use the most recent ICRMP template, available on GKO.

6.2   State ARNG ICRMP Variance Requests

Limited circumstances exist wherein State ARNGs can request exclusion from the ICRMP process. Reasons for a variance might include limited cultural resources on a virtual installation or ARNG activities occurring exclusively on non-ARNG-owned land. Variance requests made by state ARNGs must explain why an ICRMP is unnecessary. If five years have passed since the last variance, new requests must be filed. ARNG-ILE requires State ARNGs to provide *with the request* a full review of cultural resources, proposed projects, mission changes, etc., that could impact cultural resources; this information determines the extent of the need for an ICRMP. Requests are staffed through ARNG-ILE to OACSIM for approval. Even if a variance is approved, annual reports are still necessary. A variance does not preclude the State ARNG from having a cultural resource management program. The state still must adhere to all appropriate laws and regulations.

6.3   ICRMP Five-Year Reassessments

The ICRMP requires reassessment every five years. The five-year reassessment builds on the information, issues, and plans of the original ICRMP and reflects any changes in regulations and requirements. The resulting document can take one of two forms: an **ICRMP Update** or an **ICRMP Revision**, due on the anniversary of the current ICRMP signature. Updates are used when the cultural resource program has not changed since the previous ICRMP and the impacts to cultural resources have remained the same as in the

original ICRMP; most ICRMP reassessments will be of this type. ICRMP Revisions are required when the cultural resource program has changed and the original ICRMP no longer meets the program needs. ICRMP Revisions must fully address any changes in the management plan and explain how those changes impact cultural resources. It is necessary to formally notify ARNG-ILE six months prior to any ICRMP Updates or Revisions. Additional information can be found in the 25 January 2010 ARNG-ILE memorandum to EPMs (*Army National Guard Integrated Cultural Resource Management Plan (ICRMP) Policy Guidance for Revisions and Updates*). State ARNGs are responsible for updating or revising their original ICRMPs, and ensuring an up-to-date ICRMP is in place. Therefore, planning and work to revise or update the current ICRMP must occur prior to its expiration.

6.3.1   ICRMP Update or ICRMP Revision Determination

Six months prior to the five-year anniversary, the ARNG should evaluate the effectiveness of the current ICRMP. The State ARNG should determine the following:

- Is the ICRMP functioning?

- Is the ICRMP achieving the intended results?

- Are goals and objectives being met?

- Are SOPs effective and being used?

- Are stated support projects being completed?

ICRMP Updates

In most cases, ICRMP updates are sufficient. Issues like small acquisitions of new land, identification of new historic properties, an updated list of projected new undertakings or new cultural resource program projects, or the conversion of an ICRMP to fit the ICRMP template can be covered in an update.

ICRMP Revisions

If the ARNG determines that the ICRMP is not having the intended effect, then an ICRMP Revision will likely be necessary. Furthermore, an ICRMP Revision is preferred when:

A. *Preservation or environmental goals have changed*, such as when new regional or national contexts or areas of interest have developed; new Federal/state/local laws or regulations have taken effect; new regional/state/local land use planning agreements and partnerships have resulted in new or modified goals; new legal/regulatory findings/designations/requirements relating to land use have had a negative impact on cultural resources, or when the goals are no longer relevant and must be removed from the plan;

B. *New preservation objectives are identified*, such as new or revised preservation laws or regulations; new technologies or techniques become available that the State ARNG wants to apply to their preservation plan; new feedback from an earlier ICRMP results in changing of established goals or objectives, or the existing ICRMP lacked measureable objectives; or

C. *Mission goals change*, such as new training mechanisms; modifications to existing types of training; new equipment, vehicles, or weapons; modifications to equipment, vehicles, or weapons that may have a different impact on cultural resources; Base Realignment and Closure (BRAC)/transformation/other initiatives result in new units assigned to or removed from sites or installations with different mission/goals/objectives that could have a different impact on cultural resources; or changes in throughput requirements (training days, frequency, acreage, duration, etc.).

Upon evaluating the effectiveness of the current ICRMP, the State ARNG will submit a memorandum to ARNG-ILE containing the answers to the effectiveness questions and notifying ARNG-ILE whether an ICRMP Update or ICRMP Revision is planned. For Updates, the memorandum will outline the needed information and provide a list of recurring and new projects. For Revisions, the memorandum should state changes in management, goals, and/or objectives and provide a list of recurring and new projects that support these changes. The memorandum also must outline any negative or potentially negative impacts to cultural resources that cannot be mitigated through available resources such as MOAs or actions outlined in the original ICRMP. These include individual or cumulative effects from projects, policies, procedures, and/or land management/use decisions.

6.3.2   Information Needed

For both ICRMP Updates and Revisions, include the following information:

- Mission, goals, and objectives.
- Updated background/history/inventory including:
    o Projects proposed in the previous ICRMP;
    o Completed cultural resource projects;
    o Uncompleted projects and an explanation of their status.
- New proposed projects planned for the next five years.
- List of properties including:
    o Addition or subtraction of historic properties based on evaluation results;
    o Addition or subtraction of historic properties due to land acquisitions or excess;
    o Addition of information from new surveys or other investigations.
- Maps, if new property was acquired and relevant maps were not available in original ICRMP.
- Status of projects completed and implemented during the five-year period covered by the outgoing ICRMP and the addition of new projects.
- Update SHPO, THPO, and interested party information as appropriate.

6.3.3   Sections of the ARNG-ILE ICRMP Update Template

An ICRMP Update or ICRMP Revision serves as a summary of the cultural resource management activities over the previous five years, detailing the goals of the cultural resource program and the projects taken to achieve those goals. It also serves as the plan for managing resources over the next five years. The ICRMP Revision Template available on GKO offers a framework for this information.

6.3.4   ICRMP Update or ICRMP Revision and NEPA

Planning documents, including ICRMPs, require compliance with NEPA. The original ICRMP will have an accompanying EA and signed FNSI.

Public review of ICRMP Updates under NEPA is not necessary if the management goals, mission, or other defined operations and resources have not changed apart from updated inventories, and if projects are updated for the new period to meet continuing management goals, or if support data, such as the geographic information system (GIS), have been updated. As a result, the ICRMP Update only requires a REC. The NGB-JA does not review ICRMP Updates.

For ICRMP Revisions, an EA with a FNSI is necessary and will go through the standard EA staffing and review process, including the public comment period. The EA and FNSI are reviewed by NGB-JA (Table 6-1).

TABLE 6-1. ICRMP REASSESSMENT REQUIREMENTS.

Action	Documentation	Review	Signatories
Update	Only applicable parts of the ICRMP template, REC, and a copy of the original FNSI	ARNG-ILE, SHPO, and Tribes (if they express interest)	ARNG-ILE, TAG, CFMO, and Planning Operations and Training Officer (POTO)
Revision	Entire ICRMP template; preparation of EA with a new FNSI	SHPO, Tribes, interested parties, stakeholders Final approval: ARNG-ILE, NGB-JA	ARNG-ILE, TAG, CFMO, and POTO

6.4   ICRMP Coordination

During ICRMP preparation, information and input must be gathered from ARNG personnel, agencies, stakeholders, and any agency with jurisdiction by law or expertise (including the SHPO), and relevant Tribes to identify and resolve issues early in the development process. After the ICRMP has been finalized, coordination with ARNG personnel and stakeholders also is important to ensure appreciation of its content, cultural resources, and cultural resource requirements, and to ensure coordination with other program goals and proposals. The effectiveness of the ICRMP development and implementation process depends on coordination between the CRM and the various installation program managers (training, master planning, range control, facilities, natural resources, etc). Such coordination should ensure every party's awareness of their responsibilities under the cultural resource program. The CRM also must look beyond the installation to identify other activities that could impact cultural resources.

In coordinating on the ICRMP, an effective CRM should:

- Understand his or her role in support of the military mission and maintain contact with ARNG-ILE regarding all projects subject to Federal laws or that are Federally funded.

- Review proposed Federally funded programs and projects in relation to cultural resources to determine necessary compliance.

- Develop and maintain an inventory of archaeological resources with up-to-date maps.

- Coordinate and consult with outside entities including the SHPO, Tribes, and local interest groups, as mandated. Neglecting to consult with these interested parties early in the planning process could result in unnecessary tension, which ultimately may have an impact on project schedules.

- Maintain records of conversations and/or correspondence with stakeholders.

- Align cultural resource compliance with NHPA, NEPA, and other requirements, as necessary.

- Campaign for cultural resource management up the chain-of-command.

- Be aware of the activities of other installation offices and address potential impacts on cultural resources as a result of such activities.

6.4.1   Internal Stakeholder Coordination

Effective coordination with internal stakeholders during the ICRMP process will ensure that the ICRMP appropriately addresses mission needs, compliance with cultural resource laws and regulations, and effective cultural resource stewardship. Effective coordination with internal stakeholders and adherence to staffing procedures will ensure that the ICRMP takes into account relevant aspects of the mission such as needed construction; long-range planning; building repair, maintenance, or renovation; planning and execution of mission training; or other mission-essential activities.

As part of the ICRMP process, the CRM should:

- Conduct internal scoping by discussing with internal stakeholders the effectiveness of the current ICRMP, mission needs and changes, and modifications to the ICRMP that may be needed;

- Distribute draft versions of the ICRMP Update/Revision to internal stakeholders and solicit their input;

- Discuss the effectiveness of existing SOPs and any additional ones needed;

- Distribute SOPs to applicable parties after the ICRMP is signed.

Timing: Internal review of the ICRMP Update or Revision should occur prior to sending the document to external stakeholders or ARNG-ILE for review.

6.4.1.1   Ongoing Internal Stakeholder Communication

After the ICRMP is signed, the CRM should continue to coordinate with internal stakeholders to ensure effective implementation of the ICRMP. The CRM should maintain established relationships with internal stakeholders to facilitate understanding of the cultural resource management program. Periodic interface with these individuals will ensure the CRM receives notification of updates and new mission-essential plans. These efforts should include but are not limited to the following:

- Discuss with internal stakeholders the compliance actions proposed in response to Military Construction (MILCON) and other projects emphasizing time requirements to complete these actions in advance of the undertakings.

- Coordinate with Training Command.

- Distribute information about historic buildings and structures and why they are significant. Discuss what aspects of them are significant and appropriate maintenance and other needs.

- Distribute archaeological sensitivity maps on an as-needed basis.

- Ensure that archaeological site locations are excluded from distributed maps.

- Distribute the SOPs to internal stakeholders to whom they apply and coordinate on their use.

- Develop and conduct cultural resource awareness training.

- Meet with CFMO and POTO to discuss upcoming projects and plans at least once a year, and preferably on a monthly basis.

- Attend the EQCC meetings.

- Participate in staff meetings, as appropriate.

6.4.2   External Coordination (Agencies and Stakeholders) Overview

Developing an ICRMP, or updating or revising one, requires coordination with external agencies and stakeholders (Table 6-2). External agencies and parties may include the SHPO, Tribes/THPOs, and in some cases might include interested parties such as lessees/tenants, historical societies, veteran or retiree groups, and others. The SHPO may provide input on the ICRMP as part of their official role in assisting agencies to comply with state and Federal cultural resources laws, although they do not sign it.

The draft final ICRMP should be provided to the SHPO and Tribes for comment. The CRM should keep copies of all meeting invitations, letters, emails, MFRs documenting telephone conversations, and transmittals of information to/from the SHPO as well as the Tribes.

TABLE 6-2. EXTERNAL STAKEHOLDERS AND ICRMP AREAS OF INTEREST.

Topics	Title/Area of Interest or Responsibility
Consultation; appropriate identification of Native American cultural resources; sacred sites and TCPs; protocols on Native American human remains, burials, sites, and objects; and other topics	Indian Tribes and THPOs
Updated and accurate cultural resources data; adequate identification and evaluation of cultural resources; proactive management of cultural resources including maintenance and treatment of archaeological sites and buildings and structures	SHPO
Preservation and conservation of military objects, unit records, photographs, and collected/donated memorabilia	Veterans groups, historical societies, other public interest groups

Timing: External review of the ICRMP Update or Revision can occur prior to or concurrently with ARNG-ILE review. There are no regulations specifying the time frame during which external reviewers should respond. The State ARNG should provide at least 30, preferably 60+, days to provide comments on the draft final document. If the external reviewers have been involved in the ICRMP process earlier, it will be easier for them to review the document in a timely manner.

6.5   ICRMP Annual Reports and Implementation Plans

Annual Reports and Implementation Plans are important components of the ICRMP's execution. The CRM, EPM, POTO, and FMO must review the ICRMP each year on the anniversary of the signing to assess the plan's viability and determine if revising is necessary. An errata sheet can be used to address minor revisions. At a minimum, the Annual Report will contain a summary of cultural resource projects conducted over the year and any modifications necessary for the ICRMP. The Annual Report is sent to ARNG-ILE, the SHPO, and appropriate Tribes only if requested.

An Annual Report template is available on GKO, although the State ARNG is not required to use it. The Annual Report must contain the following information:

- ARNG state;
- CRM name and contact information;

- Planned project information, including type, fiscal year of project, location, and budget (for annual reviews, indicate changes and/or new plans);

- CRM training completed in the past 2 years and planned for the upcoming year;

- Cultural resource projects conducted over the year and new cultural resources, including the number of additional buildings evaluated for NRHP eligibility and the number of eligible buildings; and

- Any necessary changes to the ICRMP as a result of the annual review (noted on errata sheet).

6.6   Timing

Because of the greater level of effort involved in an ICRMP Revision, the State ARNG should allow six months to a year to complete. An ICRMP Update should take approximately three to six months. Table 6-3 provides a general schedule for an ICRMP Update or Revision. Refer to the Document Review SOPs (**Appendix F**) for a timeline of ARNG-ILE review.

TABLE 6-3. GENERAL TIMING GUIDE FOR CULTURAL RESOURCE PROJECTS.

Step	Timing
Revised/Updated ICRMPs	
Annual review	Due on anniversary of current ICRMP signature; begin process three months prior to due date
Five-year reassessment	Due on anniversary of current ICRMP signature; begin six months prior
Notification of intent to update or revise sent to ARNG-ILE CRM	Following five-year assessment
Develop draft ICRMP	Should occur in consultation with internal reviewers
Internal Review and draft approval	Completed prior to external and ARNG-ILE review
Initiate NEPA (for Revisions ONLY)	Standard EA timeline
REVISIONS: Preliminary draft sent to ARNG-ILE by state ARNG	Concurrent with submittal of draft EA to ARNG-ILE for review
External Review for ICRMP	For Updates: recommend 30–60 days for update. External review should be completed prior to or concurrent with ARNG-ILE review. For Revisions: external review completed through NEPA process
UPDATES: Preliminary draft sent to ARNG-ILE by state ARNG	Standard review process

THIS PAGE INTENTIONALLY LEFT BLANK

7. HISTORIC PROPERTY DATA MANAGEMENT AND REPORTING

The Chief Financial Officers Act of 1990, EO 13327 (*Federal Real Property Management*, 4 February 2004), and EO 13287 (*Preserve America*, 3 March 2003) require compliance with financial and historic property reporting requirements, which mandate Federal agencies to report to Congress on the status of their real property and historic property inventories.

In addition, DoD policy (per DoDI 4715.6, *Environmental Compliance*) states that installations must conduct internal and external compliance assessments and comply with reporting standards and timing required by environmental laws and other regulations. The PRIDE database and the Army Environmental Database – Environmental Quality (AEDB-EQ) were established to fulfill these needs.

7.1 PRIDE

PRIDE is the ARNG's real property database of record. ARNG-ILI is required to maintain PRIDE in accordance with EO 13327, and HQDA and DoD standards. PRIDE supports facility management at both the state and Federal level. This system tracks ARNG-ILI and individual state-level facility management actions and helps manage distribution, tracking, and reporting of the funds for MILCON; Sustainment, Restoration, and Modernization (SRM); and Base Operations (BASOPS) programs.

The real property database must accurately reflect the current status and historic listing of each property. CRMs should provide updated information to the appropriate FMO staff with administrative access to PRIDE. Property listings must be updated to reflect recent studies, historic property inventories and evaluations, or change of property status (such as demolition, renovation, or reassessment), and to correct existing errors within the data. All classifications must be supported with reports or documentation coordinated with the SHPO and, for National Historic Landmarks, with the NPS.

7.1.1 Using PRIDE

The PRIDE database contains information from installations in 50 states, three U.S. territories, and the District of Columbia. These data comprise over 75,000 asset records. Each asset record contains 100 to 200 data elements using 950 category codes and 50 measurement units. Within the installations are 3,300 sites that consist of physical locations, such as land, buildings, structures, and linear features. Properties are described by a series of codes, which include basic land, interest, and operation codes. Four basic land code types depict the setting. Interest codes demonstrate ownership (Federal or state) and operation codes indicate use.

State ARNG cultural resources personnel are responsible for entering the following facility data into PRIDE:

- Attribute 3701 – Historic Status Code;

- Attribute 3702 – Date of Historic Status Determination;

- Attribute 3703 – Year of NHPA Inventory.

7.1.2 Historic Status Codes

Historic Status Codes within PRIDE are used throughout DoD to inform Congress and other government entities of the status of Federal real property. Codes are based on the Real Property Inventory Requirements issued by DoD. This section provides an overview of Historic Status Codes and how to determine the correct code. For example, any property formally listed as a National Historic Landmark should be classified in the real property database with the appropriate code, dependent upon whether it is individually listed (e.g., NHLI; Table 7-1) or is a contributing element of a historic district (NHLC).

Sufficient documentation (e.g., reports and SHPO concurrence letters) are required to validate the Real Property Assets (RPA) Historic Status Code selected for any given facility.

TABLE 7-1. DoD HISTORIC STATUS CODES.

Code	Title	Definition
NHLI	National Historic Landmark Individual	A facility that is individually listed in the NRHP and has been declared a National Historic Landmark by the Secretary of the Interior due to its prominent importance in the nation's history. The designation of a National Historic Landmark is coordinated by the Secretary of the Interior in consultation with the FPO.
NRLI	NRHP-Listed Individual	A facility that has been determined eligible for NRHP inclusion and has been formally listed in the NRHP by the Keeper of the National Register. The formal evaluation and nomination process of individual facilities involves the review, approval, and signature of the SJA for Federal property, SHPO, or THPO (as appropriate), and the Keeper of the National Register.
NREI	NRHP Eligible - Individual	A facility that is determined eligible for NRHP listing but has not been formally nominated. Facilities are determined eligible for listing in the NRHP through installation determinations and concurrence by the SHPO or THPO (as appropriate), or by a formal determination of eligibility from the Keeper of the National Register.
NCE	Noncontributing Element of National Historic Landmark/ NRHP-Listed/NRHP-Eligible District	Facilities within the designated boundaries of a National Historic Landmark District or NRHP-listed or -eligible district that have been evaluated and determined not to contribute to the historic or architectural significance of the district.
DNE	Determined Not Eligible for Listing	A facility that has been evaluated using the NRHP criteria and is determined not to meet any of the requirements for eligibility. Facilities are determined ineligible for listing in the NRHP through installation determinations and concurrence by the SHPO or THPO (as appropriate), or by a formal determination of eligibility from the Keeper of the National Register.
NEV	Not Yet Evaluated	A facility that has not been evaluated for NRHP eligibility.
DNR*	Designation Rescinded – NHLI/NHLC/NREI/NREC National Register Property	A facility formerly classified as NHLI/NHLC/NREI/NREC that has been determined by the Keeper of the National Register to lack sufficient integrity to maintain its eligibility as a historic property. The formal removal process of NREI/NREC properties involves the review, approval, and signature of the FPO, SHPO, or THPO (as appropriate), and the Secretary of the Interior.
NHLC	National Historic Landmark District – Contributing Element	An individual facility that is identified as a contributing element of a district listed in the NRHP and also designated a National Historic Landmark District by the Secretary of the Interior. The designation of a National Historic Landmark is coordinated by the Secretary of the Interior in consultation with the FPO.

TABLE 7-1. D O D HISTORIC STATUS CODES.

Code	Title	Definition
NRLC	NRHP-Listed District – Contributing Element	An individual facility that is identified as a contributing element of a district formally listed in the NRHP. The formal evaluation and nomination process of contributing elements involves the review, approval, and signature of the FPO, the SHPO, or THPO (as appropriate), and the Keeper of the National Register.
NREC	NRHP-Eligible District – Contributing Element	An individual facility that is identified as a contributing element of a larger district determined eligible for listing in the NRHP. The evaluation of contributing elements is carried out by the installation in consultation with the SHPO or THPO (as appropriate), or by an official determination of eligibility from the Keeper of the National Register.
ELPA*	Eligible for the Purposes of a Program Alternative	An individual facility that is treated as eligible for listing in the NRHP by consensus of the FPO, SHPO, or THPO (as appropriate), and ACHP during development of a program alternative (comment) as defined in 36 CFR 800, *Protection of Historic Properties*, Section 14: "Federal Agency Program Alternatives." An example includes all Capehart-Wherry housing, determined eligible for the purposes of a 2002 Program Comment process.
*NOTE: The codes DNR and ELPA are reserved for ARNG-ILE Headquarters use only.		

Some important codes to note include NCE, DNR, ELPA, and H or Historic. NCE should be used for Noncontributing Elements to historic districts. The codes DNR and ELPA can only be assigned by ARNG-ILI. Installations should not use these codes for their properties. In addition, any properties still recorded as "Historic" or "H" under the previous system must be updated with their current status. Figure 7-1 is a view of the database form where this information is inserted. All codes require verification through supporting documentation, such as concurrence letters from the SHPO or Letters of Designation from the NPS.

Program comments provide the DoD and its military departments with alternative methods of Section 106 compliance regarding the effect of management actions on specific building types and are discussed in **Chapter 2**. Within PRIDE, these building types are identified as "Eligible for the Purposes of a Program Alternative" (ELPA). Pertinent program comments deal specifically with World War II and Cold War-era (1939 through 1974) ammunition storage facilities (DoD category group 42 series), Cold War-era (1946 through 1974) unaccompanied personnel housing (DoD category group 72 series), and World War II (1936 through 1946) temporary buildings.

The system will automatically default all properties lacking a historic code to "NEV," indicating a facility that has not yet been evaluated for historic status. Consequently, CRMs must be aware of any unevaluated properties that are 45 years or older and run annual reports to identify those that will require inventory and evaluation.

FIGURE 7-1. VIEW OF A PORTION OF THE PRIDE DATABASE USER INTERFACE.

7.1.3   Logging into the Electronic Data Warehouse Real Property Data Mart

First-time Enterprise Data Warehouse (EDW) users should be able to see the PRIDE Web tab after login. Prior EDW users will need to add the "PRIDE Web" tab to their portals. Instructions for adding the "PRIDE Web" tab are included at the conclusion of these instructions.

General Instructions

1. Login to GKO (Guard Knowledge Online).

2. Select Applications (top bar on left side).

3. ARNG EDW is near the bottom right under G-6 Communications and Computers; scroll down and click on ARNG Enterprise Data Warehouse.

4. When the IBM Cognos 8 Welcome Screen appears, click on My Home.

5. New EDW users should see the "Pride Web" tab as the rightmost tab.

6. Click on the PRIDE Web tab to access the Real Property folder.

7. Open the Real Property folder in Cognos Navigator to view 10 preformatted real property reports.

8. Select a report by clicking the report hyperlink.

9. Most reports can run for one or more geographic states; select the state(s) and scroll to the bottom for additional instructions to run the report. Click the RUN REPORT button (which may require scrolling further downward to access) at the bottom of the screen.

10. Page down (lower left corner of the screen) to see additional records beyond the 20 that normally appear on the screen.

11. Some reports provide hyperlinked data (blue font) that enables drilling down into the related records.

12. Retrieved reports can be viewed in Excel or other applications and saved to a hard drive or local network.

13. Clicking the Run Report arrow allows running the report again for a different state.

Prior EDW users may have to add the PRIDE Web tab:

1. Login to GKO.

2. Login to EDW.

3. Click the icon on far left of existing tabs.

4. Select "add tabs."

5. Click on the "Public Folders" link.

6. Scroll down to the "Portal Tabs."

7. Check the box next to "Pride Web."

8. Click right the arrow at center screen.

9. Click "OK."

10. The "PRIDE Web" tab should be added.

7.2 Army Environmental Database – Environmental Quality (AEDB-EQ)

The AEDB-EQ is a web-based database that is a central source of information for conveying the Army's environmental status to senior Army leadership, DoD, and Congress. Its main focus is tracking Army compliance with environmental laws for multimedia reporting and management areas through inspections, enforcement actions, fines and penalties, and other program parameters on a quarterly basis. Primary reports for these data are the Quarterly Army Performance Review provided to the Secretary of the Army; the semi-annual DoD Environmental Quality In-Progress Review (IPR) given to the Deputy Under Secretary of Defense; and the fall IPR, which is the Army's input mechanism for AEDB-EQ reporting to Congress. In addition to the quarterly reports, the AEDB-EQ data calls in the fall and spring also include requirements for additional data necessary for the semi-annual DoD IPRs and other reports that HQDA submits. The HQDA must report data obtained from the Army Integrated Facilities System (IFS) and ARNG PRIDE databases to the DoD by 30 September of each year and respond to annual AEDB-EQ data calls to provide accurate data.

The AEDB-EQ is due to the DoD by 30 September of each year. To allow state ARNG data to be reviewed by ARNG-ILE and HQDA prior to final submission, the suspense date for ARNG data will be 4–6 weeks prior to 30 September.

8. MANAGEMENT AND EVALUATION OF CULTURAL RESOURCES

8.1   The Cultural Landscape Approach

Planning and management of cultural resources must occur within the context of a comprehensive and integrated land, resource, and infrastructure approach that adapts and applies principles of ecosystem management. This involves planning and management of cultural resources by reference to the larger landscape.

This large-scale method to cultural resource planning and management is known as the cultural landscape approach and is recommended by the ARNG Directorate. For a military installation, the cultural landscape approach:

- Analyzes the spatial relationships among all cultural resources within their natural setting. Installation cultural resource management planning occurs through installation ICRMPs, and can be facilitated by installation GIS if available.

- Serves as an organizing principle to record the landscape in a manner that incorporates the complexity of human cultural interaction with the natural terrain through time. Military installations are treated as an integral entity with interrelationships among natural and cultural resources. Military operations are one of several human activities that have influenced the installation's cultural landscape. This approach fully integrates cultural resource management with military training, testing, and infrastructure operations.

- Recognizes that cultural resources may be present on installations as a result of continuous military occupation and land use. Prehistoric and historic archaeological resources; historic buildings, structures, and districts; sacred sites; endangered species habitat; wetlands, riparian areas, and other components of the ecosystem have been influenced, maintained, or created by prehistoric and historic human occupants, and modern military use. All of these natural and man-made features, including those related to military operations, are viewed as a series of surface and subsurface features that compose the installation's cultural landscape.

(www.andersen.af.mil)

FIGURE 8-1. LAMBERT FIELD, 1949, 15TH AIRLIFT DIVISION

The cultural landscape approach systematically considers multiple variables that inform resource management decisions. It integrates the historical significance of individual sites and the spatial relationships with other ecosystem components at a scale that encompasses an entire landscape, including current and future military use and training. Maintaining the balance between managing cultural resources and supporting the mission's military mission requires interdepartmental coordination. This approach helps to facilitate full integration of cultural resource management with military activities.

In order to implement an integrated landscape approach, the CRM should:

- Have a comprehensive prehistoric and historic context of the ARNG virtual installation and surrounding areas;

- Consider evaluation criteria within the larger scope of the geographic area;

- Consider that the military activity has both created and altered the history of the region.

8.1.1   Prehistoric and Historic Contexts

An understanding of the prehistoric, historic, and current utilization and manipulation of the geographic area may be a useful tool in adopting and implementing a landscape approach to the management of cultural resources. An awareness of the past and present activities at the site is imperative to the consideration of cultural resources within their spatial and temporal context.

Prehistoric and historic contexts can take a number of forms: for example, a textual report or a timeline. Regardless of the specific format, such a context should be revised regularly as new information or new interpretations of the prehistory/history of the area are developed. Contexts will help the state CRM understand the relationships between resources, which may help identify historic resources that might otherwise be overlooked.

8.1.2   Geographic Information Systems and the Landscape Approach

GIS can help blend the cultural landscape approach with cultural resource management and help integrate cultural resource BMPs into installation-wide planning and project implementation. Cultural resource data layers are integrated within the geodatabase, allowing planners to view relationships among a variety of components including geology, vegetation, hydrology, transportation, archaeology, buildings data, and elements of infrastructure.[7] Cultural resource planning efforts can thus be integrated with the virtual installation Master Plan, providing the ability to visualize and predict resource management issues. Once a cultural landscape has been thoroughly recorded, predictive models and historic contexts can be developed to inform planners of past land use patterns.

Minimally, GIS layers should be developed for different resource types: historic buildings, archaeological sites, archaeological survey areas, predictive archaeological models, and areas where Tribes claim ancestral ties. The State CRM can utilize the following resources to collect cultural resource data for the GIS manager:

- Maps and reports supplied from the SHPO, ACHP, or Tribes;

- Extant GIS information (e.g., the built environment at ARNG installations);

- Existing and future cultural resource surveys and evaluations.

GIS layers and themes depicting archaeological resources and sacred sites are considered sensitive. This information requires password-protection and is not released to the general public.

---

[7] Scopes of work for contracts involving cultural resources should specify deliverables in GIS format to include survey areas, transects, cultural sites and properties, and eligibility status. Within the Statement of Work, reference the latest Army/ARNG-ILE guidance regarding GIS file formats and standards, and specify that all data created or modified during the contract will adhere to the Spatial Data Standards (SDS) and the Federal Geographic Data Committee (FGDC) metadata standards.

8.2   Resource Type Definitions

The NRHP distinguishes six types of resources that may be eligible for the NRHP: buildings, structures, sites, landscapes, objects, or districts. Any of these types of resources may be eligible for the NRHP if the resource meets requirements of age, significance, and historic integrity. A resource listed in or eligible for the NRHP is a historic property according to the definition in the NHPA.

The NRHP definitions are as follows (per 36 CFR 60.3):

- **Building:** a type of property constructed to shelter any form of human activity. A house, hangar, barn, shed, or garage are all examples of "buildings" according to the NRHP (36 CFR 60.3(a))(Figure 8-2).

FIGURE 8-2. ARMORIES ILLUSTRATING THE BUILDING RESOURCE TYPE ACCORDING TO THE NRHP.

- S**tructure**: a man-made work made up of interdependent and interrelated parts in a definite pattern of organization (36 CFR 60.3(p)). A structure is constructed for reasons other than to shelter a human activity. Bridges, dams, roads, or ditches are examples of "structures" according to the NRHP (Figure 8-6). Buildings and structures are discussed in **Chapter 9**.

**FIGURE 8-3. MASONRY BRIDGE AT FORT HUACHUCA,
ILLUSTRATING A STRUCTURE.**

- **Site**: the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure (36 CFR 60.3(l)). Typically, properties significant archeologically are eligible for or listed in the NRHP as sites. Archaeological sites are discussed in **Chapter 10**.

**FIGURE 8-4. ARCHAEOLOGICAL SITE,
NEW MEXICO ARNG.**

- **Landscape:** a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values (NPS Preservation Brief 36, *Protecting Cultural Landscapes*). Landscapes are discussed in **Chapter 11**.

**FIGURE 8-5. LANDSCAPE,
TENNESSEE ARNG.**

- **Object**: a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment (36 CFR 60.3(j)). An object may be similar to a structure but is distinguished as applying generally to constructions that are primarily artistic in nature or of a small scale. Objects moved to museums are not eligible. Examples of objects may include boundary markers, fountains, monuments, and installation entry signs (Figure 8-6).

**FIGURE 8-6. SIGN AT NAVAJO ARMY DEPOT,
SHOWING AN OBJECT.**

- **District**: a collection of one or more of the previous resource types that is distinguished as a significant concentration, linkage, or continuity of properties that are united historically or aesthetically by their common design or development (36 CFR 60.3(d)). A district may be made of buildings, structures, sites, objects, or any combination of these. A neighborhood, cantonment, ranch with related buildings, designed or cultural landscape, and a grouping of archaeological sites are examples of districts (Figure 8-7). Districts are discussed in Section 8.3 below.

FIGURE 8-7. JEFFERSON BARRACKS HISTORIC DISTRICT, MISSOURI.

The Jefferson Barracks Historic District is an example of a historic district composed of both architectural and archaeological resources. The 1890s buildings overlook the Mississippi River and are arranged around the parade ground headed by the Commander's house. The buildings are unified by use of brick and similar architectural style.

8.3   Evaluating NRHP Eligibility

To qualify for listing in the NRHP, a cultural resource generally should be at least 50 years or older (unless it meets special criteria considerations described below); reflect a significant aspect of American history, architecture, archaeology, or engineering through application of the NRHP criteria (36 CFR 60.4); and possess sufficient historic integrity to convey such significance and associations. A cultural resource must meet all standards (age, significance, and integrity) to be eligible for listing in the NRHP. Significance and historic integrity are assessed through historic research and evaluation of the property. A property must be significant and retain physical fabric or features that convey or express its significance. A cultural resource that is evaluated as significant under one or more of the NRHP criteria and retains historic integrity meets the definition of a historic property according to the NHPA and is eligible for listing in the NRHP.

8.3.1   Significance

A resource may be significant if it meets one of four criteria (A through D) as outlined in 36 CFR 60.4. Significant resources are those:

> "(A) that are associated with events that have made a significant contribution to the broad patterns of our history; or
>
> (B) that are associated with the lives of persons significant in our past; or
>
> (C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
>
> (D) that have yielded, or may be likely to yield, information important in prehistory or history."

Evaluating Cold War Era (1946–1989) Properties

Due to the significance and recent conclusion of the Cold War, CRMs need to take special care when evaluating properties developed during the 1946–1989 timeframe. Simply being a military property constructed during the Cold War does not make a property significant to the Cold War. Conversely military facilities constructed less than 50 year ago may be NRHP eligible if they have a unique connection to the Cold War. CRMs should work closely with SHPOs to develop strategies for evaluating Cold War era properties.

Significance of a resource can only be determined by examining it within the context of its historical period, and its association with important events or patterns as described in the framework of a historic context. A historic context is a framework for articulating the criteria relative to historical events, periods, themes, and patterns as they relate to a resource's local area, state, region, or nation. The resource is evaluated against the NRHP criteria as related to the events, themes, and patterns in the historic context. If the resource is associated with a specific event or historical period, the years of that event or period are its period of significance.

Criteria Considerations. Certain types of properties are not eligible for the NRHP except under certain circumstances (National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*). These circumstances are discussed below.

> **Criteria Consideration A. Religious Properties:** A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

Criteria Consideration B. Moved Properties: A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

Criteria Consideration C. Birthplaces or Graves: A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or

Criteria Consideration D. Cemeteries: A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

Criteria Consideration E. Reconstructed Properties: A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

Criteria Consideration F. Commemorative Properties: A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

Criteria Consideration G. **Recent Properties**: A property achieving significance within the past 50 years if it is of exceptional importance or the last remaining of a type that is endangered or threatened. It is under this consideration criterion that resources of exceptional significance to the Cold War would be eligible for the NRHP.

(Courtesy of ARNG-ILE)

FIGURE 8-8. MEMORIAL AT DELAWARE ARNG, ERECTED 1885.

An example of a commemorative property that must meet
Criteria Consideration F to qualify for the NRHP.

8.3.2   Integrity

As noted above, for a cultural resource to be eligible for listing in the NRHP, that resource must meet one or more of the above significance criteria A–D, or one of the criteria A–D and one of the criteria considerations. The second test is for the resource to retain sufficient historic integrity that it conveys that significance (National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*). The level of authenticity of a resource's historic identity, as evidenced by the survival of physical characteristics, affects its ability to convey information about its historical significance. This is a professional judgment that must be justified in the physical characteristics of the resource and its setting. Historic integrity is composed of seven aspects, as defined by the NRHP. A resource that conveys its significance will typically possess several, and usually most, of these seven aspects. Each of the aspects reflects a characteristic that contributes to significance.

- *Location*: the place where an event occurred or a property was originally built.

- *Design*: the elements such as plan, form, and style of a property.

- *Setting*: the physical environment of the property.

- *Materials*: the physical elements used to construct the property.

- *Workmanship*: the craftsmanship of the creators of a property.

- *Feeling*: the ability of the property to convey its historic time and place.

- *Association*: the link between the property and a historically significant event or person.

Integrity can only be assessed once a property's significance has been fully established. The presence of specific aspects may carry greater weight depending on how they relate to the property's significance. For example, a property significant for historical associations with an event (Criterion A) or person (Criterion B) typically needs high integrity levels of location, setting, and feeling. A property significant for its architecture or engineering (Criterion C) requires high levels of design, materials, and workmanship. Association is equally weighted in both instances and is the "big picture" summation of the other six aspects of integrity. An archaeological property that is likely to contribute information important in history or prehistory (Criterion D) typically requires intact stratigraphic sequences and or intact horizontal spatial deposits to maintain integrity. Integrity is a relative measure and its definition depends on the historic context and significance of the archaeological property.
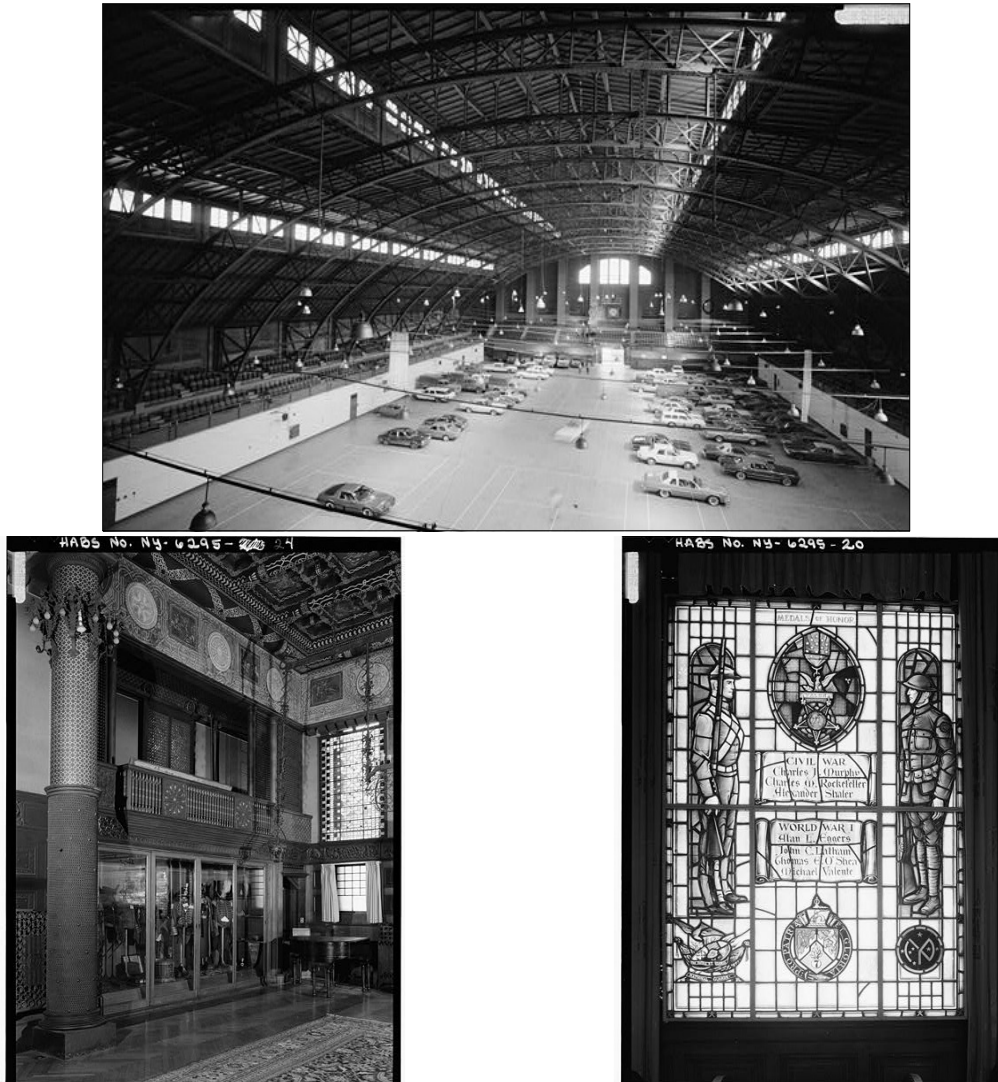
FIGURE 8-9. THE SEVENTH REGIMENT ARMORY IN NEW YORK CITY IS A NATIONAL HISTORIC LANDMARK.

The armory has many intact character-defining elements. (All photographs are from HABS.)

The setting of historic properties is often of great importance in relating historic significance and function and determining historic integrity. Particularly with historic military properties, a resource often held significant historic associations with surrounding buildings or even open areas that were used for military activities like a parade ground or defensive facilities or features. Setting is also of particular importance when a historic district is present or being evaluated. The spatial relationships, associations, and connections between interrelated buildings and structures often defines the place, and by extension its overall significance.

8.3.3   *Evaluation Process*

A step-by-step process for applying the criteria of 36 CFR 60.4 is described in detail in National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation.* Documentation of the evaluation process should be completed by a qualified professional and meet the formatting standards of the SHPO and include the following information:

- Categorization of the property as a district, site, building, structure, or object for inclusion in the NRHP;

- Discussion of the prehistoric or historic context. The context should clearly distinguish the level of historic significance (local, state, national);

- Discussion of application of eligibility criteria, including identification of criteria under which the property is or is not eligible, including meeting any of the criteria considerations, as applicable;

- Discussion of the property's integrity. For buildings this should include a discussion of character-defining features (interior and exterior). For archaeological sites, this should include a discussion of the extent to which the deposits are intact;

- Recommendation of the property as eligible or ineligible for the NRHP (meets age guideline or criteria considerations, is significant, and retains historic integrity that conveys its significance).

The state ARNG will submit the documentation and ARNG's determination of eligibility to the SHPO for concurrence. (If disagreement exists between the ARNG and SHPO regarding the eligibility of a property, the Keeper of the National Register may be asked to make the final determination. The state ARNG should contact the ARNG-ILE POC before going to the Keeper in this event.)

8.4   Historic Districts

A historic district is a unified entity that contains multiple resources, widely varied, similar, or even identical. The importance of a district results from interrelationship of resources, which can convey a visual continuity or sense of the overall historic environment, or can be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a ranch, or it can encompass several interrelated activities, such as historic mining towns that include industrial, residential, or commercial buildings, archaeological sites, structures, or objects. A district can also be a grouping of archaeological sites related spatially or thematically.

A district is made of contributing and noncontributing properties; each of which is discussed below. In order for a district to be eligible for listing on the NRHP, it should contain a majority of contributing properties.

8.4.1   Contributing Elements of a District

Grouped or related cultural resources that might not be considered individually significant may be considered eligible for listing in the NRHP as part of a historic district. Contributing properties are those resources that convey the significance of the group and retain historic integrity. In some cases, contributing elements to a district may also be individually eligible for listing on the NRHP.

8.4.2   Noncontributing Elements (NCE) of a District

A district may also contain some intrusive recent buildings or structures that do not contribute to the district's significance. Noncontributing properties are those resources within the district boundary that either do not convey the significance of the group or that lack integrity. The number of noncontributing properties that a district can contain while still conveying a sense of time, place, and historical development depends on how these noncontributing properties affect the district's integrity.

> **Noncontributing Elements Due to Age**
>
> A property may be defined as a non-contributing resource to a historic district because it was constructed after the period of significance – this generally applies to properties that were less than 50 years old when the district was established. These buildings must be reevaluated for NRHP eligibility when they turn 50 years of age.

8.4.3   Historic District Boundaries

A district must be a definable geographic area distinguished from surrounding properties by documented differences in patterns of historic development or associations, or by changes such as density, scale, type, age, and style of sites, buildings, structures, and objects. Boundaries are based on a shared relationship between the properties in the district and are seldom defined by current boundaries of ownership, management, or planning units.

A historic district may be discontiguous if its "elements are spatially discrete; space between the elements is not related to the significance of the district; and visual continuity is not a factor in the significance" (National Register Bulletin 15). For example, a group of Cold War-era buildings and structures related to the maintenance and deployment of a specific type of nuclear weapon may be distributed in isolated areas of an installation. A district significant for these associations would include these buildings, but not unrelated buildings, structures, or land situated between the contributing buildings.

8.4.4   Management of Historic Districts

It is important for the ARNG to understand what surrounds its property. ARNG resources (archaeological sites or buildings, etc.) may be contributing or noncontributing resources to a historic district located beyond the ARNG property. Thus it is important for the state ARNG to determine if there is a historic district that may be affected by ARNG activities, even if the district is not on ARNG property. The ARNG may need to consider the resources that surround its property as part of its Section 106 requirements.

8.5   Multiple Property Documentation (MPD)

Multiple Property Documentation (MPD), or Multiple Property Listing (MPL), is a method for evaluating properties that are related thematically, historically, geographically, or in some other definable way, for NRHP eligibility. Within the ARNG the most likely candidates for MPD are the Readiness Centers within a state as they all share a relationship with the state ARNG and have shared usages. MPDs consist of two parts. The first part is the Multiple Property Documentation Form which:

- Presents information common to all properties in the group;

- Defines the basis of the eligibility for the properties;

- Defines those elements or integrity that are of primary importance for the properties as a group.

The second part consists of an individual Registration Form for each property that provides information on each individual property and places it in the context of the overall group, and evaluates the property's NRHP eligibility as part of the MPD.

The MPD process can streamline the evaluation of historic properties by establishing a single historic context and eligibility parameters against which an entire category of building can be evaluated for NHPA eligibility. Use of MPDs can reduce the level of effort required to evaluate individual properties for NRHP eligibility while simultaneously ensuring a group of properties is evaluated from the more comprehensive perspective than generally occurs when a property is evaluated solely as an individual resource. A distinguishing feature between MPLs and historic districts is that an adverse effect to one MPL property will not adversely affect the other related properties.

The Multiple Property Documentation Form and the individual Registration Forms are available at http://www.nps.gov/nr/publications/forms.htm.

THIS PAGE INTENTIONALLY LEFT BLANK

9. HISTORIC BUILDINGS AND STRUCTURES

This chapter is concerned with the built environment—buildings, structures, objects, and architectural historic districts. The built environment presents special issues due to certain legal requirements specific to these types of resources and the application of general architectural and historic preservation technical principles.

9.1   Management, Maintenance, and Care of Historic Buildings and Structures

9.1.1   The Secretary of the Interior's Standards for the Treatment of Historic Properties

To establish standards for preserving and maintaining historic properties listed in or eligible for listing in the NRHP, the Secretary of the Interior developed *Standards for the Treatment of Historic Properties*, codified in 36 CFR 67. Although not specific to buildings or structures, these standards are generally applied to built environments. The standards are categorized based on the level of needed architectural intervention to the historic property, from least intrusive to most intrusive: preservation, rehabilitation, restoration, and reconstruction.

- *Preservation* refers to maintaining the features and use of a property as close to a specific historic period with minimal alteration or replacement.

- *Rehabilitation* refers to adapting a historic property to a use other than its historic function while retaining features that contribute to its historical significance.

- *Restoration* refers to bringing a property that may have changed over time back to a point in time that conveys a particular period of significance.

- *Reconstruction* refers to accurate duplication or rebuilding of vanished or non-surviving portions of a property based on documentary and physical evidence.

The standards set forth have been used extensively by Federal agencies to structure their historic preservation responsibilities for properties under Federal ownership or control. The Standard for Rehabilitation is the most applicable as it relates to both routine maintenance and renovation of historic properties respectively. The 10 Standards for Rehabilitation are:

> **Secretary of the Interior's Standards and Section 106**
>
> Application of the Secretary of the Interior's Standards for Rehabilitation can be used as the basis for a finding of No Adverse Effect (36 CFR 800.5(b)). In such cases the SHPO may request the opportunity to review drawings to ensure the Secretary of the Interior's Standards are applied properly.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Each Standard is brief, only one or two sentences providing general information on an aspect of the given treatment. To make it easier to interpret the standards, the NPS has published additional guidance, including:

- *Illustrated Guides to the Standards:* provides detail on how to apply the Standards, along with photographs illustrating the Standards (http://www.nps.gov/tps/standards.htm);

- *Preservation Briefs:* provide guidance on applying the Standards to a variety of building materials, construction types, and related topics (http://www.nps.gov/tps/how-to-preserve/briefs.htm).

- *Preservation Tech Note*: more abbreviated publications on very specific materials or construction types (http://www.nps.gov/tps/how-to-preserve/tech-notes.htm).

The Secretary of the Interior's *Standards for the Treatment of Historic Properties* represents a baseline standard for planning the maintenance and treatment of historic properties, and evaluating whether planned treatments will be detrimental to a historic property under Section 106 obligations. The application of these standards should be done by a qualified professional. The State CRM should review Scopes of Work for projects involving historic buildings and structures to ensure that they require that all work meet the Secretary of the Interior's Standards and that qualified professionals will be on the project team.

9.1.2   Use Alternatives

"Adaptive use (or reuse)" is a term used to denote the conversion of a historic building to a new, modern use. A common example within the ARNG is the conversion of former barracks into administrative space. Under the Secretary of the Interior's Standards for Rehabilitation, a property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships. In most instances, the necessary conversions or modifications to adaptively use a historic building are interior rather than exterior modifications. Whether interior or exterior modifications are required, work should be planned and designed with the retention of the property's character-defining features in mind.

If an adaptive use of a historic property is not feasible economically or from a mission standpoint, an alternative is the preservation and maintenance of the building until a new use can be found, often called "mothballing." Mothballing consists of measures to ensure the preservation of character-defining features, and sufficient maintenance to prevent the deterioration or loss of historic materials and design until a new use can be found. Mothballing is not recommended by ARNG-ILE as a long-term preservation alternative because of the ongoing costs related to upkeep. Guidance for mothballing historic properties can be found in the NPS Preservation Brief 31, *Mothballing Historic Buildings*.

9.1.3   Maintenance and Treatment Plans

A Maintenance and Treatment Plan (MTP) can be developed as a component of a historic building or structure's management program. An MTP is a five-year management plan that identifies the history and significance of a historic property or properties (building, structure, landscape, and district), their character-defining features and contributing elements, current conditions, and measures needed for their preservation through appropriate planning, design, cyclic maintenance, and treatments for repair, rehabilitation, and restoration. The Secretary of the Interior's *Standards for the Treatment of Historic Properties* should form the basis of any recommendations provided in an MTP. A CRM can use the MTP to assist maintenance and facilities personnel who work with a historic building or structure to address problems of deterioration or structural failure of building materials and systems. The MTP can list appropriate repair and renovation materials that maintain the property's historic integrity. It also can provide a schedule of measures and anticipated costs to be budgeted. An MTP also can provide scopes of work to be used in contracting for the work. The MTP should also consider sustainability and Anti-Terrorism Force Protection measures as discussed below. An MTP normally only covers a specific building or site-specific group of buildings, and focuses on a range of alternatives and treatments from stabilization to restoration. An MTP should be the subject of consultation with the SHPO and subject to Section 106 compliance.

9.1.4   Sustainability

Sustainability is one of the primary focuses of stewardship within the DoD framework; this concept applies to design, construction, operations, and resource conservation. Sustainability broadly means responsible stewardship of the nation's natural, human, and financial resources through a practical and balanced management approach. Chapter 4 of the NPS publication *Guiding Principles of Sustainable Design* addresses applying sustainability principles to cultural resource management.

Federal agencies are mandated by several laws, regulations, and memoranda to consider sustainability in the rehabilitation, remodeling, or modernization of Federal buildings. Pertinent laws, regulations, and memoranda regarding sustainability applicable to the ARNG include: the Energy Independence and Security Act of 2007; 2007 Defense Installation Strategic Plan; HQDA Memorandum on Sustainable Design and Development Policy Update; Department of the Army Strategy for the Environment; EO 13423; and EO 13514. Many of these laws and regulations place general guidelines for modernization of facilities. EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, advocates several approaches to assist agencies in reducing waste, saving resources, and promoting environmentally friendly design. EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, expands on EO 13435 to include enhanced mandates towards sustainable buildings and communities.

The NPS has developed guidance for sustainability practices as they pertain to historic buildings and structures. These can be found at http://www.nps.gov/tps/standards/rehabilitation/sustainability-guidelines.pdf. Additional guidance developed by the ACHP is available at http://www.achp.gov/docs/SustainabilityAndHP.pdf.

LEED Standards and Historic Buildings

A green building certification system, Leadership in Energy and environmental Design (LEED), has been developed by the U.S. Green Building Council. The LEED standards direct and score aspects of new construction and retrofitting existing buildings based on energy conservation, impact sensitivity, and resource stewardship. The LEED standards operate on a point-based system with four levels of certification (i.e., Certified, Silver, Gold, and Platinum). LEED categories include Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, Innovations in Operations, and Regional Priority. The Army Sustainability Design and Development Policy Update (Environmental and Energy Performance, 27 October 2010) requires that all major rehabilitation projects meet the LEED Silver Certification standard and that other renovation projects incorporate LEED Silver-level features.

State CRMs should coordinate closely with program managers and with SHPO to ensure that sustainability measures have minimal to no adverse effects to historic properties. The DoD has completed a number of Legacy projects that address LEED and historic preservation. These include:

- The 2009 project (09-451), *A Case Study for Preserving a Department of Defense Historic Building and Achieving LEED Certification for a Major Renovation Project*, which used an Indiana ARNG historic building at Stout Field (Figure 9-1) as a pilot project to investigate how the building could be modified to meet both LEED and the Secretary of the Interior's Standards for Rehabilitation.

- The 2004 project (04-220), *DoD Sustainability Application Guide for Historic Properties*, focused on integration with LEED standards and historic property treatment standards. The report can be accessed at http://www.denix.osd.mil/cr/upload/04-220_FINAL_0.PDF.

- The 2007 project (07-382), *Design Guidelines for Department of Defense Historic Buildings and Districts*, integrated the Secretary of the Interior's Standards into a framework helpful for understanding preservation standards for historic buildings. This Legacy Project is available at http://www.denix.osd.mil/cr/upload/07-382_final.pdf.

FIGURE 9-1. BUILDING 5 AT STOUT FIELD, INDIANA ARNG, WAS THE SUBJECT OF A RECENT DOD LEGACY PROJECT INVESTIGATING HOW TO MODIFY THE BUILDING TO MEET BOTH LEED STANDARDS AND SECRETARY OF THE INTERIOR'S REHABILITATION STANDARDS.

Material Salvage

Another sustainable practice is the salvage of older or historic building materials and elements for reuse in other buildings. Salvage should result in energy savings and reductions in materials because it eliminates or minimizes the need to remanufacture, reproduce, and transport basic building materials, thus benefiting the environment. Additional reduced costs can occur with sustainable aspects of site and construction debris management.

If a building is not suitable for renovation, salvage of its materials and elements is a good option as it reduces landfill pressure, preserves important character-defining features of historic buildings for later reuse elsewhere, and saves natural resources. Typical examples of salvageable materials include lumber, millwork, certain plumbing fixtures, and hardware. These materials must be safe (e.g., the materials must be tested for lead paint and asbestos). Sacrificing energy efficiency or water efficiency by reusing old windows or toilets is ill-advised. Sustainable renovations could also provide opportunities for enhanced cooperation with local regulatory authorities, and potentially provide site-enhancement potential. These alternatives could be less expensive, more environmentally responsible, and potentially more aesthetically pleasing than replacing with newer systems or materials.

A renovation plan should include a comprehensive job-site waste-recycling program. Some construction waste materials can be sold, thus recovering the investment in cost of separating and storing recycled components. More significant savings are often achieved through avoiding landfill disposal costs. In large projects, these savings can be dramatic. Additional guidance related to green building design and building operations is available in AR Engineering Technical Letter 1110-3-491, *Sustainable Design for Military Facilities* (2001). The ARNG seeks to meet LEED Silver standards for all new construction.

9.1.5   Force Protection and Anti-Terrorism Standards

Buildings routinely occupied by 50 or more DoD personnel must meet the DoD Minimum Antiterrorism Standards for Buildings (Unified Facilities Criteria [UFC] 4-010-01). These standards minimize the possibility of mass casualties in buildings or portions of buildings owned, leased, privatized, or otherwise occupied, managed, or controlled by or for ARNG. The standards establish a level of protection against terrorist attacks for all inhabited ARNG buildings where no known threat of terrorist activity currently exists by providing appropriate, implementable, and enforceable measures. The standards apply to any ARNG building that uses Federal funding for new construction, renovations, modifications, repairs, restorations, or leasing and that meets the applicability provisions (see the Applicability section [Section 1-6] of the DoD Minimum Antiterrorism Standards for Buildings; also see Exemptions, Section 1-6.8).

The overarching philosophy of this policy is to provide an appropriate level of protection for all ARNG personnel at a reasonable cost by inclusion of greater resistance to terrorist attack into inhabited buildings. The primary methods to achieve this outcome are maximizing standoff distance, designing or modifying superstructures to avoid progressive collapse, and reducing flying debris hazards.

Implementation of this policy is not meant to supersede the ARNG's obligation to comply with Sections 110 and 106 of the NHPA and other mandates. To the extent possible, ARNG personnel need to design force protection measures for historic properties to meet the Secretary of the Interior's Standards for Rehabilitation. Consultation in accordance with 36 CFR 800 is necessary. Conversely, historic preservation compliance does not negate the requirement to implement DoD Force Protection and Antiterrorism Standards.

In a project sponsored by the DoD Legacy Resources Management Program, the U.S. Army Construction Engineering Research Laboratory (USACERL) conducted a study to identify common circumstances in which UFC 4-010-01 undertakings might conflict with the requirements of the NHPA, and develop specific guidelines to assist installation command, antiterrorism, cultural resources, and facilities

personnel to rapidly resolve those conflicts to the satisfaction of both sets of requirements. The final technical report, titled *Antiterrorism Measures for Historic Properties* and available at http://www.denix.osd.mil/cr/upload/rpt_03-176_0.pdf, interprets UFC 4-010-01 and presents technologies commonly used for UFC compliance. It also identifies antiterrorism undertakings that may conflict with the Secretary of the Interior's Standards for Rehabilitation and suggests ways to satisfy dual antiterrorism/historic preservation requirements.

Antiterrorism Measures for Historic Properties proposes guidelines for making historic buildings compliant with UFC 4-010-01 while also meeting the spirit of the Secretary of the Interior's Rehabilitation Standards (Webster et al. 2006). A number of recommendations are suggested, including the following:

- Consider the installation's broader environment in assessing needs and designing solutions;
- Consider historic buildings' materials, structural design, and element components in assessing needs and designing solutions;
- Consider building use and functions in assessing needs and designing solutions; and
- Integrate security measures in siting and landscaping of historic building. Low retaining walls, decorative fences, trees and vegetation, boulders, and street furniture can serve security interests.

9.2 Section 106 for Buildings and Structures

Since historic buildings and structures may be in use and require periodic maintenance and upgrades or even removal, the need to comply with Section 106 for these actions affecting historic buildings and structures is a more frequent occurrence. The following actions may adversely affect historic properties:

- Operations and maintenance (if not carried out in accordance with the Secretary of the Interior's Standards for Preservation and Rehabilitation);
- Renovations and upgrades (if not carried out in accordance with the Secretary of the Interior's Standards for Preservation and Rehabilitation);
- Building addition (if not carried out in accordance with the Secretary of the Interior's Standards for Preservation and Rehabilitation);
- Demolition or replacement;
- Relocation; or
- Property lease, transfer, or sale (if adequate provisions or conditions on the sale does not provide for the preservation of the historic property).

9.2.1 Secretary of the Interior's Standards and Section 106

As mentioned above, the Secretary of the Interior's *Standards for the Treatment of Historic Buildings* represent the accepted methods and standards for managing historic buildings and structures. The state CRM may make a determination of no adverse effect for an undertaking such as building maintenance actions, rehabilitation, construction of an addition to a historic building, or adaptive use or mothballing if such action is completed in accordance with the Secretary of the Interior's Standards for Preservation and Rehabilitation. This would considerably speed up the Section 106 compliance, and result in appropriate management of the historic property. In some instances, such a no adverse effect finding may require a caveat allowing for SHPO review and comment on the design drawings.

9.2.2 Program Alternatives for Historic Structures

Regulation 36 CFR 800 provides a step-by-step process for complying with Section 106. Although most compliance is for specific projects, the ACHP's regulations (36 CFR 800.14) provide for the development of *Program Alternatives* as discussed in **Section 2.3**. These may include: *PAs*, *program comments*, and *standard treatments* The DoD and the Army have negotiated a number of Program Alternatives with the ACHP to streamline ARNG (and other DoD services) actions under certain circumstances. These are described below.

9.2.2.1 PA for the Demolition of World War II Temporary Buildings (01 May 1991)

This PA identifies these standardized buildings as a discrete class in the evaluation and documentation process. As part of the implementation of this PA, the Army, Air Force, and DoD documented representative examples of World War II-era temporary buildings across the United States using HABS methods. The majority of representative examples selected for documentation occurred at three facilities: Fort McCoy, Wisconsin; Fort Drum, New York; and Camp Edwards, Massachusetts. The PA prescribes when the SHPO shall review an undertaking and when demolition may proceed without further action. Key points include:

- The PA allows demolition without further consultation for 700 and 800 series World War II-era temporary buildings;

- Projects involving renovation, repair, rehabilitation, or movement of these buildings remain undertakings that require consultation with the SHPO.

The full text of this document can be found at http://www.achp.gov/pa6.pdf. The 1991 amendment is located at http://www.achp.gov/pa7.pdf.

9.2.2.2 Program Comments: Cold War Unaccompanied Personnel Housing, and World War II and Cold War-Era Ammunition Storage and Production Facilities

These three program comments issued by the ACHP address specific building types based on their original design use category code (see Table 9-1). In all three cases, the State ARNG may proceed with any undertaking involving these categories of buildings with no further consultation, the singular exception being if the building in question is a contributing resource to a historic district. The State CRM should read the full program comments to ensure that they are adequately applied and contact ARNG-ILE if there are any questions.

- *Program Comment for Cold War Era Unaccompanied Personnel Housing (1946–1974)*, which covers all Army-owned facilities designed and built as unaccompanied personnel housing from 1946 through 1974 at installations in the United States and its territories (Army real property category group 72XXX except possibly category code 72010).

- *Program Comment for World War II and Cold War (1939–1974) Ammunition Storage Facilities*, which covers all Army-owned facilities designed and built as ammunition storage facilities between 1939 and 1974 (Army real property category group 42XXX).

- *Program Comment for World War II and Cold War (1939–1974) Army Ammunition Production Facilities and Plants*, which covers Army-owned ammunition production facilities built from 1939 through 1974 (Army real property category group 226XX) and all properties built between 1939 and 1974 at Army ammunition plants.

TABLE 9-1. SUMMARY OF CAT CODES COVERED UNDER ACHP PROGRAM COMMENTS.

Program Comment	Applicable Cat Codes
Unaccompanied Personnel Housing (1946-1974)	72111, 72170, 72121, 72122, 72114, 72115, 72181, 72210, 72212, 72310, 72360, 72350, 72351, 72410, 72412, 72510, Tent Pads
Ammunition Storage Facilities (1939-1974)	42104, 42107, 42110, 42120, 42150, 42160, 42170, 42180, 42181, 42182, 42183, 42184, 42186, 42288, 42210, 42215, 42225, 42230, 42231, 42235, 42240, 42250, 42260, 42280, 42281, 42283, 42285, 42286, 42310, 42311, 42312, 42410, 42510
Army Ammunition Production Facilities and Plants (1939-1974)	226xx, and all Army-owned properties, regardless of category code, built between 1939 and 1974 on current Army Ammunition Plants

The full text of the program comments can be found at http://aec.army.mil/usaec/cultural/uph00.html.

9.2.2.3 Nationwide Programmatic Agreement for ARNG Readiness Center Maintenance and Repair (Signed and implemented as of December 11, 2010)

This PA applies to both Federal- and state-owned Readiness Centers (previously designated as Armories). It discusses ARNG undertakings concerning the maintenance, treatment, rehabilitation, renovation, and mothballing of Readiness Centers and associated structures and landscapes. The PA establishes ARNG actions considered exempt from Section 106 review, undertakings that could be completed with an expedited Section 106 review process, and procedures for undertakings not covered by the expedited review process. A copy of the PA is in **Appendix M**.

Standard Treatments

The ACHP has endorsed standard specifications for various standard treatments for the preservation and rehabilitation of historic properties. These specifications outline best practices for various building types and materials based on the Secretary of the Interior's Standards for Preservation and Rehabilitation, and NPS guidance including *Preservation Briefs* and *Preservation Tech Notes*. Adherence to the DoD standard treatments for rehabilitation treatment measures provides an alternative way to comply with Section 106. By following the treatment measures, the ARNG's compliance with Section 106 is streamlined. The installation must provide written notice to the SHPO with its intentions to use the respective measures and may proceed 30 days after notification. The treatment measures may be altered if it is determined that a specific building or material requires a different technique or material. Any alterations to the treatment measures also require SHPO notification and a 30-day comment window. The Standard Rehabilitation Treatment Measures only cover aspects of undertaking detailed in the accepted standards (73 *Federal Register* 242, 2008-12-16). Five treatment measures have been approved by the ACHP and can be found at: http://www.achp.gov/news12-09.html. More treatment measures will become available as they are approved. The current approved treatment measures are:

- Section 04100.01 – Removal of Mortar Joints and Repointing;

- Section 04100.02 – Preparation of Lime and Cement-Amended Mortars;

- Section 04110.01 – Preparation of Lime- or Portland-Based Stucco;

- Section 04110.02 – Repair of Historic Stucco;

- Section 04400.01 – Identifying Masonry Types and Failures.

Each treatment measure outlines the personnel, materials, and techniques, along with guidelines for contractor specifications and quality assurance.

9.2.3   Historic Building Documentation/Recordation

Documentation/Recordation of historic buildings or structures is considered the standard mitigation for adverse effects to these types of resources. As a mitigation measure, the property (ies) is typically recorded to HABS or Historic American Engineering Record (HAER) standards or state equivalents. HABS and HAER are the national historical architectural and engineering documentation programs of the NPS that result in documentation stored in the Library of Congress. The intention is that the HABS or HAER documentation be the last and best record of the historic property and the documentation meet archival requirements. HABS focuses on buildings, while HAER gives emphasis to documenting engineering structures and work processes.

The state CRM should be familiar with the NPS requirements for completing HABS/HAER documentation. If the mitigation requires formal compliance and submittal of documentation to the HABS/HAER program, the state CRM should contact the NPS to determine the level and type of documentation required.

If the state ARNG is documenting their property (ies) based on state-level equivalents to HABS/HAER, the requirements need to be spelled out in either a published state standard or in the stipulations of the MOA. The state CRM should work closely with the SHPO to ensure compliance with state standards.

Regardless of the standard used (HABS/HAER or state), production of the documentation requires the services of a qualified architectural historian or a historic architect.

9.2.4   Disposal or Demolition of Excess Property

Mission requirements sometimes result in the removal, replacement, or disposal of buildings and structures. Section 106 compliance may be necessary if any of the following apply:

- the building is Federally owned or operated;

- the disposal action is Federally funded;

- the disposal action is associated with a Federal undertaking; or

- the undertaking involves the transfer of a Federal property out of Federal control.

Note that property transfers between Federal agencies or transfers of property between state agencies are not considered undertakings with the potential to adversely affect historic properties; accordingly, these actions are not typically subject to Section 106 review.

Demolition of a building within a historic district (using Federal funds) must consider the effects of the action both to the building itself and to the district as a whole. If the building will be replaced in the same location, the replacement design for the building or structure should be compatible with other buildings within the historic district.

The State CRM should work with the State CFMO to determine whether any buildings slated for disposal or demolition require consultation under Section 106.

9.2.5   Economic Analysis

The ARNG is required to conduct an economic analysis of historic buildings and structures considered for demolition and replacement. This would be completed prior to determining whether a building or structure should be demolished and replaced; the analysis would be part of the Section 106 compliance

documentation. The NHPA requires reuse of historic buildings and structures to the maximum extent possible. DoDI 4715.16 provides that "an economic analysis of the historic property shall consider the life-cycle cost of the property; incorporating as required those life-cycle costs for historic elements that are significantly different from life-cycle costs for the equivalent new or replacement elements."

The assessment of new construction should include (as appropriate) demolition and debris disposal costs, new land acquisition costs, and site remediation and preparation costs. Replacement costs must be based on architectural design that is compatible with the historic property or district. If the renovation and life-cycle costs of the historic property will exceed the total replacement project and life-cycle costs of the new construction, then replacement construction may be used. However, in instances when the significance of a particular historic property warrants special attention, this threshold may be exceeded (DoDI 4715.16). Potential reuses of the historic structure must be addressed prior to making the final decision to dispose of the property. The ARNG must also consider costs associated with the contracting of qualified archaeologists or architectural historians, if needed, or the services of professionals to carry out historic building inspections.

The Layaway Economic Analysis Tool Version 2.04, developed by USACERL, is a Windows 95/98 NT-based software tool available to DoD users that will aid the ARNG in the economic analysis of building maintenance costs related to layaway/mothballing, renovation and reuse, and demolition. The Layaway Economic Analysis Tool Software is available on compact disc by contacting the U.S. Army Environmental Center (USAEC) at 1-800-USA-3845, or online at http://www.aec.army.mil/usaec/cultural/software.html. Window Econometric Computer Program can provide life-cycle cost comparisons associated with the repair or replacement of windows. The program is designed to estimate costs over a 20-year period. The economic analyses included in the program are:

- The cost of each alternative over the life-cycle of the building;

- The possible alternatives and additional costs incurred; and

- The point at which one alternative becomes a more viable option than others.

10. ARCHAEOLOGICAL SITES AND INVESTIGATIONS

Archaeology is the study of human activity through its physical remains. Often physical remains provide the only record of past human activity, and an archaeological investigation seeks to interpret those remains and to provide information about past lifeways that is generally not found in written records.

Under Sections 106 and 110 of the NHPA, ARNG has a responsibility to identify and evaluate archaeological resources that might be adversely affected by Federal undertakings. The following sections provide a brief discussion of various types of archaeological resources and the evaluation, identification, mitigation, and management options the CRM may need to complete for effective archaeological resource management.

10.1 Common Cultural Remains

The foundation of archaeology, or the archaeological record, is the physical evidence (cultural remains) left behind by human activity. Cultural remains usually take the form of artifacts, features, and ecological data. The following sections describe some of the most commonly found cultural remains. The definitions provided are general and may differ according to the state. **It is important that the CRM become familiar with the state-specific guidelines, required forms, and procedures.**

10.1.1 Artifacts and Ecofacts

An **artifact** is any portable object that has been created, modified, or used by humans (Figure 10-1). Artifact recognition is dependent on evidence of use, such as wear on fragments of stone or bone. Most artifacts recovered from archaeological contexts are broken or fragmented and rarely represent the original form of the item when it was first made.

FIGURE 10-1. PHOTOGRAPHS OF ARTIFACTS, VIRGINIA ARNG.

An **ecofact** is an unmodified biological remain (plant or animal) that is present at a site as a result of human activity. Ecofacts found within most archaeological contexts are food remains, such as: bones, corn cobs, or plant seeds. Some ecofacts, such as plant pollen, are not necessarily cultural but provide information about the environment during human occupation.

There are some materials that do not fit into either the definition of an artifact or an ecofact but are important when interpreting human activity at a site. For example, something (e.g., an unusual stone) that was brought into the site but was not modified in any way is called a **manuport**. Manuports can provide additional information about where people traveled or the kinds of materials/objects that may have been important to them.

Artifacts, ecofacts, manuports, and other objects comprise the **assemblage** of materials of a site. Objects discovered in isolation or single artifacts may be called an isolated occurrence or an isolated find, depending on the state specified nomenclature.

10.1.2   Cultural Features

Cultural features are non-portable elements within a site that cannot be removed without disturbing or destroying their integrity or associated context. Cultural features can include but are not limited to: structures, walls, foundations, depressions, hearths, cairns, peeled trees, rock alignments, rock art, rock circles, wells, postholes, soil stains, storage pits, and grinding surfaces (Figure 10-2 and Figure 10-3).

Identifying cultural features is important when interpreting sites. Their location and associated artifacts can provide data about site function or different activity areas. For example, spatial relationships between features can lead to ideas about human behaviors related to gender and social differences or seasonal and religious activities. They may help provide information about long- or short-term occupation and can be an indicator for the environmental or political climate in a region. Their position or orientation may relate to astrological events or may be important in cultural ceremony.

(Courtesy of ARNG-ILE)

FIGURE 10-2. HISTORIC FOUNDATION, CAMP NAVAJO, ARIZONA ARNG.

FIGURE 10-3. ROCK FEATURE, NEW MEXICO ARNG.

Linear Features

Prehistoric and historic linear features are sometimes noted on topographic maps. Prehistoric linear features could be irrigation canals, game drive lines, or foot trails. Historic trails are foot and wagon trails. Other historic linear features include railroad beds, irrigation systems, sewer systems, and boundary markers.

Rock Art

Rock imagery features consisting of carved, pecked (petroglyphs), or painted (pictographs) images are usually created on cliff faces or other prominent rock surfaces. These features may occur in isolation or as components of larger prehistoric or historic sites, and may be associated with Native American, Anglo, or Spanish culture groups.

In western states, many forests have arborglyphs or carvings in trees. The most common examples of these are derived from Basque or Hispanic sheep farmers who carved into long-lived aspens. Dating techniques for such sites are still in development, but a number of interpretive books and articles are available for various regions. Consulting interested parties (Tribes or local historical societies) may assist with interpretation. Native American rock art should be discussed during consultation meetings for significance under AIRFA or as a TCP.

10.1.3   Sites

The NPS defines a site as: "the location of a significant event, prehistoric or historic occupation or activity, or building or structure, (whether standing, ruined, or vanished) where the location possesses historic, cultural, or archeological value" (Little et al. 1995:30). This definition should be used in conjunction with SHPO guidelines that provide definitions for what is considered a site and the differing site types relevant to a particular state or region. Sites may include artifacts or features, or both, and are normally defined by the visible extent of artifacts and/or cultural features. For example, a site may be defined as five or more artifacts within a 10 meter radius or by a single feature. Most cultural resource managers define sites based on the artifact density and types of activities normally found in the area to discriminate sites from isolated objects or low density artifact scatters. As a result, different states may have different criteria for determining something an "archaeological site" as opposed to an isolated find or low density artifact scatter. When artifacts are encountered with associated features (such as hearths, rock rings, pithouse depressions, stone foundations, temporary shelters, or thermal pits), the area is typically defined as a site regardless of artifact frequency. CRMs should consult their SHPO for similar distinctions or definitions.

Archaeological sites are usually classified into site types to help understand local and regional settlement systems. The type is often related to geography (e.g., open site or rockshelter), function (e.g., habitation site or animal kill/butchering site), or theme (e.g., transportation or ranching). How sites are classified or organized can vary by state and agency. CRMs should reference regional and local contexts/overviews and consult with their SHPO for the appropriate classification. Other archaeological sites mentioned in this chapter include TCPs and Sacred Sites. These sites are more fully discussed in **Chapter 11**.

10.2   Archaeological Investigations

According to the process outlined in 36 CFR 800, ground-disturbing Federal undertakings require inventories, evaluations, and consultations to determine possible impacts to cultural resources resulting from the proposed activity. During this process, priority areas for investigation should be identified, applicable research questions developed, and methods defined. An effective archaeological investigation includes the development of research designs tailored to the regional cultural contexts and the expected information potential of affected sites.

Because the presence or absence of subsurface archaeological resources is generally not immediately obvious, inventories may have to be conducted to identify the presence or likelihood of subsurface cultural deposits. Inventories can entail any combination of pedestrian surveys, subsurface surveys, predictive modeling, and constraints analysis. All work must be conducted under the direct supervision of a qualified archaeologist meeting the Secretary of the Interior's professional qualification standards. Guidance for writing a Statement of Work for archaeological investigation is in **Appendix N**.

The following section outlines standard inventory methods.

10.2.1   Background Research/Literature Review

Background research (literature review) should occur before the start of any field survey and should be part of the planning process for field investigations. This step provides information about what is already known about the project area and helps to identify the level of field investigation needed to reach compliance goals. Research sources should include but are not limited to: historic contexts, historical maps, photographs, ethnographies, primary and secondary historic references, oral histories, local and county histories, official archives, regional summaries, internal ARNG or military documents, land office records, state site files, or other compliance reports. The background research should be specific to the study area, address specific research questions or compliance goals, and should not duplicate previous work.

10.2.2   Types of Archaeological Investigations

The Secretary of Interior *Standards and Guidelines: Standards for Identification* (see http://www.nps.gov/history/local-law/arch_stnds_2.htm) defines two different types of field investigations; reconnaissance and intensive surveys. However, the terminology used to describe the various levels of effort associated with field investigations (e.g., Class I or Phase I) is specific to states or regions across the country. The terms used are often preferred by SHPOs and dominant land managing agencies within a region. The "Class" nomenclature is generally used in the West and "Phase" nomenclature is used in the East. The ARNG should identify and understand the requirements associated with the nomenclature used in their state or region. The following describes reconnaissance and intensive surveys and other types of archaeological investigations.

Reconnaissance Surveys (sometimes considered a Class I, Class II, or Phase I study) involve a physical inspection of the ground surface, and can be used to help plan for additional survey, or they may be all that is required to satisfy compliance needs. This type of survey involves the background research described in **Section 10.2.1** and then field checking the information. Reconnaissance surveys do not involve subsurface testing.

Subsurface Surveys (may be part of Class III, Phase I and II studies) also include the background research described in **Section 10.2.1** followed by detailed physical inspection of the survey area. This generally involves some level of subsurface investigation. Intensive surveys can be used to gather the information needed to evaluate archaeological resources for NRHP eligibility. Field investigations are systematic and can entail 100 percent coverage or sample coverage of the study area.

Shovel test pits (STPs) and test units (TUs) are the most common methods of subsurface investigation. STPs are usually circular 30 to 50 centimeter shafts excavated on a predetermined grid. If cultural materials are recovered from an STP, additional STPs may be placed nearby in order to define the density, extent, and boundaries of subsurface cultural deposits. TUs are usually 1-x-1-meter square units placed on a predetermined grid. Excavation is generally terminated at a predetermined depth of recognized sterile soil. Other subsurface testing methods include drill or auger probes, trowel or shovel scrapes, and backhoe trenches or scrapes. The number and placement of tests depends on the project area size and the likelihood of subsurface deposits.

Subsurface surveys seek to provide a representative sample of the extent and nature of archaeological materials present within the survey area. They allow cultural resource managers to assess and extrapolate site densities to larger tracts of land, or may economize survey budgets in low site density areas. Any sampling strategy must be developed by a qualified professional, used methodically, and evaluated for accuracy. Some states have minimum sampling requirements; it is imperative to confirm the level of sampling required by SHPO.

Archaeological surveys serve to identify the presence or absence of sites, define site type and boundaries, and determine the eligibility of a site for listing on the NRHP.

Archaeological Data Recovery (sometimes referred to as a Phase III study) is conducted on NRHP eligible sites as a mitigative measure when the site will be adversely impacted by a Federal undertaking. It may be limited to the portion of the site that is threatened. Data recovery seeks to retrieve the information or research potential for which a site is eligible for the NRHP. Data recovery requires the development of a research design to mitigate all impacts to significant sites through formal controlled excavation of buried cultural deposits, photographic documentation, and archival research.

Approaches to and methods for data recovery are variable and depend on the individual character of the site, its geographic location, the possible impacts to the site, state requirements/regulations, and timing. Before any fieldwork takes place, the data recovery plan must be developed in consultation with the SHPO, Tribes, and consulting parties, and memorialized in an MOA.

Requirements for a data recovery project include:

- Preparation of an action/work plan (data recovery plan) that describes:
  - The site and proposed project APE;
  - Information sought;
  - Research questions;
  - Sampling techniques;
  - Maps and GIS data (including shape files);
  - Catalogs and analysis methods;
  - Any special studies (e.g., radiocarbon dating).
- Report preparation;
- Curation plan for collected artifacts (items should be curated at a Federally approved curation facility); and
- Appropriate review and approval.

Monitoring involves scrutinizing ground-disturbing construction activities as they occur to ensure that those activities do not encroach on archaeological remains and to verify that construction activities do not unearth previously unidentified cultural remains. Monitoring ensures that known sites are not impacted by project activities and that inadvertent discoveries are documented; it is not a method to mitigate impacts to a known archaeological resource.

Constraints analysis is completed when a general understanding of what is on the property is needed. Constraints analyses can be used as a pre-project tool to gain a better understanding of the required level of effort. A record search/literature review, possibly a field visit, and a letter report documenting the overall impressions and concerns along with the appropriate recommendations may be sufficient. A

constraints analysis is not a substitute for survey and does not constitute Section 106 compliance. The SHPO can provide information for state-specific requirements.

10.2.3   Artifact Collection Strategies

Artifact collection allows further study, such as residue analysis or microscopic inspection, or to conserve an important item for preservation and/or interpretive display. Removal of artifacts from sites requires accurate provenience data (location of the artifact within the site context) and an existing agreement for curation with a Federally approved facility. Ultimately all materials associated with the test excavation, including artifacts, field notes, maps, and photographs are curated at a Federally approved repository.

Most Federal agencies and many Tribes prefer researchers to leave artifacts in their original context. In situ documentation of specimens with a minimum of disturbance is preferred over collecting. Some SHPOs, however, require 100 percent collection. A thorough understanding of local requirements is necessary when planning field methods. The development and implementation of a collection strategy should be required in the Statement of Work for any archaeological investigation.

10.2.4   Archaeological Predictive Models

Often archaeological surveys generate environmental information on high-, medium-, and low-site density areas. This information can be used to extrapolate site probability estimates to environmentally similar, but unsurveyed portions of an APE. Predictive models span a broad range of methods and levels of rigor. The most robust models usually involve (1) large and environmentally diverse sample areas, (2) rigorous selection of predictor variables, (3) validation and refinement of a pilot model prior to full implementation, (4) use of GIS, and (5) application of statistical methods, such as logistic regression or factor analysis, in the definition of high-, medium-, and low-probability areas. Predictive models define land use patterns and can provide interpretive and predictive information. Well-executed models are useful for planning purposes as new APEs are defined in similar environments. Modeling can identify sensitive areas and reveal additional project needs for:

- Avoidance or mitigation (e.g., training scenarios that avoid sensitive areas);
- Alternative actions;
- Consultation with Tribes.

Predictive models enable archaeological surveys to focus more (but not exclusively) on high-sensitivity areas when 100 percent intensive survey and testing is not feasible due to cost or time constraints. Models can be formulated for a distinct project or as part of a larger survey effort. Various SHPO or state archaeological societies may have predictive models or predictive modeling parameters that could assist with developing models for ARNG lands.

Models should include:

- Summary of previous planning level surveys and predictive models;
- Language in task orders for use of the cultural landscape approach;
- A conclusion in the report about the accuracy of the model; and
- A GIS layer delineating areas surveyed and survey results.

Predictive models are not meant to replace archaeological surveys, but can be tested and refined to assist with planning. Development and implementation of a model does not preclude Section 106 requirements and will minimally require the expertise of an archaeologist, a GIS technician, and involve tribal or other

consultation. Modeling can reduce the intensity of field inventory in areas of demonstrated low site density and provide a more effective use of program funding. Predictive models should be updated and evaluated as new survey data become available.

10.2.5   Reporting and Determinations of Eligibility

Survey reports present the findings of the archaeological investigation and make recommendations about the eligibility of any identified archaeological resources. A survey report should include the following:

- A description of the project area's environmental setting and cultural history;

- A discussion of previous surveys of the area and previously recorded sites within a specified distance (often one mile) of the APE;

- An explanation of the survey methods used;

- A research design, if appropriate;

- Newly recorded site data and corresponding NRHP eligibility or recommendation for further investigation;

- Standard site forms, documenting newly recorded sites, in the appendix. These forms can usually be obtained from SHPO websites.

Identified archaeological sites are given site numbers, obtained from the SHPO. Sites do not need to be determined eligible for the NRHP in order to be given a site number, but the procedure does vary by state. In some states the archaeological resources must meet the state's definitions of "site" to receive a site number. Other states' SHPOs may assign numbers to low-density artifact scatters or isolated finds. All CRMs should become familiar with their particular state's guidance. Assigning a site number ensures the site is recorded in a central statewide database, maintained by the SHPO.

The state ARNG must make Determinations of Eligibility for all sites. Most evaluations of archaeological sites are made under Criteria D, the site's ability to yield information important in prehistory or history. All sites are treated as eligible until a final determination is made. Isolated finds or isolated occurrences are not considered eligible for the NRHP since, by definition, these items lack integrity of association.

10.3   Curation

Curation is the long-term storage and care of archaeological artifacts, and **must** be considered by the state ARNG when developing a Statement of Work for an archaeological investigation. The ARNG is responsible for developing agreements with curation facilities (curation agreements) for the long-term management of archaeological collections (including artifacts and associated records) recovered from Federal lands or in association with a Federal undertaking. **Chapter 5** includes a discussion on developing curation agreements.

Curatorial facilities will have their own guidelines and procedures for the treatment of artifacts, samples, and associated records. These guidelines specify how artifacts are cleaned, numbered, labeled, and catalogued; pertinent documentation; and sample preparation. These guidelines may also dictate the types of materials (e.g., ink, silica gel, paper) used to store, mount, or otherwise prepare artifacts.

Archaeological collections and associated records should be curated in a facility that meets the standards outlined in 36 CFR 79.9, *Curation of Federally-owned and Administered Archaeological Collections*. Installations with onsite curatorial facilities will need to ensure that those facilities meet the requirements for Federal approval, detailed in 36 CFR 79.9. NGB will not provide funding for the construction of a state ARNG curation facility. NGB will provide funding for both initial and ongoing curation costs.

Some state ARNGs have historic museums with their own historical collections that reflect the history and heritage of State Guard organizations or units. Such museums and the management of their collections may fall under the state ARNG PAO office. These collections may include, but are not limited to, brick and mortar State Guard museums containing records, photos, donated private collections, items of Unit heraldry, and static displays such as tanks, guns, airplanes, and monuments displayed on ARNG land. These collections are managed in accordance with NGR 870-20, *Army National Guard Museums, Museum Activities, and Historical Property* (1 February 2002). Contact NGB PAO for questions concerning State Guard museums and their collections.

Although state ARNG historic museum facilities may be used for the housing and management of the state ARNG's archeological collection it is imperative to maintain separation between the two collections. The archaeological collections must be curated by a qualified professional.

10.3.1 Associated Records

Associated records are those materials associated with an archaeological investigation, and can include photographs, maps, field notes, artifact inventories, site reports, etc. Associated records that are generated under a Federally funded archaeological investigation are the property of the Federal agency. Records must be curated along with their appropriate collections.

10.4 Management Options

If an NRHP-eligible archaeological site will be adversely affected by a proposed undertaking or action, steps must be taken to avoid, minimize, or mitigate adverse effects (per DoDI 4715.16, 36 CFR 800.6. and 40 CFR 1508.20). Consultation with the SHPO, Tribes, and other parties (as appropriate) is required and would determine the appropriate treatment option executed in an MOA.

Avoidance can mean rerouting work around a site, choosing another location, or other actions such as temporarily covering with various materials to ensure preservation, limiting access to foot traffic, or fencing. Other methods of site preservation may entail remediation of erosion, partial covering of site with clean fill, or stabilization of ruins. The Secretary of Interior's *Standards for the Treatment of Historic Properties* (see http://www.nps.gov/tps/standards.htm) and creative mitigation options (such as public outreach materials or preservation of a similar resource) would also apply to archaeological resources. All treatment options must be driven by a research design that outlines the Statement of Work and the research questions addressed.

10.4.1 Inadvertent Discovery

Each state ARNG should have a process in place for dealing with the inadvertent discovery of archaeological remains, human remains, or cultural items as defined under NAGPRA. When the state ARNG has only state land, then the CRM is responsible for researching and referencing the state burial laws for proposed project plans. When the project is taking place on Federal land, all Federal laws apply to the land, including NAGPRA for the possibility of inadvertent discoveries. As discussed in **Section 4.5.3**, the state ICRMP will have SOPs that describe the procedures for inadvertent discoveries for human remains and associated grave goods. These SOPs will also require tribal consultation as part of the protocol for particular discovery situations.

10.5   Archaeological Resources Protection Act

ARPA (31 October 1979) defines archaeological resources as "any material remains of past human life or activities which are of archaeological interest . . . at least 100 years of age" (16 USC 470bb(1)). ARPA and its implementing regulation (32 CFR 229) apply to archaeological resources located on Public[8] or Native American lands, and are composed of four main components:

- Acknowledgement of Federal ownership of objects excavated from Federal lands;

- Permitting for archaeological investigations;

- Protection of archaeological resources;

- Prohibition of public disclosure.

10.5.1   Ownership

ARPA dictates that archaeological resources, objects of antiquity, and significant scientific data from Federal installations belong to the Federal government, except when repatriation is required under NAGPRA. Resources from nonfederal land belong to the state, territory, or private landowner. When resources are from lands used by the ARNG, but the fee title is held by another agency, they are the property of the agency holding the title but are managed by the designated land manager in the land use instrument (e.g., public land order, special use permit). ARNG commanders should ensure that land use instruments allowing for military use are reviewed to determine proper roles and responsibilities.

10.5.2   ARPA Permits

ARPA permits for conducting archaeological investigations are required when **all** of the following criteria are met:

- The project is on Federally owned land.

- Excavation or artifact collection will occur.

- The archaeological investigation is **not** being performed for the purposes of Section 106 or 110 compliance.

- Archaeological investigations could result in the excavation or removal of American Indian human remains and other cultural items as defined in NAGPRA, or the excavation of archaeological resources that are of religious or cultural importance to Tribes.

The state ARNG should contact the ARNG-ILE POC if there are questions about whether an ARPA permit is needed. If appropriate, ARNG-ILE will initiate the permitting process. ARPA permits can take up to 6 months to acquire.

10.5.3   Protection of Archaeological Resources

ARPA prohibits the removal (without authorization), damage, destruction, sale, purchase, exchange, transport, or receipt of archaeological resources removed in violation of ARPA, and institutes substantial civil and criminal penalties for such violations,

---

[8] See definition of Public land at 32 CFR 229.3 (d).

The TAG should ensure that military police; installation legal staff; installation PAO; and fish, game, and recreation management staff are familiar with the requirements and applicable civil and criminal penalties under ARPA.

Under certain circumstances, the state ARNG may determine that certain archaeological resources are not or are no longer of archaeological interest and are not considered archaeological resources for the purposes of ARPA (in accordance with 32 CFR 229.3(a)(5)). Justification and documentation for these determinations should be provided by memorandum and be formally staffed for review through the ARNG-ILE to HQDA prior to final determination.

10.5.4   Public Disclosure

Under Subchapter II of Chapter 5 of USC Title 5, in accordance with ARPA Section 9, or under any other provision of law, ARNG may not make information concerning the nature and location of archaeological resources available to the public, unless he/she determines that such disclosure would:

- Further the purposes of ARPA or the Reservoir Salvage Act, as amended, 16 USC 469-469c-1]; and

- Not create a risk of harm to such resources or to the site at which such resources are located.

11.   CULTURAL LANDSCAPES, TCPS, AND SACRED SITES

11.1   Cultural Landscapes

The NPS defines a cultural landscape as "a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values" (NPS 2010). Cultural landscapes are a type of historic property addressed in terms of NRHP eligibility.

A cultural landscape can be any of the following:

- Historic site (e.g., a battlefield): the location of a significant event or activity, or a building or structure, whether standing, ruined, or vanished, where the location possesses historic, cultural, or archaeological value regardless of the value of any existing structure;

- Historic designed landscape (e.g., Mount Vernon): a landscape having historic significance as a design or work of art because it was consciously designed and laid out by a landscape architect, master gardener, architect, or horticulturist according to design principles, or by an owner or other amateur using a recognized style or tradition in response or reaction to a recognized style or tradition; has a historic association with a significant person or persons, trend, or event in landscape gardening or landscape architecture; or a significant relationship to the theory and practice of landscape architecture;

- Historic vernacular landscape (e.g., farmstead): a landscape that has evolved through continued use, and the construction or physical layout reflects endemic traditions, customs, beliefs, or values in which the expression of cultural values, social behavior, and individual actions over time is manifested in the physical features and materials and their interrelationships, including patterns of spatial organization, land use, circulation, vegetation, structures, and objects; and in which the physical, biological, and cultural features reflect the customs and everyday lives of people; or

- Ethnographic landscape (e.g., Petroglyph National Monument): a landscape traditionally associated with a contemporary ethnic group, typically used for such activities as subsistence hunting and gathering, religious or sacred ceremonies, and traditional meetings.

Cultural landscapes are a unique resource type in that they are not always immediately recognizable to someone not familiar with the group to which they are significant. This is especially common with vernacular and ethnographic landscape types. It is important for the state CRM to consult with the SHPO, Tribes, and any other groups that may have an interest in the area to help identify and bound a cultural landscape.

The NPS has published several National Register bulletins regarding the identification, documentation, and evaluation of cultural landscapes, including bulletins 18, 22, 30, 40, and 42. Guidelines for the treatment and preservation of cultural landscapes are contained in the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. The standards are available on the Internet at http://www.nps.gov/tps/standards.htm. Information is also available in the NPS Preservation Brief 36, *Protecting Cultural Landscapes*.

11.2   Traditional Cultural Properties

TCPs are important resources that can be eligible for listing in the NRHP because of their association with cultural practices or beliefs that are rooted in the history of a living community and are integral to the continuity of the community's cultural identity. Nearly every community or group of people attributes value to certain places. The significance of these places might be based on religious beliefs, an important

event, or a defining activity. To qualify as a TCP, however, the location must invoke a feeling of emotional significance in the minds of a distinct group.

The NPS *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1998) defines a TCP as a property "that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community." A TCP is a tangible property such as a site, building, structure, district, landscape, or object that demonstrates relevance to traditional religious and cultural practices. These properties can include man-made components, such as a medicine wheel or a historically African American church, or natural landforms, such as mountains or buttes. A TCP may be a component of an ethnographic landscape (such as a mountain), or it may be a distinct object, feature, or structure (such as the church mentioned above). The NRHP does not consider intangible resources (e.g., beliefs, customs, practices, or oral histories) TCPs; a demonstrable relationship between a specific community and property is the defining factor for a TCP. TCPs are often difficult to recognize, and consultation with Tribes and other interested parties is essential to delineating and mitigating potential effects on these properties.

A common misconception is that TCPs are only of tribal origin. TCPs can derive from any distinct group. Examples of TCPs are:

- A location associated with the traditional beliefs of a Tribe about its origins, its cultural history, or the nature of the world; or that has historically been used or is currently used to perform ceremonial activities in accordance with traditional cultural rules of practice;

- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;

- An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;

- A location where a community has traditionally conducted economic, artistic, or other cultural practices important in maintaining its historic identity (National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*).

Any comprehensive inventory must include efforts to identify TCPs and consultation with those groups/individuals that ascribe cultural significance to the area. Once a TCP has been identified, it must be recorded in the field, documented, and evaluated for NRHP eligibility. There are some things to keep in mind when documenting TCPs:

- In addition to the historic and present physical appearance, the property must be described in terms of the associated belief or practice.

- The description should discuss when the property gained significance and its period of use.

- In defining boundaries, the property's traditional use must be carefully considered.

- Changes in boundaries through time also should be taken into consideration.

- It is important to describe the property's setting to assist in determining whether an action outside the boundaries will have an adverse effect.

It is preferable that someone from the cultural group accompany the ethnologist or archaeologist who is recording the TCP. Cultural restrictions may exist regarding who may approach the TCP and the types of activities appropriate onsite (e.g., photography, eating). Prior to approaching the property, cultural restrictions should be discussed with knowledgeable consultants.

11.2.1   Evaluating TCPs for NRHP Eligibility

TCPs can qualify for inclusion in the NRHP. The state CRM should initiate the process by consulting with SHPO, Tribes, and any groups that may have a current or historic interest in the area to determine the presence or absence of TCPs. The state ARNG must then apply the same two-part test for eligibility that is applied to historic sites or buildings: 1) does the resource meet the eligibility criteria under 36 CFR 60.4 and 2) does the resource retain historic integrity? National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties,* outlines these steps. Integrity issues for a TCP comprise two main questions:

1. Does the property have an integral relationship with cultural practices or beliefs?

2. Does the property retain integrity of location, setting, design, or materials such that those relationships have survived?

A property need not retain all the elements of integrity to qualify for NRHP inclusion; nevertheless, each element requires consideration. For example, an object that has lost integrity of location but retains integrity of design, setting, and materials may qualify for NRHP listing if those elements are sufficient to make the property significant to the continuity of a practice or belief. An American Indian ceremonial object that has been moved from its original location but retains integrity of design and materials can be considered eligible because of its importance to a belief or practice. Although the integrity of properties that have been moved, altered, or destroyed is marginal, such properties may remain eligible for NRHP inclusion. If a property meets one or more of the NRHP significance criteria and does not qualify under the special considerations (A through G), it can be recommended eligible for NRHP listing.

As of 2012, there was one recorded TCP on ARNG lands. The identification of TCPs is an ongoing process, so this number is subject to change.

11.3   Sacred Sites

Unlike TCPs, sacred sites are specific to American Indian Tribes. As of 2012, there was one recorded sacred site on ARNG lands. The protection of sacred sites on Federal lands was established by EO 13007, *Indian Sacred Sites,* 24 May 1996. Under this order, the state ARNG is required to protect and accommodate access to American Indian sacred sites on Federal land. ARNG-ILE recommends the same considerations be extended to sacred sites on state lands, out of respect for the Tribes that may hold these areas significant. A sacred site is defined as:

> "Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the Tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site" (EO 13007 Sec. 1 (b)(iii)).

Sacred sites are not eligible for nomination to the NRHP, but must be considered and protected in management efforts. Notice of any planned action that would limit access to or adversely affect ceremonial use or the integrity of sacred sites must be submitted to Tribal representatives and consultation initiated in the process of project planning.

Continuous use of a location is not necessary for evaluation as a sacred site. Removed Tribes or Tribes not allowed access to sacred areas in the past have the authority to claim those areas as sacred. Restricting public access to sacred sites, which are sensitive to people with historic ties to them, promotes positive relationships with Tribes and is recommended.

Per AIRFA and EO 13007, Tribes have the right to access and use sacred sites on ARNG lands. Reasonable terms, conditions, and restrictions regarding access to sacred sites will be agreed upon to protect personal health and safety and to avoid interference with the military mission or with national security. Sacred sites may be used for ceremonies that take place one or more times during a year. Reasonable notice should be given by the ARNG if mission actions prohibit Tribes access to a sacred site

11.4   Cemeteries

There exists a wide range of cemetery types on ARNG lands. The type and nature of the cemetery will affect how and by whom it is managed. The HQDA's definition for cemeteries (as of 2012) is in transition. Currently it does not include unmarked individual burials lacking historic recordation; these are classified as archaeological sites and should be managed by the state CRM as such. For additional guidance on the management of burials, refer to **Section 4.5.3** or contact the ARNG-ILE POC.

The ARNG currently recognizes the following types of cemeteries, based on AR 210-190, *Post Cemeteries*, 16 February 2005:

- Government cemeteries (National and VA cemeteries): cemeteries managed by the National Cemetery Association (NCA, Veterans' Administration (VA), or Army).

- Private cemeteries on ARNG land: management of these is the responsibility of the CFMO; however, the state CRM may play a role in providing access under AIRFA and other cultural resources laws and regulations, as applicable.

  o Federal land: per AR 210-190, the ARNG must allow access to the descendants;

  o State land: all applicable state regulations apply; ARNG-ILE recommends providing the same access rights as would be provided to private cemeteries on Federal land.

- Private cemeteries on private land: may occur when the ARNG acquires the land surrounding the cemetery, but does not acquire the cemetery site itself. The ARNG must allow access to the descendants; management and upkeep of the cemetery are the responsibility of the descendants.

- Post cemeteries: cemeteries in which service members and their families are interred. Management of these is the responsibility of the CFMO.

Note: State ARNGs may also have "State Veteran" cemeteries on their state lands. These cemeteries are governed by applicable state laws.

In general, cemeteries are not considered eligible for NRHP listing. In order to be considered eligible, a cemetery must derive its significance from one or more of the following under Criteria Consideration D:

- A cemetery containing the graves of persons of transcendent importance;

- A cemetery that has achieved historic significance for its relative great age in a particular geographic or cultural context;

- A cemetery with distinctive design values;

- A cemetery associated with historic events;

- A cemetery with the potential to provide important information.

Assessing the significance of cemeteries and gathering information relevant to their preservation and protection requires the CRM to follow the guidelines outlined in the National Register Bulletin 41, *Guidelines for Evaluating and Registering Cemeteries and Burial Places*, and applicable state statutes.

Most states have laws relating to cemeteries and unmarked graves and these must be taken into consideration.

Known cemeteries on ARNG lands should be identified on site and training installation plans as sensitive resource areas requiring avoidance. ARNG-ILE recommends that state ARNGs take appropriate protective actions and periodically monitor known cemeteries. Contact the ARNG-ILI POC for questions regarding cemeteries protection and maintenance.

THIS PAGE INTENTIONALLY LEFT BLANK

12. CULTURAL RESOURCE TRAINING

Staff training is a prerequisite for cultural resource stewardship and ICRMP implementation. Many training opportunities are available for environmental staff and noncultural resource staff through Federal, state, and private sources. Some examples of agencies offering classes in cultural resource laws and management practices are listed below.

12.1 Cultural Resources Manager

Training for cultural resource personnel should include laws and regulations overview, understanding Section 106, maintenance of historic properties, preservation of cultural landscapes, NAGPRA compliance requirements, agreement documents, tribal consultation, and curatorial services.

For the CRM, training recommendations include, but are not limited to:

- First year: Section 106, tribal consultation workshop, ARNG-ILE Cultural Resources Management 101 class, and ICRMP workshop if available (offered every 4 or 5 years).

- Second year: agreement documents, NAGPRA, and ICRMP workshop.

- Third year: integrating GIS and cultural resources, and advanced Section 106 training.

For environmental staff and the CRM, training is offered by:

- ARNG-ILE annual conservation training session and regional consultation workshops. Topics vary. For more information see http://gko.ngb.army.mil/Login/welcome.aspx. Contact ARNG-ILE CRMs for information regarding classes that ARNG-ILE sponsors yearly.

- DoD conservation workshop (every 2 years). In 2009, DoD sponsored the Sustaining Military Readiness Conference (http://www.smrconference.com/index.cfm) concerning integrating cultural and natural resource protection with other military directives. Other training opportunities are outlined at http://aec.army.mil/usaec/cultural/training.html.

- ACHP (www.achp.gov) offers introductory two-day and advanced one-day Section 106 training at various locations nationwide.

- NPS offers training in cultural resource laws including NAGPRA, Section 106, and ARPA (http://www.nps.gov/history/nagpra/TRAINING/INDEX.htm). The NAGPRA basic training is normally held twice a year. The training covers repatriation requirements and processes, TCP management, and effective Native American consultation. The NPS also conducts preservation training for buildings, structures, cemeteries, and other historic features through the National Center for Preservation Technology and Training (http://www.ncptt.nps.gov/training). Topics vary from year to year.

- U.S. Army Corps of Engineers (USACE) Seattle district provides training in preserving historic buildings and structures through the Navy's Civil Engineers Corps Officer School (https://www.netc.navy.mil/centers/csfe/cecos/) and the Army's Prospect Training Program. Although the topics vary, classes include: Native American Environmental/Cultural Resources Training, Introduction to Cultural Resource Management Laws and Regulations, Historic Preservation Law and Section 106 Compliance, and Department of Defense Native American Cultural Communication Training.

- Department of Homeland Security (http://www.fletc.gov/training/programs/investigative-operations-division/forensics-and-special-investigative-skills-branch/archeological-resources-protection-training-program-arptp) provides a five-day Archaeological Resources Protection Training Program focused on topics such as archaeological crime scene investigation, preservation, damage assessments, investigations, and handling trafficking/looting of cultural remains.

- National Preservation Institute (http://www.npi.org/) offers over 30 professional training seminars for the management, development, and preservation of historic, cultural, and environmental resources. These seminars are offered on a regular basis. National Preservation Institute also provides onsite customized courses to suit specific needs. Sample topics include Section 106, NAGPRA, NHPA coordination for Superfund sites, GIS, and conservation strategies.

- U.S. Department of Transportation (Federal Highway Administration) offers a cultural resource seminar that covers historic preservation laws and tribal consultation (www.fhwa.dot.gov/resourcecenter/teams/environment/resource_dir.cfm).

- Historic Preservation Learning Portal provides ready access to cultural resource information as an e-Gov tool for Federal agencies and the public (https://www.historicpreservation.gov/web/guest/home).

12.2 Training for Other ARNG Personnel

Training of non-environmental personnel is crucial for effective compliance with environmental laws and for protection of cultural resources. By interacting with field commanders, project planners, facility managers, and TAG staff, the cultural resource manager can develop solutions and programs that blend with the ARNG mission and existing training opportunities.

Part of the CRM's responsibility is developing a training program for site managers, field commanders and their troops, maintenance staff, and others who may encounter cultural resources. Training topics for non-environmental personnel could include identification of cultural resources and an introduction to cultural resource regulations and SOPs in the event of inadvertent discoveries.

13. GLOSSARY

Advisory Council on Historic Preservation (ACHP) – The ACHP was established by Title II of the National Historic Preservation Act to advise the president and Congress, to encourage private and public interest in historic preservation, and to comment on Federal agency action under Section 106 of the National Historic Preservation Act.

American Indian Tribe – Any Tribe, band, nation, or other organized American Indian group or community of Indians, including any Alaska Native village or corporation as defined in or established by the Alaska Native Claims Settlement Act (43 USC 1601 *et seq*.) that is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians (36 CFR 800.16[m]). Such acknowledged or "Federally recognized" American Indian Tribes exist as unique political entities in a government-to-government relationship with the United States. The Bureau of Indian Affairs maintains the listing of Tribes.

Archaeological Artifacts – An object, a component of an object, a fragment of an object, that was made or used by humans; a soil, botanical or other sample of archaeological interest.

Archaeological Records – Notes, drawings, photographs, plans, computer databases, reports, and any other audio-visual records related to the archaeological investigation of a site.

Archaeological Resource – Any material of human life or activities that is at least 100 years of age and is of archaeological interest (32 CFR 229.3(a)).

Area of Potential Effect (APE) – "The geographical area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking" (36 CFR 800.16 [d]).

Categorical Exclusion (CATEX) – Under NEPA, a CATEX is "a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in Sec. 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect" (NEPA 1508.4).

Code of Federal Regulations (CFR) – Includes the government-wide regulations that all Federal agencies must follow and have the force of law.

Comprehensive Agreements – Under NAGPRA, a comprehensive agreement is an agreement document that Federal agencies use when consulting with Tribes to address land management activities that may result in the planned or inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony.

Cultural Items – As defined by NAGPRA cultural items include "human remains, associated funerary objects, unassociated funerary objects, sacred objects, cultural patrimony" [25 USC 3001 (3)].

Cultural Landscape – A cultural landscape is a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. A cultural landscape can be a historic site, historic designed landscape, historic vernacular landscape, or ethnographic landscape (Cultural Resource Management Guidelines, NPS-28).

Cultural Landscape Approach – To serve as an organizing principle for cultural and natural features in the same way that the idea of an ecosystem serves as an organizing principle for different parts of the natural environment.

Cultural Resources – Historic properties as defined by the NHPA; cultural items as defined by NAGPRA; archaeological resources as defined by ARPA; sites and sacred objects to which access is afforded under ; and collections and associated records as defined in 36 CFR 79.

Cultural Resource Management Program – Activities conducted under the authority of AR 200-1 to comply with Federal statutes and regulations pertaining to cultural resources.

Environmental Assessment (EA) – Is "a concise public document for which a Federal agency is responsible that serves to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact, aid an agency's compliance with [NEPA] when no environmental impact statement is necessary, and facilitates preparation of a statement when one is necessary" (NEPA Sect 1508.9).

Environmental Performance Assessment System (EPAS) – Assists the Army in achieving, maintaining, and monitoring environmental compliance with Federal, state, and local environmental regulations. EPAS identifies environmental compliance deficiencies and develops corrective actions and cost estimates to address these deficiencies.

Environmental Impact Statement (EIS) – "A detailed written statement as required by section 102(2)(c) of [NEPA]" (NEPA Sect 1508.11).

Finding of No Significant Impact (FNSI) – A document "by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (Sec. 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (Sec. 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference" (NEPA Sect 1508.13).

Geographical Information System (GIS) – Electronic maps that can provide information regarding identified structures and archaeological sites that are potentially NRHP-eligible, or that have been determined eligible for the NRHP.

Historic American Buildings Survey (HABS) – NPS standards for formal and informal documentation studies. HABS may include measured and scaled drawings, large scale photographs, written histories, field notes, sketch drawings, etc.

Historic American Engineering Record (HAER) – NPS standards for formal and informal documentation of structures. HAER is more complex than HABS and focuses on structure processes. In addition to what HABS includes, HAER will also consist of extensive engineering drawings, exploded details, etc.

Installation – For real property purposes, an installation is a single site or a grouping of two or more sites for inventory reporting. Each state represents a single virtual installation consisting of all sites the state

controls except sites designated as <u>training installations</u>. Training installations can be their own installations if they have their own command structure and if ARNG-ILI and ARNG-TR have jointly agreed that they may be listed as their own ARNG training installation. One or more sites may be assigned to any one installation but each can only be assigned to a single installation. An installation can exist in three possible forms:

- A single site designated as an installation, (e.g., Camp Roberts, California);

- Several noncontiguous or contiguous sites grouped together as a single ARNG training installation (e.g., Camp Shelby, Mississippi).

Several contiguous or noncontiguous sites grouped together as a single virtual installation, (e.g., ARNG manages all the sites in a single state as a virtual installation).

Integrated Cultural Resource Management Plan (ICRMP) – A five-year plan developed and implemented by an installation commander to provide for the management of cultural resources in a way that maximizes beneficial effects on such resources and minimizes adverse effects and impacts without impeding the mission of the installation and its tenants.

Leadership in Energy and Environmental Design (**LEED**) – LEED is a Green Building Rating System, developed by the US Green Building Council that provides standards for environmentally sustainable construction.

Memorandum of Agreement (MOA) – A formal written agreement "that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties" (36 CFR 800.16 [o]).

National Historic Landmark – National Historic Landmarks are buildings, historic districts, structures, sites, and objects that "the Secretary of the Interior has designated as a National Historic Landmark" (36 CFR 800.16 [p]).

National Park Service (NPS) – The Bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

National Register Criteria – The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the NRHP (36 CFR 60).

National Register of Historic Places (NRHP) – A nationwide listing of districts, sites, buildings, structures, and objects of national, state, or local significance in American history, architecture, archaeology, or culture that is maintained by the Secretary of the Interior. NRHP listings must meet the criteria found in 36 CFR 60.4.

Paleontological Resources – Scientifically significant, fossilized remains, specimens, deposits, and other such data from prehistoric, nonhuman life.

Parcel – A parcel is a contiguous piece or pieces of land described in a single real estate instrument. A parcel can also be described as a specific area of land whose perimeter is delineated by metes and bounds or other survey methods. A parcel represents each individual land acquisition by deed or grant (e.g., each separate real estate transaction). A single, real estate transaction may acquire multiple parcels. Each parcel is shown by a single lot record in the real property inventory. Parcels are, therefore, the building blocks of land for a site. A parcel is created by a real estate transaction whereby a military department or the state acquires an interest in land, and a legal instrument evidences the interest so acquired.

Plan of Action – A Plan of Action is document that is mandated by NAGPRA for the consultation process to outline the treatment, care, handling, and disposition of cultural items.

Planning Resource for Infrastructure Development and Evaluation (PRIDE) – The Planning Resource for Infrastructure Development and Evaluation (PRIDE) database is a centralized database to support the identification of assets within an installation at each state. It provides ARNG-ILE with real property information from which to manage its real property assets. The PRIDE database includes information about facilities, equipment, and grounds at each installation, and information regarding whether the building has been evaluated for its NRHP-eligibility, and whether it is eligible for or listed in the NRHP. The PRIDE does not contain information regarding archaeological sites at installations.

Predictive Model – Modeling used to determine areas of high, medium, and low archaeological potential.

Programmatic Agreement (PA) – A formal agreement between agencies to modify and/or replace the project by project Section 106 (36 CFR 800.3-800.6) process for numerous undertakings in a program. It will record "the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with 36 CFR 800.14 (b)" (36 CFR 800.16 [(t]).

Real Property Development Plans (RPDP) – A written resource prepared by the state ARNG, consulted and used during ICRMP preparation, specifically in dealing with existing and planned structures at a virtual installation (the state).

Record of Environmental Consideration (REC) – A document that is used to explain how an action is covered in a CATEX.

Record of Decision (ROD) – An ROD is a formal decision document which states what the decision was and identifies all alternatives considered by the agency in reaching its decision, specifying the alternatives which were considered to be environmentally preferable (NEPA Sec 1505.2).

Section 106 – Under the NHPA, Section 106 provides direction for Federal agencies regarding undertakings that affect properties listed or those eligible for listing in the NRHP, and is implemented by regulations (36 CFR 800), issued by the ACHP.

Section 110 – Under the NHPA, Section 110 outlines agencies' responsibilities with respect to historic properties and requires Federal agencies to locate, inventory, and nominate all properties that may qualify for the NRHP.

Section 111 – Under the NHPA, Section 111 addresses leases and exchanges of historic properties. This allows the agency to retain proceeds from any lease for use in defraying the costs of administration, maintenance, repair, and related expenses of historic properties.

Site – in the broadest terms a site is a geographic location. In more focused terms, a site is a specific area of land consisting of a single parcel or several contiguous parcels. Each site must be able to produce a closed cadastral survey. A site can be any physical location that is or was owned by, leased to, or otherwise possessed by one Military Service or state (for National Guard purposes), to include locations under the jurisdiction of the Army National Guard (ARNG) where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise came to be located. Do not combine Federal parcels with state parcels in a single site, even if contiguous. There will be no sites that contain both Federal and state-owned property; create separate sites. A site may exist in one of three forms:

- Land only, where there are no facilities present and where the land consists of either a single parcel or two or more contiguous parcels.

Facility or facilities only, where the underlying land is neither owned nor controlled by the Federal or state government. A stand-alone facility can be a site. If a facility is not a stand-alone facility, it must be assigned to a site.

Land and all the facilities thereon, where the land consists of either a single parcel or two or more contiguous parcels, e.g., a state or municipal-owned road that traverses an area. The rule defines such an area as a single site if the military retains controls or ownership of the land under the road. However, if the road and the right-of-way along the road are owned by a party other than the Military Department, than this would be two sites since contiguous ownership does not exist.

Site Locational Models – A model, through past examples, used to predict locations of archaeological sites.

State Historic Preservation Officer (SHPO) – The "official appointed or designated pursuant to section 101(b)(1) of the [NHPA] to administer the State historic preservation program or a representative designated to act for the State historic preservation officer" (36 CFR 800.16 [v]).

Survey – A scientific sampling of the extent and nature of archaeological resources within a specific area.

Traditional Cultural Property (TCP) – A TCP is a tangible property such as a site, building, structure, district, or object, which demonstrates relevance to traditional religious and cultural practices.

Training Installation – Refers to one of the 45 training installations operated by the ARNG.

Tribal Historic Preservation Officer (THPO) – A THPO appointed "by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the [NHPA]" (36 CFR 800.16 [w]).

Tribes – "Tribes" (with a capital T) is used inclusively throughout this document to include American Indian Tribes, Alaska Natives and organizations, Native Americans, and Native Hawaiians, and organizations as defined in the NHPA and NAGPRA.

Undertaking – "An undertaking is a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those conducted by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a Federal agency" (36 CFR 800.16[y]).

Virtual Installation – (standard definition according to DoDI 4165.14) – A virtual installation refers to all holdings of a state ARNG within the boundaries of that state.

THIS PAGE INTENTIONALLY LEFT BLANK

14. REFERENCES CITED

Federal Statutes, Regulations, Executive Orders, and Memoranda

American Indian Religious Freedom Act of 1978 (Public Law 95-341; 42 USC 1996).

Antiquities Act of 1906 (Public Law 59-209; 16 USC 431-433).

Archeological and Historic Data Preservation Act of 1974 (Public Law 93-291; 16 USC 469-469c).

Archeological Resources Protection Act of 1979 (Public Law 96-95; 16 USC 470aa-470ll).

Comprehensive Environmental Response, Compensation, and Liability Act of 1989 (42 USC 9601).

Energy Independence and Security Act (12 January 2007).

National Environmental Policy Act of 1969 (Public Law 91-190; 42 USC 4321 et seq.).

National Historic Preservation Act of 1966 (Public Law 95-515; Public Law 102-575; 16 USC 470).

National Register of Historic Properties (36 CFR 60).

Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601; 25 USC 3001-3013).

Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.).

Superfund Amendments and Reauthorization Act of 1986 (40 CFR 300).

Advisory Council on Historic Preservation, Protection of Historic and Cultural Properties (36 CFR 800).

Curation of Federally Owned and Administered Collections (36 CFR 79).

United States Army, *Environmental Analysis of Army Actions* (32 CFR 651).

EO 11593, *Protection and Enhancement of the Cultural Environment* (13 May 1971).

EO 11991, *Protection and Enhancement of Environmental Quality* (24 May 1977).

EO 13006, *Locating Federal Facilities on Historic Properties in Our Nation's Central Cities* (21 May 1996).

EO 13007, *Indian Sacred Sites* (24 May 1996).

EO 13175, *Consultation and Coordination with Indian Tribal Governments* (6 November 2000).

EO 13287, *Preserve America* (3 March 2003).

EO 13327, *Federal Real Property Asset Management* (6 February 2004).

EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (8 October 2009).

President Document. *Memorandum for Heads of Executive Departments and Agencies on Government-to-Government Relations with Native American Tribal Governments* (29 April 1994).

Department of Defense and Army References

AR 200-1, *Environmental Protection and Enhancement* (13 December 2007).

AR 200-2, *Environmental Effects of Army Actions* (see 32 CFR 651).

AR 210-190, *Post Cemeteries* (16 February 2005).

AR 405–45, *Real Estate Real Property Inventory Management* (1 November 2004).

DoD Directive 4710.1, *Archaeological and Historic Resources Management* (21 June 1984).

DoD Instruction 4710.02, *DoD Interactions with Federally Recognized Tribes* (14 September 2006).

DoD Instruction 4715.16, *Environmental Conservation Program* (3 May 1996).

DoD *American Indian and Alaska Native Policy* (Annotated) (27 October 1999).

DoD *Defense Installations Strategic Plan* (1 January 2007).

Memorandum: *Sustainable Design and Development Policy Update*. Washington, D.C. (5 January 2006).

Memorandum: *Sustainable Strategy for Waste in Military Construction, Renovation, and Demolition Activities*. Washington, D.C. (6 February 2006).

Memorandum: *Strategy for the Environment*. Washington, D.C. (2004).

PA: DoD *World War II Temporary Buildings* (July 1986).

Program Comment for World War II and Cold War-Era Ammunition Storage Facilities (August 2006).

Program Comment for World War II and Cold War Era (1939–1974) Army Ammunition Production Facilities and Plants (August 2006).

Program Comment for Cold War Era Unaccompanied Personnel Housing (1946–1974) (August 2006).

Other References

Advisory Council on Historic Preservation (ACHP)

1994   *Defense Department Compliance with the NHPA: Section 202(a)(6), Cultural Resource Project Development Task Area (U.S.).*

2009   Section 106 Regulations Flow Chart Explanatory Material. Electronic document, http://www.achp.gov/flowexplain.html, accessed December 2009.

Bregman, Jacob I. and R. D. Edell

2002   *Environmental Compliance Handbook*. CRC Press, Boca Raton, Florida.

Bureau of Land Management (BLM)

2004   *Guidelines for Conducting Tribal Consultation*. BLM Manual Handbook H-8120-1; Rel. 8-75. U.S. Department of the Interior Bureau of Land Management, Washington, D.C.

Burns & McDonnell Engineering Company, Inc., and Architectural and Historical Research, LLC.

2008   *Final Historic Context Study*. Report Prepared for Army National Guard, Washington, D.C.

DoD Legacy Resource Management Program

2012   *Legacy Guidebook: A Reference Guide for the Legacy Resource Management Program*. Department of Defense Legacy Resource Management Program. https://www.dodlegacy.org/legacy/Intro/DoD_LEGACY_Resource_Management_Program_Guidelines_May2012.pdf.

Evans, Michael J., Alexa Roberts, and Peggy Nelson

2001   Ethnographic Landscapes. *CRM (Cultural Resource Management)* 24(5):53–55. Electronic document, http://crm.cr.nps.gov/archive/24-05/24-05-20.pdf, accessed January 12, 2011.

Geneslaw, Howard

1995   Cleanup of National Priorities List Sites, Functional Equivalence, and the NEPA Environmental Impact Statement, Journal of Land Use & Environmental Law. Electronic document, http://www.law.fsu.edu/journals/landuse/vol101/geneslaw.html, accessed January 25, 2007.

King, Thomas F.

2000   *Federal Planning and Historic Places: The Section 106 Process*. AltaMira Press, Walnut Creek, California.

2003   *Places that Count: Traditional Cultural Properties in Cultural Resource Management*. AltaMira Press, Walnut Creek, California.

2008   *Cultural Resource Laws and Practice*. AltaMira Press, Walnut Creek, California.

Little, Barbara J., Beth L. Savage, and John H. Sprinkle, Jr.

1995   *Appendix: Definition of National Register Boundaries for Archaeological Properties*. Formerly National Register Bulletin 12, *Definition of National Register Boundaries for Archeological Properties*; now appendix to National Register Bulletin 21, *Defining Boundaries for National Register Properties*. National Park Service, Washington, D.C.

National Park Service (NPS)

1990   *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation: HABS/HAER Standards*. Historic American Buildings Survey/Historic Engineering Record, Cultural Resource Program, National Parks Service, Washington, D.C.

1998   *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin No. 38 by Patricia Parker and Thomas F. King, U.S. Department of the Interior, National Park Service, Originally Published 1990. Electronic document, http://www.nps.gov/history/nr/publications/bulletins/nrb38/, accessed January 12, 2011.

2010   *Guidelines for the Treatment of Cultural Landscapes*. Electronic document, http://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm, accessed 10 June 2010.

National Park Service (NPS), Heritage Preservation Services, and the Advisory Council for Historic Preservation (ACHP)

1995   *Introduction to Cultural Resource Management Laws and Regulations*. National Park Service, Washington, D.C.

Neumann, Thomas W. and R. M. Sanford

2001   *Practicing Archaeology: A Training Manual for Cultural Resources Archaeology*. AltaMira Press, Walnut Creek, California.

Tyler, Norman

  2000   *Historic Preservation: An Introduction to its History, Principals and Practice.* W. W. Norton & Company, New York.

U.S. Army Corps of Engineers (USACE) Mobile District

  2006   *NGB NEPA Handbook: Guidance on Preparing Environmental Documentation for Army National Guard Actions in Compliance with the National Environmental Policy Act of 1969.* National Guard Bureau, Washington, D.C.

U.S. Green Building Council (USGBC)

  2009   *LEED 2009 for Existing Buildings Operation and Maintenance.* U.S. Green Building Council, Washington, D.C.

Webster, Julie L., Patrick E. Reicher, and Gordon L. Cohen

  2006   *Antiterrorism Measures for Historic Properties.* DoD Legacy Resource Management Program Project 03-176. Produced by U.S. Army Corps of Engineers Engineer Research and Development Center / Construction Engineering Research Laboratory (USACE ERDC/CERL), Champaign, Illinois.

14.1   Additional External Guidance

Below is a list of documents, books, and websites available that provide background information and guidance for the management of cultural resources. Many are available on the internet or as hard copies through the publishing agency.

Websites

General Service Administration (GSA) Historic Preservation Overview – http://www.gsa.gov/portal/content/104441

Advisory Council on Historic Preservation – http://www.achp.gov

NPS list of SHPO websites – http://www.nps.gov/nr/shpolist.htm

NEPA Compliance – http://www.epa.gov/Compliance/nepa/

ArchNet: CRM and Historic Preservation Resources – http://archnet.asu.edu/Topical/CRM/crm.html

DoD Legacy Resource Management Program (information and guidelines) – http://DoDlegacy.org

Guidance Documents

NPS, National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation* – http://www.nps.gov/history/nr/publications/bulletins/nrb15/INDEX.htm

NPS, NPS Guidelines for the Treatment of Cultural Landscapes – http://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm

NPS, National Register Bulletin 30, *Guidelines for Evaluating and Documenting Rural Historic Landscapes* – http://www.nps.gov/history/nr/publications/bulletins/nrb30/index.htm

Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines –
http://www.nps.gov/history/local-law/arch_stnds_0.htm

NPS, Technical Preservation Services: Illustrated Guides, Preservation Briefs, Preservation Tech Notes–
http://www.nps.gov/history/hps/tps/

NPS, National Register Bulletin 24, *Guidelines for Local Surveys: A Basis for Preservation Planning* –
http://www.nps.gov/history/nr/publications/bulletins/nrb24/INDEX.htm

Army Defense Environmental Restoration Program – Management Guidance for Active Installations
November 2004, available online at http://aec.army.mil/usaec/cleanup/derpguidance0411.pdf.

THIS PAGE INTENTIONALLY LEFT BLANK

15. INDEX