

United States Army
of
Presidio of Monterey

Integrated Cultural Resources Management Plan

**Directorate
Environmental and Natural Resources**

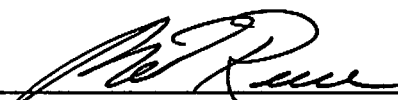
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PRESIDIO OF MONTEREY,
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Directorate Environmental and Natural Resources

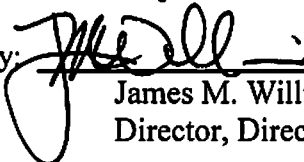
**Integrated Cultural Resources
Management Plan
Presidio of Monterey**

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Integrated Cultural Resources Management Plan (ICRMP) Presidio of Monterey

Executive Summary

Integrated Cultural Resource Management Plans are internal Army compliance and management plans. They integrate the entirety of the installation cultural resources program with ongoing mission activities, allow for ready identification of potential conflicts between the installation's mission and cultural resources, and identify compliance actions necessary to maintain the availability of mission-essential properties and acreage. This ICRMP is the installation commander's decision document for cultural resources management actions and for specific cultural resources compliance procedures on the Presidio of Monterey. ICRMPs supersede and replace Historic Preservation Plans (HPP) prepared under AR 420-40 (AR 200-4 (4-1a)) and are required by Army Regulation (AR) 200-4 *Cultural Resources Management* and Department of Defense Instruction (DoDI) 4715.3. ICRMPs are written based on a five-year cycle and are a component of the installation master plan. The five-year cycle for this ICRMP is 2005-2010.

Cultural resources are buildings, structures, sites, districts, and objects that are eligible or included on the National Register of Historic Places (NRHP). A Cultural Resources Manager (CRM), in accordance with AR 200-4, provides day-to-day management for cultural resources; helps ensure that all installation activities are in compliance with applicable cultural resources requirements and serves as a liaison between all persons involved in the ICRMP; writes the ICRMP or develops its Statement of Work; and implements the ICRMP.

The intended consequence of implementing this ICRMP is to provide the Presidio of Monterey managers with a guide to assess what the installation do to ensure compliance with historic preservation laws and regulations while accomplishing mission objectives. This ICRMP will provide managers with a yardstick against which to measure progress towards achieving the objectives outlined in the management section of this ICRMP. The ICRMP provides a forum to examine long-term management goals, to explore the intended focus of efforts on critical issues, and to achieve consensus about these things. Thus, as it evolves, the periodic major reviews intentionally serve as a reference point for relevance to command interests. The confirmation of relevance provided with command approval of the plan signals confidence in program management and serves as delegation of authority and responsibility to the CRM.

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Chapter I

Introduction

DoD Instruction 4715.3 and AR 200-4 require installations to develop an Integrated Cultural Resources Management Plan (ICRMP) as an internal compliance and management tool that integrates the entirety of the cultural resources program with ongoing mission activities. This document is designed to support the military mission of DLI-FLC and Presidio of Monterey and implement the legal compliance requirements of federal historic preservation laws and regulations in a manner consistent with the sound principles of cultural resources stewardship. An ICRM provides the Installation and Garrison Commanders with the information needed to make appropriate decisions regarding cultural resources management and specific compliance procedures. ICRMPs are internal Army compliance and management plans that integrate the entirety of the installation cultural resources with ongoing mission activities, allow for ready identification of potential conflicts between the installation mission and cultural resources and identifies the legal compliance actions necessary to maintain the availability of federal lands for training and combat readiness. This ICRMP establishes priorities for the identification and standards for the evaluation of historic properties on Presidio of Monterey and provides a schedule designed to accomplish program objectives during a five-year period.

This ICRMP is based upon information derived from historical, archaeological, ethnographic and architectural investigations (including associated historic contexts) on the Presidio of Monterey and Ord Military Community (formerly Fort Ord) military reservations. It specifies management strategies for known historic properties and methodologies for identification and evaluation of unknown cultural resources.

This ICRMP provides guidance for implementation of the Army's cultural resources management policy as prescribed in AR 200-4, Cultural Resources Management, in the format of an internal US Army management plan that integrates the entirety of the installation cultural resources program with ongoing mission activities. The intended consequence of implementing this ICRMP is to provide Presidio of Monterey managers with a guide to assess what the installation should be doing to ensure compliance with historic preservation laws and regulations while accomplishing mission objectives. The ICRMP will also provide managers with a yardstick against which to measure progress towards achieving the objectives outlined in the management section of this ICRMP. The decision by the Army to recognize cultural resources as an integral part of the total population of installation or agency resources reflects an acknowledgment of the need to develop cost-effective and integrated strategies for long-term program support of mission objectives.

The ICRMP supersedes and replaces the Historic Preservation Plans (HPP) prepared under AR 420-4 in 1994, Page & Turnbull, Historic Architects, San Francisco, CA.

The ICRMP is intended for use by the Garrison Commander, Directorate of Environmental and Natural Resources Cultural Resource Manager, Garrison Directorates,

DLIFLC offices, and tenant organizations. It is important for these other offices to understand the responsibilities of the installation and the Cultural Resource Manager (CRM) so that integration can be effective.

Base-wide integration of cultural resources management should happen at three levels:

- with the daily activities of the installation
- with other planning documents
- with outside entities

Chapter II

Objectives

The basic objective of this ICRMP is to integrate the legal requirements for historic preservation with the planning and mission support requirements of the Defense Language Institute Foreign Language Center, construction and other mission essential activities, as well as real property and land use decisions at the Presidio of Monterey. Specific objectives of this ICRMP are:

- a. To establish specific internal procedures for compliance with all Federal preservation laws and regulations governing the protection and preservation of cultural resources with minimum degradation of the military mission and on-going training activities. Includes procedures for enforcement of Federal laws that prohibit vandalism of archeological sites and historic properties.
- b. To establish specific internal coordination procedures for the integration and consideration of DLIFLC and POM mission activities and the effective management of resources to support training sustainability on lands of the Presidio of Monterey.
- c. To establish internal procedures for the integration and consideration of cultural resources in the course of developing the POM master plan and execution of the master planning program.
- c. To locate and evaluate the significance of archeological sites, historic architectural resources, historic landscape features and sacred sites on the Presidio of Monterey military reservation and to protect all resources that meet the criteria for nomination to the National Register.
- d. To contribute to the body of knowledge associated with the prehistoric and historical periods of Monterey through the analysis and synthesis of all data collected as part of the compliance process with Federal historic preservation laws.
- e. To give priority to the location and evaluation of archeological sites located in the lower Presidio of Monterey and for those sites eligible for nomination to the National Register, to develop site protective or mitigation strategies that do not impede ongoing or projected mission related activities or that free training lands of cultural resources restrictions. Conserve funds through the employment of more efficient management techniques and the initiation of mission-oriented evaluation procedures for archeological sites and other historic properties.

f. To conserve resources through the employment of an efficient programmatic management technique and the initiation of mission sensitive evaluation procedures for archeological sites, buildings and structures, and landscape features.

g. To enforce federal laws that prohibit vandalism of cultural resources, including the casual collection of artifacts on the Presidio of Monterey military reservation. The scope of this ICRMP includes statutes and regulations that are beyond the statutory authority of the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), or Native American cultural groups. Specific compliance actions and procedures contained within this ICRMP relating to Section 106 of the NHPA may be addressed in the Programmatic Agreements (PA) with the California SHPO. Specific Native American Graves Protection and Repatriation Act (NAGPRA) compliance actions and procedures are contained within this ICRMP.

Chapter III

Authority

THE INSTALLATION (Garrison) commander has responsibility over the extant inventory of cultural resources on the POM, including historic structures, archaeological sites, and archaeologically sensitive areas. These cultural resources represent nearly 7,000 years of human land use and occupation ranging from the end of the Pleistocene Era through historic and modern period European settlement and the military acquisition and occupation of the POM military reservation. AR 200-4, Section 42, states that it is the responsibility of the 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 installation's mission.

The NHPA, as amended [16 USC 470 et seq.] and its implementing regulations [36 CFR § 800] provide the legal basis for this overall cultural resource management policy. State and local cultural resources laws and regulations do not apply to Federal Army property because there has been no waiver of sovereign immunity in this area. IAW AR 200-4, the HQDA Staff Judge Advocate will be consulted whenever a question arises concerning the applicability of a state or local requirement to Presidio of Monterey's ICRMP. However, DoDI 4715.3 provides "Federal or State conservation officials shall be given access to DoD controlled natural and cultural resources to conduct official business consistent with an installation's operational, security, and safety policies and procedures, and with applicable requirements of the Presidio of Monterey ICRMP regulations (e.g., Section 1531 et seq. of 16 U.S.C. and 36 CFR 60)."

Chapter IV

Cultural Resource Management Strategies

Planning Level Surveys

THE GOAL of planning level surveys is the identification of cultural features within the context of the installation cultural landscape(s). It is within the framework of the cultural landscape that individual cultural resources may be evaluated for contextual significance. Because people do not use the landscape at random (Hester et al. 1997), the unique geomorphological attributes of an installation landscape may be used to predict the types of cultural resources likely to be present. Functional site types will vary with major locational attributes. For example, domestic and agrarian sites (houses and farms) characteristically have water sources and are located near arable lands and transportation networks. Industrial sites (e.g., mills, tanneries, forges, and blacksmith shops) are often located in proximity to water power sources and to transportation networks. Commercial and public or institutional sites (e.g., stores, taverns, inns, schools, and churches) are usually situated near settlement concentrations with access to local and regional road systems. This section describes the concepts of formal cultural resource assessments and predictive models as valid data sets, against which the planning level survey may be implemented. The strategies set forth in this section, when used in conjunction with the five-year planning guide provide the necessary input for attaining a detailed schedule for cultural resource surveys and assessments.

The Cultural Landscape Approach and Planning Level Surveys

The planning level survey, as an integral feature of the cultural landscape approach, provides a framework for understanding the entire land use history of an installation. The planning level survey includes the development of detailed historic contexts, as well as the identification of compliance requirements for specific installation projects and operations. Many project-driven compliance activities may involve procedures and technical review actions beyond those associated with the planning level survey, including field inventory of cultural resources, evaluation, treatment, and associated consultations with other federal and state agencies, Indian tribes, and other organizations. For information on these actions please consult the appropriate SOP in this ICRMP. The planning level survey will utilize information relating to the geomorphologic characteristics and features of the cultural landscape as the basis for identifying and interpreting the spatial interrelationships among the various types of cultural resources, as they exist across the installation. Spatial interrelationships among cultural resources may be identified in terms of continuity and change in the patterns of human land use through time. Identification of land-use patterns may include analyses of

landforms and natural resources, and the interrelationships of those spatial features with prehistoric and historic utilization of the landscape, including areas developed for military use and associated architectural features. Spatial analyses, particularly the use of Geographic Information System (GIS) data, provide the necessary analytic tools to reveal the patterns of prehistoric, historic, and military land use. The most common method of accomplishing meaningful spatial analysis within the context of the cultural landscape approach is by querying data that has been entered into a GIS database.

Procedures

Archeological field survey procedures and the inventory, evaluation, and mitigation of adverse effects on the built environment on Presidio of Monterey are functional elements of the installation-wide cultural landscape planning level survey. Phase I inventories are generally conducted for the purpose of complying with the NHPA, ARPA, or other federal and state laws requiring identification of cultural resources. Phase II testing and evaluation of archeological sites or cultural resources are accomplished to determine eligibility of previously identified sites for inclusion in the NRHP. Phase III procedures involve mitigation of adverse effects on known archeological sites or historic buildings, landscapes, and other cultural resources that are included on, or are eligible for inclusion on, the NRHP. All activities are conducted IAW the cultural landscape approach discussed in the Management Plan section of this ICRMP.

Policies

All phases of cultural resource investigations, including reconnaissance and intensive archeological surveys as defined in the Secretary of the Interior's Standards and Guidelines for Preservation Planning, Identification, Evaluation, and Registration (48 FR 4471628), are covered in detail by SOPs in this ICRMP and more generally within this chapter. If the Presidio of Monterey Cultural Resources Manager decides to modify the stated procedures outlined herein or in the SOP for a particular project or application, the change will be coordinated with the California SHPO, either verbally or in writing, and documented in the project survey report. Where a conflict is found between this section and a statement of work in a contract or delivery order, the provisions of the contract or delivery order will apply, so long as the provisions of NHPA, ARPA, NAGPRA, and related federal and state laws are fully met and complied with. Any such change in field survey procedures will be documented and reported to the California SHPO.

Field Survey Methods

Field surveys determine whether or not archeological deposits are present in the project survey area and provide assessments of the site's potential to provide information significant to our knowledge of prehistory or history. All site information collected in the field is recorded in bound field notebooks that are retained as part of the permanent site documentation. Site locations are recorded on USGS 7.5-minute quadrangle maps. Each site datum is recorded using Trimble® compatible GPS field recorders linked to real-time receivers. New sites are reported to the California SHPO by completing and submitting a California Archeological Site Inventory (ASI) form.

Previously recorded sites in a project area that are not relocated are recorded on an unrelocated site form and submitted to the Cultural Resources Manager. Diagnostic cultural materials recovered from the site are returned to the Presidio of Monterey Cultural Resources Manager who will forward them to the Artifact Curation Facility for processing, cataloguing and long-term curation. Non-diagnostic materials are recorded *in situ* but may not be collected unless required for a specific study or to protect the resources. The physical condition of the survey area surface will determine the type of inventory procedure. Heavily disturbed areas will be subject to a limited number of tests to confirm disturbance and depth of disturbance. If cultural materials are found, shovel testing will be systematically conducted within the project survey area, regardless of the amount or degree of surface disturbance.

Phase I Archeological Survey Procedures

A records and literature search will precede all fieldwork. This search will obtain background information on the known and anticipated distribution of archeological sites, geological, and biological histories and the pre-historical and historical contexts of the survey area. Documentary sources should include site lists, files and maps, published and unpublished archeological, geological, and biological reports, as well as historical and personal accounts. Standard archeological research and archeological survey reports specific to Presidio of Monterey are on file in the office of the Presidio of Monterey Cultural Resources Manager. For a complete discussion of Phase I archeological inventory field and post-field procedures, see the SOPs in Part II of this ICRMP.

Phase II Archeological Testing and Evaluation Procedures

Phase II evaluations determine site significance relative to NRHP criteria. The two principal characteristics of an archeological site that serve as the basis for NRHP eligibility are site integrity and the likelihood that the site will contain information important to prehistory or history. Presidio of Monterey archeological site research questions focus on regional significance. The information potential of a site is referenced to research questions that are interpreted within the contexts of Presidio of Monterey and the prehistory of Monterey Peninsula and coast. For buildings, structures and/or landscapes, NRHP evaluations may additionally include architectural integrity and associations with historically important people or events. Research questions that guide evaluations on these classes of cultural resources focus on regional as well as national significance. Phase II testing will be used to conduct a formal evaluation of significance IAW 36 CFR § 800.4(c). If Phase II testing and evaluation indicates that a cultural resource does not meet the criteria for nomination to the NRHP, the California SHPO will be so advised by written report. All cultural resources determined eligible for nomination to the NRHP will be identified to the Installation Commander as protected properties. Based on HQDA (USAEC) guidance, formal nomination of eligible

properties will not be conducted. Cultural resources determined not eligible for NRHP will not be afforded further protection.

Phase III Mitigation

Mitigation is undertaken when all other alternatives for site or cultural resource preservation have been exhausted. The magnitude of data recovery will be specific to the cultural resource. Because of the complexity of mitigation procedures, a detailed research design, including methods for discovery, collecting, analyzing, recording, preserving and documenting cultural resource information will be completed, in consultation with the California SHPO, prior to initiation of the data recovery project. In the event that Native American human remains or cultural items are likely to be present, the data recovery project will comply with the requirements set forth in NAGPRA and applicable SOP of this ICRMP.

Archeological Strategies

Archeological Survey Planning

Surveys are generally based on the need to clear land for mission activities such as forest management, endangered species habitat improvement, and construction. Due to the limited number of identified archeological sites on the Presidio of Monterey, the Phase II evaluation process is not likely to be initiated. However, should there arise a need for an evaluation, a separate section has been created within the ICRMP to address Phase II evaluation strategies (see Part II).

Sensitivity Determination

The most significant archeological site is located on lands that have been leased to the City of Monterey for use as part of their city historic walk pathway. Four of the eight archaeological sites are located on the Lower POM. Vehicular movement is limited to existing paved roadways and parking areas at and near the museum.

Cultural Resources Inventory

The cultural resources inventory is both an existing database of documented cultural resources as well as a comprehensive assessment of the scope of properties within the installation boundaries. Cultural resources may be districts (e.g., groups of related buildings, sites, structures), sites (archeological sites), buildings (quarters and non-quarters, such as administrative buildings), structures (e.g., bridges and other such engineered structures in which people do not live or work), objects, (e.g., historic tanks and cannons), and traditional cultural properties (e.g., Native American plant gathering areas), that have been formally determined to be eligible for listing in the National Register of Historic Places by the Presidio of Monterey with concurrence by the State Historic Preservation Officer, or by written determination of the Keeper of the National Register, National Park Service.

Archeological Inventory

Summary

The Presidio of Monterey has identified archeological sites representing every period of human occupation. The sites are:

- Prehistoric Native American Village site (CA-Mnt-101) composed of contiguous family sites (to 1770). These archaeological remains are located throughout the lease site and under the remains of El Castillo.
- El Castillo (1793) - A Spanish fort built for the defense of Monterey Bay; CA-Mnt-101
- Fort Mervine (1846) was constructed by the U.S. Army to defend Monterey after California was won from Mexico. The original fort was diamond-shaped and 650 ft. X 400 ft. named after the commander of the first landing party. Lt. E.O.C. Ord and Engineer Lt. Halleck were involved with the construction of the fort. Located on the remaining earthen parapets of Fort Mervine are an 1846 mountain howitzer and four 1863 Civil War siege cannons. The fort was reactivated for 1 - 1/2 years during the Civil War.
- Alex Niño grave marker (1975) is considered the site of the first non-Native American burial in Monterey. Alex Niño was a ship's caulker of African descent. The burial site is in the vicinity of the marker.

Historic Buildings and Structures

On the Presidio there are approximately 102 Historic Buildings, or monuments with a historic landscape district, and historic road system. Many of the buildings are termed 'Contributors' or 'non-Contributors' to the historic district, which affects the way the structures are handled for consultation under the Section 106 process. Any action which is an 'adverse effect' to a 'Contributor' will involve long consultation times with the California - Office of Historic Preservation and the Advisory Council of Historic Preservation. Appendix II, III, and IV list historic buildings, structures, landscapes and buildings considered for demolition.

Initial surveys of all historic resources on the Presidio of Monterey have identified 124 historic resources (buildings, structures and landscapes) within the district plus one individual resource:

- 102 contributing resources (43 of which are historic Army Family Housing units)
- 22 non-contributing resources
- 18 landscape zones
- 1 NRHP-eligible, stand alone resource
- 7 NRHP registered monuments
- 3 historic properties
- 11 historic roads

A complete list of all historic buildings and structures can be found in Appendix III:
Historic Building and Structures List

Presidio of Monterey Past to Present

Early European Exploration: Spanish / Mexican Period, 1770-1846;

In the mid 18th century, the rulers of the Spanish empire in the New World, which had long been consolidated around Mexico and Central America, began to consider seriously the exploration and settlement of Alta (upper) California. The principal influence behind this new look to the north was the need for strategically placed harbors and outposts to provide protection for the treasure ships from the Philippines as they approached the North American coast. By the 1760's, the Russian fur ships were reported as far south as Oregon, searching for seal and otter pelts. The English and French presence in the Pacific was becoming more of a problem, threatening the slow-sailing treasure galleons. Both the French and English crowns were supporting voyages of discovery, particularly in the search for the elusive north-west passage, the discovery of which would provide Spain's enemies with a quick and easy passage between the Atlantic and Pacific Oceans. Finally, the mines of Mexico and Central America were beginning to play out, making the Philippine riches critical to the health of the Spanish Empire.

The start of the Mexican period of governance of California (1822) coincided with the independence of Mexico from Spain.

California Mission Settlement

Spanish America was ruled by Charles III of Spain. In 1767, Spain was reacting to a growth of power, wealth, and the influence of the Society of Jesus throughout the empire. The King expelled the Jesuits from all his realms, and turned over the established Jesuit missions in the New World to the Franciscan order. The Franciscans, long desiring a foothold in the New World, were eager to seize the opportunity to expand the mission frontier in Alta California.

In 1769, the first overland expedition set out, initiated by Jose de Galvez, Viceroy-General of New Spain, lead by Governor Gaspar de Portolá, and was to follow a report by the explorer, Sebastián Vizcaíno, who had landed at Monterey Bay near the current Presidio, in December of 1602. In July (1769) the expedition reached San Diego Bay, which was claimed for the King, and Father Serra established the first California mission, San Diego de Alcalá. The expedition subsequently pushed as far north as Monterey by October. 160 years later, the reports of the bay still impressed the current governors enough to again seek the sheltered anchorage of Monterey Bay.

A second, 1770 expedition, lead by Portolá was to be conducted by both land and sea. With the expeditions was Fray Junípero Serra, the fervent and energetic Franciscan who was to become the father of the Californian mission chain. A presidio and a chapel were established at Monterey in 1770, as was the second California mission, San Carlos Borromeo de Carmelo, (1771) at the mouth of Carmel Valley. The new born settlements were utterly dependent upon outside supplies for survival during their early years and were small, weak, and constantly threatened by starvation. Due to prevailing winds and currents along the California coast, provisioning of the struggling settlements was hazardous, and the distance from Baja California made travel on the El Camino Real (King's Highway) long and arduous. (National Trail Study, Juan Bautista de Anza, Aug. 1986.)

Beginning of the American Period / Statehood

- 1820's Mexico lifts the laws banning foreign trade with California. Trade in cattle hides begins with the United States and England. Hides are called 'California Banknotes' as noted by Dana in his California narrative.
- Construction on the Custom House in Monterey is started in 1827.
- The Larkin house built in 1835, is the first house built in a combination of traditional adobe construction with New England elements, and created what is now known as the Monterey style.
- July 7, 1846, Commodore Sloat, USN, raises the American flag on the Custom House flagpole over Monterey and Fort Mervine was constructed.
- The discovery of gold in 1848 brought thousands of Americans to the north-central gold fields, and depopulated California towns such as Monterey.
- 1848, Treaty of Guadalupe-Hidalgo is signed and upper (Alta) California becomes an official territory of the United States.
- 1850, Sept 9th, California is admitted to the U.S. as the 31st state.
- During the Civil War period, the post was known as 'Ord Barracks' and was occupied until 1866.

Presidio of Monterey History 1900 – Present

Presidio of Monterey, 1902-45

- U.S. troops were stationed at the Presidio following the Spanish-American War (Philippines). Construction of the post began for Infantry with an attached Cavalry squadron. 1902-04 (historic district & lower POM, about 400 acres).
- Extensive training & admin. / logistic use, additional buildings constructed (some on lower POM), small arms ranges (Musketry School until 1910), stables, warehouses, utilities, landfill, etc.
- Use by various units & groups, 1902-40: Infantry with: 11th U.S. Cavalry, 2nd. Bn. 76th Field Artillery. Also, Buffalo Soldiers, National Guard, ORC, ROTC, CMTC, CCC, etc.
- Family housing (about 40 units)
- Opening of DLI in 1946. Transfer of Military Service Language School from: Crissy Field (S.F. Presidio) then to Minnesota in 1942 and to the present location of Presidio of Monterey.

World War II, 1940-45:

- Extensive new construction & remodeling for new recruit reception center, Corps headquarters, hospital & medical lab, utilities, other uses (1941). Small arms ranges closed. Barracks & dining hall built over Soldier Field. Post closed late 1944, reopened mid 1945, for a staging area for occupation troops (Japan), closed again early 1946.
- Development of surrounding community, 1900-45.

Presidio of Monterey, 1946-present:

- The Presidio built with temporary buildings for an induction center for troops during WWII. Much of the temporary, WWII structures are being demolished as mandated by the Department of the Army in 1998. See Appendix IV.
- Army Language School, 1946-present: Build-up of classrooms, barracks, admin. / logistical facilities Peak 3,000 students, 1,500 permanent party military / civilian.
- School renamed: Defense Language Institute, West Coast Branch (open to all four military services), 1963-76; renamed Defense Language Institute - Foreign Language Center (DLI-FLC), 1976 to present.
- Other tenants included Army Research Institute, Army National Guard, service student units, Army Corps of Engineers, etc.
- Lower Presidio: some demolition (bldgs. 104, 106, 125), no new construction, Lighthouse Tunnel & El Castillo archaeological survey (1960s), leased to City for historical park (1996).
- Middle Presidio: Construction of classroom /administration (GIF); Soldier Field cleared of WWII Barracks (1970s), historic district survey (1984 & 1994), City softball fields built under lease (1997).
- Upper Presidio: (1980's) New construction, classrooms, barracks, offices, administration / logistical facilities. Demolition / remodel of selected WW II and earlier structures.
- Additional family housing constructed, 1960s.

POM & Fort Ord Installation History

(NOTE: - ICRMP provides historic context for POM & all lands of the Ord Military Community (former Ft Ord)

Introduction:

- The DLI-FLC & POM are two non-contiguous properties w/ different land-use histories.
- Fort Ord has been associated with the Presidio since 1917 when it was used as a field training site for cavalry units. The 11th Cavalry and 76th Field (horse drawn) Artillery units, were still in service in 1935 -1940, commanded by Col. Ralph M. Parker. Some exercises were conducted at 'Parker Flats' named later for the commander.
- Fort Ord saw intense training between 1917 and 1993 for both World Wars; Korean, Vietnam war eras and with the 7th Infantry Division (L) in Panama.

Fort Ord, 1917-40; Significant events.

- The War Department purchased 15,809 acres from the Jacks Family in 1917, for a maneuver area. Installation names also used: Camp Clayton, Camp Huffman, Camp Gigling, Camp Ord.
- Archaeological surveys show limited evidence of Native American settlement & use. "An Inventory Survey of Historic-Period Archaeological Sites at Fort Ord, Monterey County, California"; David W. Babson, Tri-Services Cultural Resources Team, U.S. Army, Construction Engineering Research Laboratories, Champaign, Illinois. December 1993.

- Ranching, early 19th Century through 1930s: Huffman, Hennekens, Skyline Road, Ranches, Barlow Cyn. site. These may have been leased from City of Monterey, and of a temporary nature. An early family graveyard (1875), the Whitcher Family Cemetery is located on the south side of the East Garrison historic district, and is still maintained by the family descendents.
- Training - seasonal maneuver area, small arms & indirect fire weapons, bivouacking, 1917-1940.
- Construction of Camp Ord, much of it built by Civilian Conservation Corps (CCC), 1933-1940
- Right of way for the Salinas - Monterey terminal oil pipeline. Foundations still visible at BLM office site, Camp Huffman.

World War II, 1941 - 1945: Significant events.

- Additional property acquired & coastal frontage (about 30,000 acres).
- Construction of main post, temporary wood structures, 1940-41.
- Construction of Camp Ord (East Garrison), 1940-41; historic district, eligible for the National Register. (Transferred to Monterey County 2005).
- Soldiers' Club (Stilwell Hall), eligible for the National Register of Historic Places. (Due to be demolished (2001), site transferred to the California Dept. of State Parks and Recreation, 2000).
- WWII training: Intensive use; small arms, indirect fire weapons, wheeled & tracked vehicles, amphibious training, etc., for peak 50,000 soldiers.

Fort Ord, 1945- Present.

- Basic training mission, 1946-74.
- Year-round training activities: small arms, indirect fire weapons, wheeled & tracked vehicles. Population peak 32,000 military /civilian.
- Continued construction, landfills, etc., 1950s-1980s.
- Construction of Fritzsche Army Airfield, 1959-60.
- Additional family housing & support facilities.

Other tenant activities: Headquarters, Combat Development Experimentation Center, etc.

- 7th Infantry Division (Light), 1974-93.
- Base Realignment and Closure (BRAC) listed (1991), closed (October 1, 1994).
- POM Annex: administrative functions /logistics (on-going)
- BRAC Properties: clean-up, UXO sweeps, parcel transfers (on-going)
- POM Annex name changed to Ord Military Community

Chapter V

Installation Overview

Location and Setting

The Presidio of Monterey is situated on promontory headlands on the Monterey Peninsula at the southern point of Monterey Bay. The shoreline forms a relatively protected harbor south and east of Point Piños. The property has been federal land since 1846 when the United States Government assumed the governance of California from Mexico. The original 'Presidio', (1770-1793) known as the (Spanish), Royal Presidio lies under the Monterey YMCA site constructed during WWII, adjacent to the Royal Presidio Chapel to the southwest, and the street named, Camino El Estero to the east. The current U.S. Army 'Presidio' was named on 30 Aug 1904 by War Department General Order 142 to perpetuate the memory of the original Spanish military reservation. The previous name was "Monterey Military Reservation".

Description

The Presidio of Monterey, Defense Language Institute - Foreign Language Center, is the primary school of languages for the Department of Defense and other U.S. Federal agencies.

DLIFLC and POM Mission

The DLIFLC serves as the Defense Department's primary foreign language teaching and resource center. In order to meet language requirements worldwide, the Institute educates linguists throughout their careers, assesses their skills and capabilities, and provides related services, including Contingency requirements.

Vision

To be nation's leading provider of proficiency-oriented foreign language instruction and related services.

Military Mission Activities

The Defense Language Institute and Foreign Language Center is set in the Presidio of Monterey in a campus setting with guarded gates and roads leading to the adjacent communities. The student body of the language schools is comprised of military personnel with classes being held in modern General Instruction Facilities (GIF) and historic barracks structures. The historic barracks were built in 1902. Much recent construction (1980-1999) for barracks, dining facilities, recreation and physical training facilities have been built on the upper or southwest end of the Presidio. Many military Officers and Non-Commissioned Officers with their families live in historic family

quarters on the Presidio grounds. The views of Monterey Bay from this historic district are some of the finest in the area.

Chapter VI

Integrated Management

COORDINATION is central to the effectiveness of the ICRMP as a management tool. Discussions are provided in this section to facilitate installation-wide integration of management goals.

Organization and Staffing

Presidio of Monterey's Cultural Resources Program is part of the Directorate Environmental and Natural Resources. One full-time Cultural Resource Manager currently manages the CRP. The Cultural Resources Manager (CRM) is responsible for management and general oversight of the program by providing the expertise for organizing, prioritizing, and administering the Presidio of Monterey's CRP. In addition the CRM organizes, documents, and curates all objects and documents resulting from cultural resources management activities undertaken on the POM, administers the post's curation facility contract, and compiles, edits and produces annual reports to the Programmatic Agreement. Large-scale projects, either inventories or evaluations, are performed by cultural resource contracting firms, whose services are procured in one of two ways:

1. US Army Corps of Engineers (USACE), Sacramento District;
2. POM Directorate of Contracting (DOC)

The CRM may request the USACE to issue Delivery Orders for the required work or works directly with the DOC to advertise the required scope of work and select a bidder. All requests for contracted work are done in accordance with budgetary levels and cultural resources services previously programmed. Cultural resources management is integrated into all environmental review and resources protection programs, land use programs, and military and civilian construction projects at the planning, design, and execution levels.

The CRM serves as Presidio of Monterey's Native American Graves Protection and Repatriation Act (NAGPRA) coordinator as delegated by the Garrison Commander. With the installation Staff Judge Advocate, the Provost Marshall's Office, and Directorate of Public Safety who serve as law enforcement at the installation, the CRM develops cooperative agreements and protocols for successfully integrating Native American religious freedom and NAGPRA concerns with the post-training mission and CRP.

Confidentiality of Information

In accordance with ARPA, all hard copy and electronic records that contain information regarding the location or character of archeological resources on Presidio of Monterey lands shall not be released to the public if disclosure of such information will entail a substantial risk of harm, theft, or destruction to the resources or to the area where the resources are located. Furthermore, the Presidio of Monterey commander must ensure that all hard copy and electronic documents, reports, and maps that are prepared pursuant to this ICRMP do not contain locational or other sensitive data if they are to be released to the public.

Integration Policies

All Federal *undertakings* (as defined in Appendix II, Glossary) must be coordinated with the POM CRM who will determine whether or not historic properties are present in the project's Area of Potential Effects (APE), will evaluate the significance of identified historic properties within the context of the National Register criteria, and coordinate undertakings with the State Historic Preservation Officer (SHPO). All historic properties will be afforded the same level of protection as that specified under the NHPA and the ARPA for National Register properties until formal evaluation by the POM CRM or other historic preservation specialists contracted by the Presidio of Monterey and meeting the Secretary of the Interiors Professional Qualification Standards (36 CFR § 61 Appendix A). In the event that an undertaking may adversely affect a historic property and the effect cannot be avoided, mitigation plans will be coordinated with the SHPO and Advisory Council on Historic Preservation by separate Memorandum of Agreement IAW Section 106 of the NHPA. Policy statements for specific CRP management objectives are as follows:

1. Cultural resources that are determined not eligible for the National Register and that are not known Native American sacred sites or are not otherwise identified as Native American traditional cultural places, will not be afforded further protection within the purview of this ICRMP.
2. All cemeteries, whether prehistoric or historic, shall be preserved intact and undisturbed IAW California burial laws and AR 210-190. Cemeteries are not managed under the ICRMP.
3. The POM main post cantonment area has been extensively graded since 1904, during the main cantonment buildup. Consequently, the possibility of any intact archaeological site remaining undisturbed within the cantonment area is extremely remote. Accordingly, construction projects within the cantonment area will not require Phase I survey, however, the CRM will inspect or coordinate the contracting of a qualified archaeologist, to monitor any subsurface activity (ditching, basement excavation, etc.), to ensure that deeply buried archaeological sites are identified and properly investigated IAW the NHPA.

4. Vandalism of archaeological sites is prohibited under the Archaeological Resources Protection Act (ARPA) and other related Federal and State laws. The POM Provost Marshall shall be notified of any suspected vandalism of historic properties.
5. IAW AR 200-4, the recreational use of metal or density detectors, for the purpose of subsurface discovery, or the use of any means of ground or underwater disturbance for the purposes of removing or disturbing archaeological artifacts without a proper permit, is prohibited on all lands within the boundaries of the POM military reservation.
6. The illegal trafficking or disturbance of Native American human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony is prohibited by ARPA and NAGPRA.
7. Inadvertent disturbance of archaeological sites shall be immediately reported to the POM CRM. Any person observing or otherwise aware of the disturbance of a Native American grave site or the discovery of human remains is required, under NAGPRA, to protect the site from further damage, and to notify the land manager. The POM CRM shall be immediately notified.
8. The CRM shall monitor all construction activities within close proximity to known archaeological sites. Construction project managers shall furnish accurate maps of all planned construction activities, during the design phase, to the CRM for review.
9. The identification and evaluation of historic properties on POM and POM-controlled areas, shall consider the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and shall be conducted under the supervision of archaeologists and architectural historians who meet the applicable professional qualification standards set forth in 36 CFR § 61 Appendix A.
10. The CRM shall review and monitor all renovation and maintenance activities conducted on historic buildings and structures, as well as construction and demolition activities within or adjacent to the Presidio of Monterey historic and archeological districts.
11. This ICRMP will be reviewed and revised every five years, or as necessary, to ensure continued compliance with all applicable Federal laws and regulations.

Internal Coordination Procedures

While the focus of this ICRMP is on the accomplishment of the necessary compliance actions for the management of cultural resources that may be affected by installation actions, the effectiveness of the ICRMP as a management tool is largely dependent on how well the procedures and policies in this plan are integrated into the daily operation of the installation. This ICRMP should be thoroughly integrated with other installation plans, including the Integrated Natural Resources Management Plan (INRMP), the installation Master Plan, the facilities maintenance plan, information management systems, and National Environmental Policy Act analysis. This plan must be

regarded as an integral component of the installation Master Plan. Although the policy and procedures outlined and discussed within this ICRMP specifically address the management of the installation cultural resources program, the installation Master Plan must recognize the legal requirements that necessitate the cultural resources compliance and provide the appropriate legal and management setting within the installation Master Plan to facilitate the timely accomplishment of these procedures. The integration of this ICRMP with all land management programs and practices on Presidio of Monterey is an essential element in meeting the legal obligations mandated by federal laws and regulations protecting the cultural resources located within the boundaries of the Presidio of Monterey military reservation.

The major stakeholders in Presidio of Monterey cultural resources compliance activities, as identified in the ICRMP, include Directorate of Public Works Construction Management and Facility Maintenance Divisions, Residential Communities Initiative, Office of the Staff Judge Advocate (SJA), and the Directorate of Environment/Natural Resources Division (DENR). The ICRMP streamlines coordination procedures with stakeholders to ensure compliance with all applicable statutes and agreements. The Cultural Resources Manager (under Army Regulation AR 200-4) reviews, and if necessary, adjusts or disapproves training activities, construction projects, and the proposed maintenance, renovation, and rehabilitation of historic structures. Placement of the CRP within the Directorate of Environmental and Natural Resources facilitates close coordination on natural resources, endangered species, soil erosion control, and other environmental projects. This enhanced coordination between the Garrison administration, other activities, and the CRP, underscores Presidio of Monterey's commitment to responsible stewardship of its significant cultural resources.

Integration of Cultural Resources Management Activities

Under Section 106 of the NRHP, all construction, maintenance, repair and rehabilitation, and training activities on the Presidio of Monterey that may affect the physical landscape are subject to review for possible adverse impacts to identify or unidentified cultural resources within the landscape. The integration of this review into the NEPA review process ensures that Presidio of Monterey actions and projects meet the compliance criteria associated with all Federal undertakings as defined in 36 CFR 800, while minimizing possible disruption of mission essential activities. The CRP manager reviews natural resource management operations, building maintenance and repair, and other landscape modification projects.

All construction decisions on Presidio of Monterey are coordinated through the installation's Real Property Planning Board IAW AR 210-20. Environmental compliance actions for these projects are reviewed by the Board and coordinated by the installation Environmental Coordinator who is a permanent member of the board. However, all Presidio of Monterey personnel who are responsible for administering land management programs should consider the effect of their actions on the cultural resources of Presidio of Monterey, as documented in this ICRMP, in the planning and execution of any activities that will or may alter, modify, or otherwise impact the physical landscape of Presidio of Monterey.

When a cultural resource protected under NHPA, ARPA, NAGPRA or other applicable federal or state regulation has been disturbed or damaged as a result of unauthorized activity or noncompliance with the installation's environmental review process, the Cultural Resources Manager will review site and project records, inspect the project site to assess damage, and file a report with the SHPO. Presidio of Monterey Law Enforcement will also conduct an investigation and forward their report to the installation legal office for action IAW 43 CFR § 7. Additionally, the Cultural Resources Manager will notify the relevant Indian Tribes IAW 43 CFR § 7.7 if the damage resulted in destruction of sites having Native American religious or cultural importance. The following installation land management activities are identified as having significant potential for the disturbance or destruction of cultural resources on Presidio of Monterey:

Training: Activities relating to the use, development, modification, and maintenance of training areas (i.e. classroom facilities).

Construction: Activities relating to the modification or disturbance of the Presidio of Monterey landscape in preparation for or in response to the construction, repair, or demolition of buildings and structures within the physical boundaries of Presidio of Monterey.

Road Maintenance: Activities relating to the construction, modification, or repair of roads, trails, stream crossings, and other surface features associated with mechanized or foot travel that may impact subsurface archeological deposits on Presidio of Monterey.

Recreation Programs: Activities that are performed by installation or contractors that modify or affect those portions of the Presidio of Monterey landscape used for nonmilitary activities such as cycling, or other recreational uses.

Regional Coordination

In complying with Section 110 of the NHPA, Presidio of Monterey is obligated among other things, to identify and evaluate all historic properties on the installation. Evaluation of cultural resources is based on standards of significance, which in turn are dependent upon current research needs and interests within a particular region. Through the compliance activities mandated by the NRHP, the NHPA, as amended, and the associated implementing regulation 36 CFR § 800, the archeological site investigations of Federal agencies foster a potential for the "stockpiling" of cultural materials, and data relating to recovered cultural materials, as well as an accumulation of documents associated with historic structures, blue prints, and elevations representing the scientific value of properties since destroyed. In recognition of the need for outside assistance from the professional community with this problem, and in order to facilitate the integration of the Presidio of Monterey archaeological record data into a cohesive regional record recoverable for public and professional use, the Presidio of Monterey cultural resources program has established a professional relationship dedicated to the transfer and sharing of archaeological site information with the State of California or other interested organizations.

Coordination with the State Historic Preservation Office

Coordination between the POM, SHPO, and ACHP is in accordance with the Section 106 consultation process. This is accomplished using written correspondence, electronic messaging and phone calls. Under the new Section 106 Regulations (adopted in June 1999) undertakings that are found to have no-adverse effect on historic or archaeological properties are reviewed under the State Office of Historic Preservation, with a review period of approximately 30 - 35 days. With projects found to have an adverse effect, a 'Notice of Adverse Effect' is first consulted with the SHPO and then is sent to the Advisory Council on Historic Preservation (ACHP - Western Office for Review). Normally these adverse actions take a considerable amount of time, with the preparation of a MOA and negotiations with the signing parties. Demolition in the historic district, or other historic properties, or major construction in the Archaeological district (i.e. the lower POM Master Plan preparations for construction on the lower POM), will require consultation with both the SHPO and ACHP. Most of the repair work to historic properties can be accomplished under the Programmatic Agreement (PA) and is then reported in the Yearly Report for the PA. (Appendix VII)

Chapter VII

Laws and Regulations

ARMY REGULATION (AR) 200-4, Cultural Resources Management, specifies Army policy for cultural resources management. This section provides an overview of federal statutes and regulations that are applicable to the CRP at the Presidio of Monterey and any and all real property of other federal, state, and local agencies and private parties used by the Presidio of Monterey under license, permit, lease, or other land and/or facility use agreement. The statutes and regulations discussed are as follows:

1. National Environmental Policy Act (NEPA) of 1969
2. National Historic Preservation Act (NHPA) of 1966
3. Archeological Resources Protection Act (ARPA) of 1979 (and) Antiquities Act of 1906
4. Native American Graves Protection and Repatriation Act (NAGPRA) of 1990
5. American Indian Religious Freedom Act (AIRFA) of 1978
6. Executive Order 13007 Indian Sacred Sites, dated 1996
7. Traditional Cultural Properties (NHPA)
8. White House Memorandum dated 29 April 1994 Government-to-Government Relations with Native American Tribal Governments
9. Curation of Federally Owned and Administered Archeological Collections (36 CFR § 79)

External Coordination Alternatives

The scope of this ICRMP includes statutes and regulations that are beyond the statutory authority of the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), or Indian tribes. Specific compliance actions and procedures contained within this ICRMP relating to Section 106 of the NHPA may be addressed in Programmatic Agreements (PA) and/or Memoranda of Agreement (MOA) with the California SHPO. Specific Native American Graves Protection and Repatriation Act (NAGPRA) compliance actions and procedures contained within this ICRMP may be addressed in Comprehensive Agreements (CA) or Memoranda of Understanding. Coordination processes between the POM, HQDA, and other regulatory agencies and the interested public are identified in the Standing Operating Procedures and the Integrated Management chapter of this ICRMP.

Policy

IAW AR 200-4(1-9), Installation Commanders will:

1. Establish an installation cultural resources program (CRP) by means of an ICRMP.
2. Designate, as appropriate, a Cultural Resources Manager (CRM) to coordinate the installation's CRP. For significant Native American issues, the Installation Commander

- will designate an installation Native American Coordinator and will ensure that the MACOM and HQDA (USAEC) are notified of such designations.
3. Establish a process that ensures the CRM coordinates with installation staff elements, tenants, and other interested parties early in the planning of projects and activities that may affect cultural resources.
 4. Prepare and implement, if appropriate, an installation-wide NHPA Section 106 PA with the SHPO IAW 36 CFR § 800 to address and streamline NHPA compliance procedures for ongoing missions and operations activities that are "undertakings" as defined in the NHPA. If an installation-wide NHPA Section 106 PA is not appropriate, the commander must ensure that NHPA Section 106 compliance procedures are followed for each undertaking.
 5. Ensure that cultural resources management is coordinated with the following:
 - Installation training and testing activities
 - Master Planning
 - NEPA/environmental impact analyses (AR200-2)
 - Natural resources and endangered species and wildlife management planning to include Integrated Natural Resources Management Plans (INRMPs), Endangered Species Management Plans (ESMP), and Wildlife Management Plans (WMP) (AR200-3)
 - Integrated Training Area Management (ITAM)
 - Facilities and Housing
 - Forestry management and timber harvesting
 - Real estate actions
 6. Establish funding priorities and program funds for cultural resources compliance and management activities in the Environmental Program Requirements (A106) Report.
 7. Conduct a comprehensive evaluation of the installation's CRP as part of the environmental compliance assessment required by AR 200-1.
 8. Develop, as appropriate, ICRMPs, PAs, MOAs, MOUs, NAGPRA CAs and Plans of Action, and National Register of Historic Places (NRHP) nominations and coordinate such documents with the MACOM and HQDA (USAEC).
 9. Serve as the "Agency Official" as defined in 36 CFR § 800, responsible for installation compliance with NHPA.
 10. Serve as the "federal Agency Official," as defined in 43 CFR § 10, responsible for installation compliance with NAGPRA.
 11. Serve as the "federal Land Manager," as defined in 32 CFR § 229, responsible for installation compliance with ARPA. The supporting US Army Corps of Engineers (USACE) Sacramento District Real Estate Office upon approval by the Installation Commander issues ARPA permits. Issuing the report of availability to the USACE Sacramento District Real Estate Office provides Installation Commander approval.
 12. Sign NHPA PAs, MOAs, MOUs and NAGPRA CAs and Plans of Action after MACOM and HQDA comments have been addressed.

Federal Regulations

NEPA: National Environmental Policy Act

NEPA established a decision-making process that provides for the systematic consideration of alternatives and examination of the direct, indirect, and cumulative environmental impacts associated with implementation of a proposed action. Typically, Army activities or actions that impact a cultural resource will require some level of NEPA documentation in addition to the separate documentation and compliance requirements of the applicable cultural resources statute or regulation. While the NEPA process provides an avenue to facilitate compliance with other statutory and regulatory requirements (e.g., NHPA, NAGPRA, ARPA, AIRFA), its applicability must be considered independently of these other requirements. Compliance with NEPA does not satisfy these other applicable requirements, nor does compliance with other applicable requirements satisfy NEPA's mandates.

NHPA: National Historic Preservation Act, as amended (1992)

The NHPA established the national historic preservation program, which implements the federal government's policy on historic preservation. NHPA created a federal system for identifying and registering "historic properties," established a federal-State partnership to promote the preservation of such properties, and gave federal agencies responsibility for considering such properties when planning their actions. For the purposes of this ICRMP, the following Sections of the NHPA are relative to long-term management strategies:

1. Section 101 of the NHPA requires that the Installation Commander consult with any federally recognized Indian tribe that attaches religious and/or cultural significance to a property being considered in the Section 106 process.
2. Section 106 requires federal agencies having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking in any state to take into account the effects of their activities and programs on any historic district, site, building, structure, or object that is included or eligible for inclusion in the National Register of Historic Places. The Installation Commander must afford the Advisory Council on Historic Preservation (ACHP), established under Title II of the NHPA, a reasonable opportunity to comment on such actions [16 USC 470f]. The procedures followed in Section 106 review are referred to as the "Section 106 Process" and are set forth in regulations issued by the ACHP. The ACHP is an independent federal agency. Its role in the review of projects under Section 106 is to encourage agencies to consider and, where feasible, adopt measures that will preserve historic properties that would otherwise be damaged or destroyed. The ACHP's regulations, "Protection of Historic Properties" [36 CFR § 800], govern the Section 106 process. The ACHP does not have the authority to halt or abandon projects that will affect historic properties; rather, its regulations emphasize consultation among the responsible federal agency, the SHPO, Indian tribes and other interested parties, to identify, and, if possible, to agree upon ways to protect the affected properties.
3. Section 110 of the NHPA lays out affirmative agency responsibilities with respect to historic properties. The affirmative preservation responsibilities in Section 110 must be

balanced in a manner consistent with the installation's mission and include establishing a historic preservation program to include the identification, evaluation, and nomination of historic properties to the National Register of Historic Places in consultation with the ACHP, SHPO, local governments, Indian tribes, and the interested public, as appropriate. Prior to acquiring, constructing, or leasing buildings, Installation Commanders must use available historic properties to the maximum extent feasible. The Installation Commander must document historic properties that will be altered or destroyed as a result of Army actions; such actions must be reviewed in accordance with the NHPA, Section 106. Transferring properties out of direct installation control is defined as a Federal undertaking that has the potential to affect historic properties. In transferring control of Army historic properties, the Installation Commander must ensure that the significant historic values of the property are appropriately preserved. The Secretary of the Army must document decisions to proceed with Army undertakings that adversely affect historic properties when the Installation Commander has been unable to reach agreement through the execution of a Memorandum of Agreement (MOA) or Programmatic Agreement (PA) with the ACHP and the SHPO, and desires to terminate such consultations.

4. Section 111 deals with leases and exchanges of historic properties and entering into agreements for their management.

5. Section 304 calls for withholding from public disclosure information on the location, character, or ownership of a historic resources where such disclosure may cause an invasion of privacy, risk harm to the property, or impede the use of a traditional religious site by practitioners.

6. Specific POM Section 106 and Section 110 NHPA compliance responsibilities may be accomplished through Programmatic Agreements (PA), or Memoranda Of Understanding (MOU) with the California SHPO. PAs may identify specific installation undertakings over a five-year planning cycle. The initial draft of PAs or MOAs prepared by the CRP shall be staffed for review through MACOM to HQDA (AEC), prior to formal coordination of the agreement with the SHPO, ACHP or consulting parties.

ARPA: Archeological Resources Protection Act of 1979 and the Antiquities Act of 1906

ARPA overlaps with and partially supersedes the Antiquities Act. It provides legal penalties for the unauthorized excavation, removal, damage, alteration, defacement, or the attempt of such acts, of any archeological resources more than 100 years old on federal lands. ARPA defines an archeological resource as any material remains of past human life or activities that are of archeological interest. Such remains include but are not limited to pottery, basketry, bottles, weapons, projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Paleontological specimens, deposits and remains are not considered an archeological resource under ARPA unless found in an archeological context.

ARPA requirements for installations:

- Ensure that military police, installation legal staff, the installation Public Affairs Office (PAO), and the fish, game, and recreation staff are all familiar with the requirements and applicable civil and criminal penalties under ARPA.
- Establish a program to increase public awareness of the significance of the archeological resources on the installation and the need to protect such resources.

NAGPRA: The Native American Graves Protection and Repatriation Act of 1990

The intent of NAGPRA is to ensure the protection and rightful disposition of Native American cultural items located on federal or Native American lands and in the federal government's possession or control. NAGPRA applies to all Army commands, installations, and activities, and places affirmative duties on the Army for the protection, inventory, and disposition of Native American cultural items. These requirements include existing collections that contain Native American cultural items, as well as any newly discovered items. SOP #4 of this ICRMP describes the procedures at the POM for complying with NAGPRA. Because violation of NAGPRA may result in significant criminal and civil penalties, as well as adversely impact mission essential activities, HQDA (USAEC) has identified several areas of concern in complying with NAGPRA:

1. Neglecting to determine the full scope of installation NAGPRA responsibilities for lands that are not owned by the agency in free title (e.g., leased or withdrawn property) but are under the installation's "control" through lease or other special use permit or circumstances.
2. Assuming that because a Section 5 Inventory or Section 6 Summary report was completed under the Army-wide NAGPRA Program, that there responsibilities under NAGPRA are complete. The consultation requirements, repatriation, and other mandates set out in NAGPRA can only be met by consultations between the Installation Commander and the appropriate federally recognized Indian tribes or groups. Planning activities that result in the intentional excavation of cultural items may be controversial. An ongoing consultation program with concerned tribes will aid negotiations in these cases. SOP#4 of this ICRMP contains guidelines for Army consultation with Native Americans.

AIRFA: American Indian Religious Freedom Act of 1978

AIRFA applies the First Amendment guarantee of religious freedom to Native Americans. No implementing regulations have been promulgated. Native American religious practices that may affect the Army involve access to sacred sites, use and possession of sacred objects, and freedom to worship through ceremonies and traditional rites.

1. Although there is no affirmative responsibility to consult with Native Americans under AIRFA, complying with the meaning and intent of AIRFA can only be met by consulting with the affected tribes.
2. Consultation should identify sites necessary for traditional religious practices and the time or season during which access is required. Installation Commanders should discuss with Native Americans the terms and restrictions on access necessary to ensure safety

and national security and avoid impact to the military mission. The Installation Commander should assist in sustaining the Native Americans' privacy in practicing religious rites and ceremonies.

3. An important element in complying with the meaning and intent of AIRFA is to consult with the traditional religious leaders. This could be an issue if the traditional practitioners do not wish to be identified. During consultation with tribal government representatives, the installation should request that traditional religious leaders be made aware of the consultation and encouraged to participate.

EO 13007: Executive Order 13007, Indian Sacred Sites, 1996

EO 13007, effective 24 May 1996, provides direction to federal agencies on managing sacred Indian sites. Federal agencies are — within the constraints of the mission — required to do two things: to accommodate Indian tribes' requirements for access to and ceremonial use of sacred sites on public lands and avoid damaging the physical integrity of such sites (EO 13007, Section 1(a), May 26, 1996).

1. Under EO 13007, the installation, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, must provide access and ceremonial use of Native American sacred sites, avoid adversely impacting those sites, and maintain the confidentiality of sacred site locations.
2. "Sacred site" is defined in EO 13007 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.
3. Sacred sites can include but may not be limited to burial areas or graves, purification sites, healing sites, special floral and faunal, and mineral areas that contain resources used in religious ceremonies, vision quest sites such as caves or mountain tops, myth and legendary sites associated with certain geographical landforms, and historic sites associated with specific historic events.
4. POM will provide reasonable notice to Native American tribes of actions that may impact the integrity of sacred sites. All POM actions under EO 13007 will comply with the Executive Memorandum of 29 April 1994, "Government-to-Government Relations with Native American Tribal Governments." EO 13007 applies only to federally recognized Indian tribes.
5. Information relating to the location of sacred sites and their traditional uses is protected under law: "...information about the location, character, or ownership of a historic resource..." can be withheld from disclosure to the public, if the...agency determine(s) that disclosure may:
 - (a) cause a significant invasion of privacy,
 - (b) risk harm to the historic resources, or
 - (c) impede the use of a traditional religious site by practitioners (16 USC 470w3(a)).
 Moreover, the NHPA states that "...the Secretary (of the Interior) in consultation with such federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act" [NHPA § 304(b)]. Thus, even

though such information may be revealed to agency officials at the installation, the decision to reveal information regarding the location of sacred sites and/or traditional practices associated with those sites must be made in consultation with the Secretary of the Interior.

Traditional Cultural Properties

A traditional cultural property may be defined generally as a place that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that are (a) rooted in that community's history, and (b) important in maintaining the continuing cultural identity of the community (National Register Bulletin 38:1). Traditional cultural properties are most often eligible for the National Register under National Register criterion A [36 CFR § 60.4(a)] because of their association with important events, or patterns of events, in a community's traditional history and culture. Native American sacred sites fall within the definition of traditional cultural properties. The NHPA provides very specifically that certain kinds of traditional cultural places can be eligible for the National Register, and that federal agencies have to consult with cultural communities that may value such sites [16 USC 470a(d)(6)(B)].

White House Memorandum Dated 29 April 1994: Government-to-Government Relations with Native American Tribal Governments

The White House Memorandum on Government-to-Government Relations with Native American Tribal Governments reiterates the federal government's relationship with Native American tribes as one of "government-to-government." This memorandum is applicable whenever there is interaction between federal agencies and federally recognized tribes. To implement the Government-to-Government memorandum, Installation Commanders should:

1. Afford tribal leaders the same respect as any head of state;
2. Coordinate compliance activities through the head of the tribal government;
3. Consult with the appropriate head of the federally recognized tribal government before taking actions that could impact cultural resources of importance to a tribe; and
4. Apply the requirements of EO 12875, Enhancing the Intergovernmental Partnership and EO 12866, Regulatory Planning and Review, to design solutions and tailor federal programs, when necessary, to the specific and unique needs of tribal communities. For day-to-day activities, installation staff may interact with tribal representatives and tribal staff members, but these actions do not constitute official government-to-government interaction. The Installation Commander represents the United States in the government-to-government relationship with the head of the tribal government. Many Indian tribes have developed their own internal regulations, ordinances, resolutions, and protocols for handling government-to-government relations and issues covered under specific federal cultural resources legislation. Such regulations and procedures may describe the relative authority of various tribal representatives, departments, or committees, as well as a process for consultation and preferred methods of resolving issues. The Installation Commander should request such information when first establishing a consultation relationship. Procedures for consulting with Native American tribes are outlined in SOP #15.

36 CFR § 79: Curation of Federally Owned and Administered Archeological Collections

Legislative authority for the long-term preservation and safekeeping of federally owned archeological collections includes the Antiquities Act of 1906 (P.L. 59 209), the Historic Sites Act of 1935 (P.L. 74292), the Archeological Recovery Act of 1960 (P.L. 86523), the National Historic Preservation Act of 1966 (P.L. 89665), as amended, and the Archeological Resources Protection Act of 1979 (P.L. 9695), as amended. In addition to the cited public laws, federal curation regulation 36 CFR § 79 establishes definitions, standards, procedures and guidelines to be followed by federal agencies in the management and preservation of archeological and historical collections recovered from federal properties under their immediate jurisdiction. The implementation of the guidelines and standards presented in 36 CFR § 79 provides a mechanism for the preservation and conservation of the material culture and documents (i.e., architectural drawings) associated with the POM military reservation, and also provide the basic framework to gain intellectual control over the POM archeological collection. Such control is essential to meeting the requirements of the Native American Graves Protection and Repatriation Act (P.L. 101601; 104 Stat. 3048; 25 USC 300113). Commonly referred to as NAGPRA, this law provides a mechanism for the repatriation of Native American skeletal remains, funerary objects, sacred objects, and objects of cultural patrimony recovered from federal properties that are held currently by federal agencies. If cultural affiliation can be established between recovered remains of a culturally identifiable prehistoric or historic aboriginal population and a present-day federally recognized Indian tribe, or if the lineal descendants can be established and request repatriation of the remains, then it is incumbent upon the federal agency to expeditiously repatriate those remains. Determination of potential cultural affiliation may be difficult or impossible, however, unless recovered artifact collections and their associated documentation can be located, identified, assessed and evaluated. Only then can the reconstruction of the background and history of their deposition and recovery be achieved. Thus, compliance with the inventory, cataloging and accession requirements within 36 CFR § 79 remains a continuing responsibility and challenge to the CRP manager at the installation level. Specific curation procedures are contained within the curation section of this ICRMP.

Department of Defense Regulations

32 CFR 229: Protection of Archeological Resources

The regulations in this part implement DoD provisions of ARPA of 1979, as amended (16 USC 470aamm) by establishing the uniform definitions, standards, and procedures to be followed by all federal land managers in providing protection for archeological resources, located on public lands and Indian lands of the United States. SOP #3 states the procedures for complying with ARPA.

DoD Instruction 4715.3: Environmental Conservation Program

All DoD conservation programs shall work to guarantee continued access to land, air, and water resources for realistic military training and testing while ensuring that the natural and cultural resources entrusted to DoD care are sustained in a healthy condition for scientific research, education, and other compatible uses by future generations. All DoD facilities and installations shall within available resources plan, program, and budget to achieve, monitor, and maintain compliance with all applicable statutes and regulations. Internal conservation self-assessments shall be conducted at least annually and external conservation self-assessments at least once every 3 years at all installations that require an Integrated Natural Resources Management Plan (INRMP) and/or an Integrated Cultural Resources Management Plan (ICRMP). The principal purpose of DoD lands and waters is to support mission related activities. Those lands and waters shall be made available to the public for educational or recreational use of natural and cultural resources when such access is compatible with military mission activities, ecosystem sustainability, and with other considerations such as security, safety, and fiscal soundness. Native Americans shall have access to DoD sites and resources that are of religious importance, or that are important to the continuance of their cultures (e.g., areas containing traditionally used plants and traditionally used hunting areas), consistent with the military mission, appropriate laws (42 USC 1996, reference (d)), and regulations, and subject to the same safety, security, and resources considerations as the general public. Personnel assigned duties involving natural or cultural resources shall have the appropriate knowledge, skills, and professional training and education to carry out those responsibilities. Necessary supplemental training to ensure that proper and efficient management of those resources shall be provided quickly.

Army Regulations

AR 200-4

This regulation has been recently revised from AR 420-40, updating the Army's policy concerning the management of cultural resources to meet legal compliance requirements and support the military mission. Revisions of AR 420-40 included in AR 200-4 are as follows:

- The transfer of responsibilities previously assigned to the Assistant Chief of Engineers to the Assistant Chief of Staff for Installation Management (1-5).
- Provides Installation Commanders greater authority for compliance with cultural resources legal requirements by establishing an Installation Cultural Resources Management Program (1-9). The Installation Commander will ensure that all cultural resources technical work is conducted by individuals who meet the applicable professional qualifications standards established by the National Park Service in 36 CFR 61, Appendix A.
- Reflects new emphasis on Native American affairs by establishing set guidelines and policies to be followed (2-4, 2-5, 2-8).
- Establishes new policy for preparation of and staffing procedures for cultural resources compliance agreements (3-1, 3-3).

- Establishes new policy for Integrated Cultural Resources Management Plans (4-1). Each installation must create and implement a five-year plan to integrate compliance among the various independent cultural resources legal requirements. The ICRMP shall include, but is not limited to, a planning level survey of existing information, a prioritized plan for field inventory, and internal standing operating procedures for consultation, survey inventory, evaluation, treatment, recordation, monitoring, emergency or inadvertent discovery, reporting, etc., tailored for the particular conditions and specific requirements at the installation.
- Establish new policy for metal detecting activities, by prohibiting such activities unless carried out under an ARPA permit or by CRP staff or contracted cultural resource compliance activities.

SOP#1

Section 106 Compliance

THE PROCESS of Section 106 compliance is provided by regulations issued by the ACHP under its rulemaking authority (NHPA Section 211). The regulations, "Protection of Cultural resources" (36 CFR §800), outline a five-step process, often called the "Section 106 Process," that is designed to identify possible conflicts between historic preservation objectives and a proposed activity and to resolve those conflicts in the public interest through consultation. Neither the NHPA nor the Council's regulations require that all cultural resources must be preserved. They only require the Army to consider the effects of proposed Army undertakings on cultural resources. Section 106 of the NHPA directs that the section 106 processes be completed prior to the approval of the expenditures of Federal funds on an undertaking or prior to the issuance of any license. Section 106 also mandates protection of cultural resources that have not yet been discovered, as in the instance of buried archeological deposits. Buried archeological deposits on federal property may also be protected by ARPA, which permits the assessment of criminal and civil penalties for noncompliance. Failure to take the effects of an undertaking on cultural resources into account IAW NHPA Section 106 and 36 CFR § 800 can result in formal notification from the ACHP to the Secretary of the Army of foreclosure of the ACHP's opportunity to comment on the undertaking pursuant to the NHPA. A notice of foreclosure can be used by litigants against the Army in a manner that can halt or delay critical mission activities (AR200-4,23,b(2)). For the purposes of this ICRMP, any project or other activity on Presidio of Monterey qualifies as an undertaking if the project or activity alters or changes the characteristics of a property that is included in or eligible for inclusion in the NRHP.

A Phase I archeological inventory survey must be accomplished on all areas that have not been previously surveyed. Prior to the initiation of any activity on the project site, persons meeting the professional qualification standards established by the Secretary of Interior (36 CFR § 61 Appendix A), will determine whether or not cultural resources are present in the project Area of Potential Effects (APE), and evaluate any discovered archeological sites or other properties. If cultural resources are found on the project site or within the project APE and determined eligible, and the effect of the project on the cultural resources is determined to be adverse, the California SHPO, the ACHP, the Native American Tribes and the interested public, must be granted the requisite time declared by law (36 CFR § 800.1(c)), to comment on this determination, prior to the resumption of project activities. Project APEs include the actual project site as well as adjacent or noncontiguous areas where project activities may affect the character of a cultural resource.

General Procedures

Work orders received through POM Public Works Operations and Maintenance are processed and staffed to the Public Works Environmental Branch, which then disseminates information about them to all interested activities, or to those activities that have a vested interest in the work order. The CRM reviews the work order to determine if the project area has been archeologically surveyed, if there are known sites within the project APE, and if

historic structures, landscapes, or districts will be affected. If it is determined by the cultural resource manager that a cultural resource will be affected, or if more information is needed to make that determination, the CRM will notify the project manager of the specific Section 106 requirements that must be met before the project may proceed. Section 106 compliance procedures may follow one of two pathways:

1. The following procedures will be used if there are no known cultural resources in the project APE:

(a) If a cultural resources survey has been completed and the area has little or no potential for deeply buried archeological sites as determined by the POM archeological site predictive model, and no known historic buildings, landscapes or districts are in the APE, the CRM will notify the project manager, that Section 106 compliance is complete within five (5) business days of receiving project notification.

(b) If a cultural resources survey has been completed and no known historic buildings, landscapes or districts are in the APE, but the area has a potential for deeply buried archeological sites as determined by the Presidio of Monterey archeological site predictive model, the CRM will notify the project manager that an archeologist will monitor all mechanical or other excavations in the project APE. If cultural resources are discovered during the monitoring process, the procedures outlined in *SOP #6 for the Emergency Discovery of Archeological Deposits* will be implemented.

(c) If no cultural resources survey has been completed, the CRM will conduct a cultural resources survey following the procedures outlined in SOP #5, Field Survey Procedures or arrange to have the APE surveyed by a cultural resources firm. The CRM will notify the project manager of the survey results within 15 business days of survey completion.

2. If there are cultural resources present in the project APE, the CRM will evaluate the cultural resources IAW the procedures outlined in 36 CFR § 800.4(c) and take the following actions:

(a) If the cultural resource is determined not eligible for the NRHP, the CRM will issue a Determination of No Effect and notify the project manager.

(b) If the cultural resource is determined to be eligible or potentially eligible for the NRHP, the CRM will consult IAW section 106 and the following procedures will be implemented:

(1) The CRM and the project manager may agree upon a plan for avoiding adverse effect to the cultural resources. Such plans may be developed in consultation IAW Section 106. The CRM will notify the project manager that an archeologist must monitor all mechanical or other excavations in the project APE and will periodically inspect the cultural resources in the project APE to determine the success of the avoidance strategy.

(2) If the cultural resources can be avoided by relocation of the project to an alternate site, Section 106 review procedures of the new site will be initiated IAW Section 1 of this SOP.

(3) If adverse effect to the cultural resources cannot be avoided, the CRM will initiate consultation with the California SHPO and other parties IAW 36 CFR § 800.5(e). Consultation may result in a two or three party Memorandum of Agreement (MOA) IAW 36 CFR § 800.5(e)(4). If one of the consulting parties terminates consultation, Presidio of Monterey will request ACHP comments pursuant to 36 CFR § 800.6(b). Presidio of Monterey shall consider the ACHPs comments in reaching a

final decision on the proposed undertaking. The CRM shall ensure that the results of the final decision are reported to the ACHP IAW 36 CFR § 800.6(c)(2).

The CRM will routinely monitor the effectiveness of the coordination procedures by visiting project sites that are nearby cultural resources or that are located in areas likely to contain deeply buried archeological sites as identified by the Presidio of Monterey archeological site predictive model. Inadvertent damage to cultural resources will be reported to the California SHPO.

SOP#2

Identification of Historic Properties

Objective

THE OBJECTIVE of this CRM SOP is to provide a framework to ensure routine evaluation of above ground properties at the Presidio of Monterey that are or may become eligible for the National Register of Historic Places (NRHP), to guard against inadvertent damage to potentially eligible historic properties that might adversely affect their eligibility prior to evaluation, and to provide for routine maintenance, repair, operation, and the treatment of facilities that are over 50 years old (45 years old in the case of proposed demolition).

Policy

Presidio of Monterey will proceed with caution in the maintenance, repair, renovation and operation of all above ground structures, monuments, and landscapes that are 50 or more years old and have not been determined to be ineligible for inclusion in the NRHP. No major maintenance, repair or new construction project will be implemented for these resources without first obtaining concurrence on a determination of eligibility with the SHPO and/or the ACHP. Presidio of Monterey may implement actions affecting these resources that comply with the provisions of the Programmatic Agreement between Presidio of Monterey and the CALSHPO, treating these resources as if they were eligible for the NRHP. Presidio of Monterey will include documentation of these actions in an Annual Report. Presidio of Monterey will not demolish any above ground structure or monument, nor substantially alter a designed landscape that is 45 or more years old without first consulting with the SHPO or ACHP to determine the eligibility of the resource for inclusion in the NRHP.

Implementing Procedures

Inclusion of Unevaluated Above Ground Structures in Work Management Databases

All above ground buildings, structures, or objects, fifty (50) or more years old will be identified as being potentially eligible for inclusion in the NRHP until such time as they have been determined to be ineligible for inclusion as a result of consultations with SHPO and/or the ACHP.

Preliminary Professional Review by Presidio of Monterey

- 1) The implementing activity proposing an action which may affect any above ground buildings, structures, or objects, fifty (50) or more years old will provide the Cultural Resources Manager with copies of project documentation for proposed undertakings in compliance with the provisions of CRM PA SOP #1, as noted above.
- 2) The implementing activity proposing an action to demolish any above ground buildings, structures, or objects, forty-five (45) or more years old will provide the Cultural Resources Manager with copies of a notice of intent to demolish any of these potential resources and copies of project documentation for proposed demolition.
- 3) The Cultural Resources Manager will ensure that the project documentation for proposed actions which may affect any above ground buildings, structures, or objects, fifty (50) or more years old, are reviewed by a professional, who meets the applicable standards included in 36 CFR 61 - Appendix A, to determine if the action will have an effect upon the resource which would warrant immediate eligibility determination consultations with the SHPO and/or the ACHP.
- 4) Proposed actions that are included at Attachment A of this SOP may be implemented after successful completion of Step 1 above. Once Step 1 has been successfully completed, no further consultation with the SHPO or the ACHP will be required. Presidio of Monterey will include documentation of these actions in an Annual Report.

Attachment A: Undertakings to be Reviewed Annually by Cultural Resource Manager/ SHPO/ACHP

- 1) Maintenance work on existing features such as roads, fire lanes, mowed areas, active disposal areas, and manmade ditches, waterways, and ponds when no new ground disturbance is proposed.
- 2) Outdoors recreational programs including non-consumptive uses in accordance with Presidio of Monterey and Army regulations.
- 3) The following Natural Resources Management activities: tree planting, maintenance of wildlife food and shrub plots in previously disturbed areas, and improvement of existing stream crossings.
- 4) Removal and replacement in kind of plant materials when they pose an imminent hazard to personnel or structures.
- 5) Ordnance disposal in accordance with prescribed Presidio of Monterey, Army and Department of Defense regulations.
- 6) Paving and repair of streets, driveways, parking lots, curbs and gutters as they now exist. When historic materials exist, they are to be retained.

7) Repair and replacement of existing utilities in their present configuration and alignment. Electrical wiring replacement, removal or upgrading. Replacement, removal or upgrading of water and plumbing systems when historic features such as hand pumps or plumbing fixtures are retained.

8) All maintenance and repair work on elements that are not visible and do not contribute to the historic significance of a property.

9) Refinishing of surfaces with chemically compatible materials of historic or existing color. Removal of non-contributing wall coverings, paneling, or wainscoting.

10) Repair and/or replacement in kind of existing roofing material provided the color meets the standards of the Presidio of Monterey Installation Design Guide or the historic color. Adequate anchorage of the roofing material to guard against wind damage and moisture penetration shall be provided.

11) Repair of existing doors and/or replacement in kind when beyond repair and done to match the existing material and form.

12) Repair of existing window frames and sashes by patching, splicing, consolidating, or otherwise reinforcing or replacing only those parts that are extensively deteriorated or missing provided no changes results to the interior or exterior appearance of the window. Adjusting of counterweights is acceptable.

13) Replacement of broken clear glass with clear glass of similar thickness when no modification or damage to adjacent surfaces will result.

14) Repair of existing materials and small scale in kind replacement of wood siding, trim, porch decking, porch rails, joists, columns, and stairs (including framing).

15) Repair of footings, foundations, and retaining walls or in kind replacement of those portions done to match existing material and design. Any associated mortar replacement shall be with a mortar mix that matches exactly historic mortar mixes. Excavation for the repair or replacement within two feet of existing footings, foundations and walls.

16) Removing deteriorated or damaged paint or coatings down to the next sound layer by hand scraping or sanding. Abrasive methods, sandblasting and water blasting are specifically prohibited. Encapsulation of lead-based paint is acceptable.

17) Repair of existing historic cabinetwork and cabinet hardware. Replacement in kind of only those elements that have deteriorated beyond repair when done to match the existing design and materials.

18) Replacement of kitchen and bathroom appliances, fixtures, fittings, accessories, and cabinets that are less than 45 years old with compatible items.

19) Installation of hardware to include: dead bolts, door hinges, latches and locks, window latches, locks and hinges and door peep holes provided historic materials are not removed.

New hardware shall be of contemporary design and made of the same material as remaining historic hardware.

20) Installation of fire, smoke, and security detectors provided all affects to historic materials are reversible.

21) Repair, refinishing and/or replacement in kind of non-historic flooring and floor coverings to include vinyl tile and/or carpet when done in kind to match existing materials and design that when attached to historic materials is done in a reversible manner.

22) Repair and replacement in kind of only those portions of historic flooring that are extensively deteriorated.

23) Removal of animals, birds, insects and their associated debris when no loss of historic materials will result.

24) Replacement of signs in kind. Installation of traffic signs as required by law when circulation and quantity of traffic adjacent to historic properties or within historic districts will not be affected.

25) All exterior maintenance and repair of non-historic structures within the viewshed of historic properties provided no change in the overall appearance or color of materials results.

26) Repair of existing window, door, and porch screens and storm windows or doors.

27) Energy conservation measures to include repair of existing heating and cooling plants and duct work, modification of HVAC control systems, insulation of roofs, crawl spaces, ceilings, attics, floors and around pipes/ducts as long as these measures do not induce, retain, or introduce moisture into a building, interior modifications when the interior space is not considered significant based on CRMP inventories, caulking and weather stripping consistent with appearance of the building and replacement or modification of the lighting systems. These measures should not be visible or alter or detract from those qualities that make the resource eligible for the National Register of Historic Places.

28) All ground disturbances reviewed through the California Underground Service Alert.

29) Observed or reported inadvertent, but not extensive damage to subsurface historic properties as a result of training and/or maneuver.

SOP#3

Archeological Resources Protection Act of 1979

THIS PROCEDURE implements the provisions of Public Law 9696 (93 Stat. 721; 16 USC 470aa470MM), Archeological Resources Protection Act of 1979 (ARPA), and the final uniform regulations issued under the Act by the Department of Defense (32 CFR § 229). ARPA makes it a federal felony offense for the unauthorized excavation, removal, damage, alteration, or defacement of any archeological resources located on federal lands. The sale, purchase, exchange, transport, or receipt of any archeological resources obtained in violation of this or related laws, is also a federal felony offense under ARPA.

Policies

Archeological resources from United States Army installations belong to the United States Government, except where NAGPRA requires repatriation of human remains or objects of cultural patrimony to a lineal descendant or Indian tribe. IAW AR 200-4, the Installation Commander will ensure that military police, installation legal staff, the installation Public Affairs Office (PAO), recreation management staff, and trainees are familiar with the requirements and applicable civil and criminal penalties under ARPA. In instances where proof of violation may be insufficient to obtain a conviction under the Act, or where deemed otherwise advisable, the Staff Judge Advocate may choose to assess a civil penalty under the provisions of 32 CFR § 229.15. Such actions may be particularly applicable to violations of Section 106 of the NHPA (36 CFR § 800) and the procedures outlined in SOP #1 of this ICRMP. For the purposes of Army compliance with ARPA, the Installation Commander is considered the federal land manager as defined in 32 CFR § 229.3(c). As the federal land manager, the Installation Commander may determine that certain archeological resources in specified areas under his jurisdiction, and under specific circumstances, are not or are no longer of archeological interest and are not considered archeological resources for the purposes of ARPA (IAW 32 CFR § 229.3(a)(5)). All such determinations shall be justified and documented by memorandum and shall be formally staffed for review through the MACOM to HQDA prior to final determination (AR 200-4(26(g))) IAW AR200-4 (26(b)). The use of metal detectors to locate archeological resources is prohibited on Army installations except when used by Army personnel, contractors, or permittees in association with official cultural resources management activities or pursuant to a permit issued under ARPA.

ARPA Permit Procedures

Archeological investigations that may result in the excavation and/or removal of archeological resources from Presidio of Monterey may not proceed without the express written approval of the Installation Commander. All archeological investigations conducted by individuals or agencies who are not under contract to, or otherwise cooperatively assisting the Department of Army, must obtain a permit issued by the USACE Sacramento District Real Estate Officer on the approval of the Installation Commander. The Installation Commander provides the USACE Sacramento District with approval to issue the permit by means of a Determination of Availability report prepared after necessary consultation and compliance actions have been met. The Presidio of Monterey Cultural Resources Manager will monitor the field investigations of persons with archeological permits to ensure:

1. That compliance with the requirements of 32 CFR § 229, 43 CFR § 10 and the terms and conditions of the permit,
2. That any interests federally recognized Indian tribes may have in the permitted activity are addressed in a manner consistent with the requirements of the NHPA and NAGPRA, and
3. That permitted activities are performed according to applicable professional standards of the Secretary of the Interior.

Public Notice

The Cultural Resources Manager will ensure that a brief notice outlining the acts prohibited under ARPA and the criminal penalties assessed under the Act are published in the installation newspaper at least once each calendar year. This notice will include the prohibition of recreational use of metal detectors IAW AR 200-4.

Antiquities Act of 1906

Paleontological remains and deposits are considered to be objects of antiquity pursuant to the Act (16 USC 431433) and are specifically identified under AR 200-4 as being cultural resources under the purview of the Cultural Resource Program. All paleontological remains and deposits on the Presidio of Monterey military reservation belong to the installation and are protected under this Act from appropriation, excavation, injury or destruction. The Cultural Resources Manager will be notified of any discovery of remains or deposits suspected to be of paleontological origin and will institute appropriate measures for the protection and preservation of such objects in consultation with the Installation Commander and HQDA.

Protection of Archeological Sites

Information documenting the condition of, and threats to, archeological sites on Presidio of Monterey is completed during the Phase I inventory process. The effects of

erosion, human activities and ground disturbing utility maintenance represent the greatest threat to the archeological site on Presidio of Monterey. Where a site is assessed as eligible for nomination to the NRHP, coordination is effected until Phase II testing and evaluation is complete. The Cultural Resources Manager will mark the site as off-limits and places protective signs around the site. Protection of NRHP eligible sites will consider potential impacts from human activities, as well as their physical location on the landscape.

Site Protection Procedures

1. Sites are protected by using signage that says "environmentally sensitive area—no ground disturbance—protected by federal law and Army regulation" OR "Keep Out by Order of the Post Commander."
2. Where protection of a specific site would degrade or prohibit the completion of the Presidio of Monterey mission, consultation will be conducted with the California SHPO and the ACHP IAW 36CFR § 800.5.
3. Periodic monitoring by the Cultural Resources Manager of all protected sites will take place not less than twice a year, preferably in early spring and late fall. At these times, any change in site condition since the initiation of protection, or the last monitoring visit, will be documented. If necessary, the site protection strategy will be reevaluated and appropriate action implemented to ensure continued site protection.
4. The condition of all protected sites will be included in the annual report to the SHPO. Any damage, alteration, or deterioration and associated corrective measures will be documented.

Archeological Site Violation Documentation Procedures

Investigation of looting or vandalism of an archeological site requires a systematic examination of the crime scene by both a law enforcement investigator and a professional archeologist. A law enforcement officer is responsible for investigating violations of the law and, therefore, directs the archeological crime scene investigation process. The archeologist provides forensic expertise on archeological resources for the crime scene investigation, and may be requested to assist in other activities, such as taking the crime scene photographs, testifying, helping with the crime scene sketch, or providing assistance in collecting the archeological evidence.

Procedures

An ARPA investigation begins when an archeological crime is first suspected or discovered, whether in person or upon receiving a report from a third party. Information provided by a witness should include a signed narrative statement describing the exact location, specific activity, and people and any vehicles involved. Specific investigation steps are:

1. Field Notes: Investigative note taking should contain, at a minimum, the who, what, where, when, why, and how of the incident, as well as the following specific information:

- Name and title of investigator and/or archeologist
- Date and time assigned to the case
- Who reported the crime and how it was reported
- Reported location of the crime
- Date and time of arrival at the crime scene
- Names of other members of the investigative team
- Weather and other environmental conditions
- Witnesses or other persons present
- Detailed description of the crime scene
- Specific details concerning actions taken

2. Crime Scene Search: The archeologist should accompany the law enforcement investigator during the initial crime scene survey to assist in locating archeological site damage and archeological and other physical evidence. If the crime scene involves human remains or objects of cultural patrimony of an obvious Native American origin, proceed with SOP #4.

3. Crime Scene Photography: Three types of photographs must be taken at the archeological crime scene:

- General, overall photographs of the entire area
- Intermediate photographs that show relationships of physical evidence contained in the crime scene
- Close-up photographs of each specific piece of evidence

The general rules concerning crime scene photography are as follows:

- Photograph the overall crime scene first
- Take intermediate crime scene photos second
- Photograph each item of evidence before moving or collecting it
- Take initial photographs without adding anything
- Maintain an accurate photo log and descriptions of each photograph
- Mark each photograph for identification purposes
- Handle all photographs, slides, and negatives as evidence

4. Crime Scene Sketch: The purpose of the crime scene sketch is to record the exact location of each evidential item as found. The crime scene sketch need not necessarily be drawn to scale, but all measurements must be accurately referenced to a fixed, immovable object. The sketch should also contain a title block that includes case number, date and time of sketch, name of sketcher, location, and name of person assisting with measurements.

5. Evidence Collection: Generally, the handling and collection of physical evidence at a crime scene will be handled by the law enforcement investigator. The sequence of evidence collection should follow a logical, systematic order.

6. Chain of Custody: In an ARPA case the law enforcement investigator, archeologist, and prosecutor together should determine which items of evidence should be analyzed by whom. A professional archeologist will normally analyze the archeological evidence. Other types of physical evidence will be submitted to the crime laboratory. The same three people should also decide where to have the archeological evidence proceed.

7. Case Report: Detailed investigative field notes by both law enforcement and archeological specialists are the basis for preparing an ARPA case report. The report should include the following:

- Synopsis of the incident
- Individual team member reports
- Damage assessment report
- Photograph log
- Evidence log
- Laboratory reports
- Crime scene sketches, diagrams, and maps
- Witness statements
- List of potential government witnesses
- Letter from land manager concerning lack of ARPA permit issuance or violation of permit terms.

SOP#4

Native American Graves Protection and Repatriation Act (NAGPRA)

THIS SOP IMPLEMENTS the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), Public Law 101-601 (25 USC § 3001-3013), and 43 CFR § 10 Native American Graves Protection and Repatriation Regulations. NAGPRA mandates that federal land managers must consult with federally recognized Indian tribes regarding planned excavations on federal lands, and establishes procedures that federal agencies must follow in the event of inadvertent disinterment of Native American human remains and cultural items. The statute provides a mechanism for determining the disposition for such human remains or cultural items. NAGPRA also forbids sale of Native American human remains or of cultural items obtained in violation of the statute.

The sections of this SOP describe compliance procedures to be followed in the event of an inadvertent disinterment of human remains or associated cultural items.

Standard Operating Procedure 4a

Inadvertent Discovery of Native American Human Remains and Associated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony [Reference: Native American Graves Protection and Repatriation Act 25 USC 3002, Sec. 3(d), 43 CFR 10.4]

Introduction

Every ground disturbing activity has the potential for uncovering unreported archeological deposits. Given the high probability of Native American use of the Presidio of Monterey area, these deposits may contain Native American human remains and cultural objects. In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), such human remains and cultural objects must be identified, if possible, as to lineal descendants or culturally affiliated contemporary tribes, treated in a manner deemed appropriate by the lineal descendants or culturally affiliated tribes, and repatriated if claims are justified by a preponderance of evidence. SOP #4a-b outline procedures to be followed in the event of an inadvertent discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony; in planning an excavation that has the high potential to result in the discovery of Native American human remains and cultural objects; and in dealing with the treatment and disposition of Native American human remains and cultural objects. Appended to these SOPs are a list of the referenced legislation, executive orders, and

presidential memoranda; sample memoranda for notification of the Installation Commander and Indian tribes; and a list of official tribal contacts.

This SOP is intended solely to improve the internal workings of the Presidio of Monterey staff and does not in any way create any right or cause of action to any party.

Definitions

[Reference: Native American Graves Protection and Repatriation Act 25 USC 3001, Sec. 2, unless indicated otherwise]

- 1. Burial site:** any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.
- 2. Cultural affiliation:** that there is a relationship of shared group identity that may be reasonably traced historically or prehistorically between a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group [43 CFR 10.14(c)].
- 3. Associated funerary object:** objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.
- 4. Sacred object:** specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents.
- 5. Cultural patrimony:** an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.
- 6. Indian tribe:** any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- 7. For the purposes of this SOP, the term "planned excavation"** refers to excavations that have been determined to have a high probability for recovery of Native American human remains and/or cultural objects.

8. For the purposes of this SOP, the term "**cultural objects**" specifically refers to associated funerary objects, sacred objects, and objects of cultural patrimony.

9. For the purposes of this SOP, "**tribal contacts**" means the tribes that are listed in Appendix B.

Policy

The intent of NAGPRA is to protect, identify proper ownership, and to ensure the rightful disposition of Native American human remains and cultural objects that are discovered on federal or tribal lands. NAGPRA requires that certain procedures be followed when there is an intentional excavation or inadvertent discovery of Native American human remains and cultural objects. In the event of a discovery of Native American human remains or cultural objects, the Installation Commander will ensure compliance with NAGPRA [25 USC 3001-3013, 43 CFR 10] and any applicable statutory and regulatory requirements of the American Indian Religious Freedom Act [42 USC 1996-1996a], Religious Freedom Restoration Act [42 USC 2000bb], Archeological Resources Protection Act [16 USC 470aa-470ll], National Environmental Policy Act [42 USC 4321- 4370c], and National Historic Preservation Act [16 USC 470-470w] as well as White House Memorandum, 29 April 1994. Each statute mandates compliance with independent requirements. Compliance with one statutory requirement therefore may not satisfy other applicable requirements. The installation Cultural Resources Manager will coordinate with the Staff Judge Advocate (SJA), Criminal Investigation Directorate (CID), Provost Marshal Office (PMO), Operations and Training, Master Planning, and Public Works to ensure that the Cultural Resources Manager

(1) is incorporated in the planning of training and construction processes to assess the potential for the discovery of Native American burials and archeological sites, and

(2) is identified as the point-of-contact to be notified immediately if a Native American burial or archeological site is inadvertently discovered on installation property and when ground disturbing activities such as training operations, construction, and archeological excavations, erosion by wind or water may result in the discovery of human remains and cultural objects.

If Native American remains and cultural objects are discovered, any work within a 100-foot radius of the site shall be halted and the Cultural Resources Manager (831-242-7922) shall be notified immediately. The site will be protected and stabilized. Any removal of material is prohibited and constitutes a violation of NAGPRA and ARPA. The Cultural Resources Manager, in consultation with qualified professionals as necessary, will initially evaluate the site and report the finding to the Installation Commander and the potentially culturally affiliated Indian tribes. Any subsequent treatment of the remains and objects or stabilization of the site will be carried out only after consultation with the potentially affiliated tribes.

Procedure

[Reference: NAGPRA 25 USC 3002 Sec. 3(d), 43 CFR 10]

Preliminary Assessment, Protection, and Verification

If an inadvertent discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony occurs on the Presidio of Monterey:

- 1) Carry out preliminary assessment, protection, and identification of human remains. The Cultural Resources Manager will arrange to visit the site as soon as practical, always within twenty-four (24) hours of the discovery, to determine if the remains are (1) associated with a recent crime scene and
- 2) if not, whether the remains are of Native American descent. If, upon examination, the remains appear to be human and associated with a crime scene of 50 years old or less, the Cultural Resources Manager will notify the CID, all activities will cease within a 100 foot radius of the site, and the site will be protected and declared off limits to everyone except authorized personnel. The CID will assume control of the crime scene and custody of the remains.
- 3) Notify the Installation Commander immediately of the inadvertent discovery and receive written confirmation of the receipt of the notification within 48 hours of the initial notification.
- 4) Notify the Monterey County Coroner's Office. The Coroner's Office will determine if remains are not of recent origin, and will notify, within 24 hours, the California Native American Heritage Commission of the discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony.
- 5) If the remains are determined to be Native American and not associated with a crime, the Cultural Resources Manager must make a written field evaluation of the circumstances of the discovery, the condition and contents of the burial, including any artifacts, the primary context of the remains and any artifacts, and their antiquity and significance. The human remains and cultural objects will be evaluated in situ. Destructive analysis is prohibited. The Cultural Resources Manager may consult with the CID or a qualified physical or forensic anthropologist if necessary. The site will be protected according to standard installation practice for archeological discoveries. Stabilization or covering may be employed if necessary.
- 6) Note that a preliminary assessment of whether NAGPRA applies to a discovery of human remains may take considerable time and coordination with qualified professionals. Therefore, the Cultural Resources Manager should make arrangements with qualified professionals, such as physical or forensic anthropologists, who are willing to aid in situ identifications before an inadvertent discovery of human remains occurs.
- 7) Document the consultation in a written plan of action IAW 43 C.F.R. 10.5(e) signed by the Installation Commander or his designee.

8) Follow Protocol for Treatment and Disposition of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony.

Notification of the Responsible Federal Agency Official (Installation Commander) [43 CFR 10.4]

- 1) When the Cultural Resources Manager receives notification of an inadvertent discovery of Native American human remains and cultural objects, immediate telephone notification must be provided to the Installation Commander or his/her official designee. This telephone notification will be followed immediately by written notification that contains the results of the field evaluation and a plan of action to inform the commander of the intended consultation tasks and disposition of the discovered objects.
- 2) No later than 48 hours after receipt of written confirmation from the Cultural Resources Manager, the Installation Commander or his/her official designee will forward to the Cultural Resources Manager the certification that the Memorandum of Notification has been received.
- 3) A Template for Memorandum of Notification of the Installation Commander is appended to this SOP. [Appendix A]
- 4) Dig permits and contracts for archeological investigations or major construction on installation lands will include the requirement to notify the Cultural Resources Manager immediately upon discovery of human remains or cultural objects.

Notification of Native Americans

- 1) Within three (3) working days after receipt of written notification by the Installation Commander of the discovery of Native American human remains and /or cultural objects, the Cultural Resources Manager shall notify possible lineal descendants or culturally affiliated Indian tribes of their discovery by telephone and by forwarding the Memorandum of Notification of the Installation Commander signed by the Installation Commander. Notification must include the field evaluation described in SOP #4A, Preliminary Assessment, Protection, and Verification, number 4. Notices shall be sent to the tribal chairpersons and copy furnished to the designated NAGPRA coordinators.
- 2) Decisions on which tribes to notify will be based on the order of priority of ownership described in 25 USC 3002, Sec. 3(2) and 43 CFR 10.6, information in the Native American contacts file kept by the Cultural Resources Manager, and the List of Tribal contacts appended to this SOP. [Appendix B]
- 3) Priority of ownership or control of Native American human remains and cultural objects is briefly: [For details, see 25 USC 3002, Sec. 3(a)(1)-(2), 43 CFR 10.6]

- a. Lineal descendants
- b. Indian tribe landowner
- c. Culturally affiliated Indian tribe as defined in 43 CFR 10.14
- d. Indian tribe recognized as the aboriginal owners of the land by a final judgment of the Indian Claims Commission or the United States Court of Claims
- e. Indian tribe aboriginally occupying the land
- f. Indian tribe with the strongest demonstrated cultural relationship
- g. Unclaimed

4) The List of Tribal Contacts will be kept by the Cultural Resources Manager and will be verified and/or updated annually in coordination with tribal election schedules. The list accompanies this SOP [Appendix B] and kept in the Native American contacts file.

Identification of Native American Human Remains

1) Identification of Native American human remains and cultural objects will be made in situ unless they have already eroded from their original location or have been removed from their original resting place by accident or as a result of looting. If an in situ identification of the remains cannot be made, the potential culturally affiliated tribes will be consulted pursuant to 43 CFR 10.3(b) and further identification procedures will be discussed.

2) If necessary, the Presidio of Monterey Cultural Resources Manager will coordinate the identification of Native American human remains and cultural objects with qualified archeologists, forensic or physical anthropologists, or cultural anthropologists who will record their recommendations and all data necessary to make the identification, including any additional information that can contribute to the determination of lineal descendants or cultural affiliation. The Presidio of Monterey Cultural Resources Manager may use recommendations of experts along with any additional comparative physical anthropological data and archeological, ethnographic, and historical information to determine lineal descendants or Indian tribes that have the closest affiliation according to priority of ownership as defined in 25 USC 3002, Sec. 3(a) and 43 CFR 10.6.

3) Cultural affiliation is determined by a preponderance of evidence based on geographical, kinship, biological, archeological, anthropological, linguistic, folkloric, oral tradition, historical, or other relevant information or expert opinion [25 USC 3005, Sec. 7(a)(5), 43 CFR 10.14]. Criteria for determining cultural affiliation are listed in 43 CFR 10.14(c). Regulations caution that a finding of cultural affiliation based on a preponderance of evidence should take into consideration "the totality of the circumstances and evidence pertaining to the connection between the claimant and the material being claimed and should not be precluded solely because of some gaps in the record" [43 CFR 10.14(d)]. Cultural affiliation does not have to be established by the claimants with scientific certainty [43 CFR 10.14(f)].

4) Preliminary determination of lineal descendants or closest affiliation will be sent to the previously notified tribes to review. A time and place for consultations will be proposed. Traditional religious leaders should also be identified and consulted. The tribes may have additional information to contribute to the identification of lineal descendants or cultural affiliation. Representatives of tribes may decide to visit the site to verify the identification. A list of all Indian tribes consulted regarding the particular human remains and cultural items will also be provided to each consulting tribe.

5) Consultation must result in a written plan of action in accordance with 43 CFR 10.5(e)] or Comprehensive Agreement (CA) in accordance with 43 CFR 10.5(f) between the appropriate tribes and the Installation Commander. Development, review, and signature of the CA follow Army protocol specified in AR 200-4. The Presidio of Monterey Cultural Resources Manager, acting on behalf of the Installation Commander, may prepare the written plan of action or CA. The Installation Commander approves and signs all NAGPRA documents. Copies of the written plan of action are provided to the consulting lineal descendants and Indian tribes. Parties covered in a CA must agree to be signatories.

6) Information to be gained during the consultation that should be included in the written plan of action or CA:

a. Kinds of material to be considered as cultural objects as defined in Standing Operating Procedure #4a and 43 CFR 10.2(b);

b. Specific information used to determine custody pursuant to 43 C.F R 10.6;

c. Treatment, care, and handling of human remains and cultural objects;

d. Archeological recording of the human remains and cultural objects;

e. Kinds of analysis for identification of human remains and cultural objects;

f. Steps to be followed to contact Indian Tribe officials at the time of an inadvertent discovery or before any excavation of human remains or cultural objects;

g. Kind of traditional treatment to be afforded the human remains or cultural objects;

h. Nature of the reports to be prepared; and

i. Disposition of human remains and cultural objects in accordance with 43 CFR 10.6.

Resumption of Activity

43 CFR 10.4(d)(2) specifies:

A. The activity that resulted in the inadvertent discovery of Native American human remains or cultural objects may resume thirty (30) days after certification by the Installation Commander of the receipt of the notification sent by the Cultural Resources Manager, if otherwise lawful. Any impacts to the site must be evaluated pursuant to Section 106 [36 CFR 800] of the National Historic Preservation Act [16 USC 470-470w]. Environment consideration under the National Environmental Policy Act (NEPA) may be required prior to continuing the activity. Removal or excavation of Native American human remains and cultural objects must also be carried out in accordance with 43 CFR 10.3.

B. Or, activity may resume if the treatment is documented in a written binding agreement between the installation and the affiliated Indian tribes that adopts a plan for stabilization and protection of the site with no removal of human remains and cultural objects, excavation or removal of the human remains or cultural objects in accordance with 43 CFR 10.3, or their disposition to lineal descendants or Indian tribe/s with priority of custody as defined in 25 USC 3002, Sec. 3(a) and 43 CFR 10.6.

Standard Operating Procedure 4b

Intentional Archeological Excavation That May Result in the Discovery of Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony [Reference: Native American Graves Protection and Repatriation Act 25 USC 3002, Sec. 3(c), 43 CFR 10.3]

Introduction

Archeological activities include survey for sites to be included on the inventory required under Section 110 of the National Historic Preservation Act [16 USC 470-470w], evaluation of sites by testing their eligibility for the National Register of Historic Places [36 CFR 60, 36CFR 63], further testing of sites to evaluate their significance, and the mitigation of adverse effects on sites eligible for the National Register that cannot be protected from destruction. The definitions provided in the Introduction of Standing Operating Procedure (SOP) #4a apply.

Policy

Presidio of Monterey must comply with NAGPRA [25 USC 3002, Sec. 3(c), 43 CFR 10.3], which requires that Native American human remains, associated funerary objects, sacred objects, and objects of cultural patrimony be excavated or removed only after consultation with the appropriate Indian tribes that have priority of custody over these items. All notification and consultation shall be carried out with tribal governments in compliance with White House Memorandum, 29 April 1994, Government-to-Government Relations with Native American Tribal Governments. Excavation of Native American human remains and cultural objects is also subject to review under Section 106 [36 CFR 800] of the National Historic Preservation Act [16 USC 470-470w].

Procedure

1. Archeological excavations that have a high potential to result in the discovery or removal of Native American human remains, associated funerary objects, sacred objects, or objects of cultural patrimony are permitted only after (1) issuance of a permit pursuant to the Archeological Resources Protection Act [16 USC 470aa-470ll], if applicable, and (2) consultation establishes provisions for the identification, treatment, and disposition of Native American human remains and cultural objects and meets the requirements of 43 CFR 10.5.
2. Before issuing any approvals or permits for excavations that may result in the discovery of Native American human remains or cultural objects, the Cultural Resources Manager must provide written notification signed by the Installation Commander to the Indian tribes that are likely to be culturally affiliated, any present-day Indian tribes who aboriginally occupied the area, and any tribes who are likely to have a cultural relationship with the human remains and cultural objects that may be excavated.
3. When notifying Indian tribes, refer to the List of Tribal Contacts in Appendix B, which is based on criteria discussed in SOP #4a, Notification of Native Americans, numbers 2-4.
4. The notice to the tribes of planned excavations must describe the planned activity, its general location, the basis for the determination that human remains and cultural objects may be encountered during excavation, and the basis for the determination of likely custody pursuant to 43 CFR 10.6. In addition, the notice must propose a time and place for meetings or consultations and the federal agency's treatment and disposition of the human remains and cultural objects.
4. If no response is received from a written notification in fifteen (15) days, a follow-up telephone call should be made by the Cultural Resources Manager.
5. In making determinations of priority of ownership and right of control of Native American human remains and cultural objects, refer to SOP #4A, Notification of Native Americans, numbers 2-4.
6. Consultation must be documented by (1) a written plan of action in accordance with 43 CFR 10.5(e) signed by the Installation Commander or his designee, which the consulting tribes have the option to sign, or (2) a Comprehensive Agreement (CA) in accordance with 43 CFR 10.5(f), signed by the Installation Commander or his designee and official tribal representatives.
7. Information to be gained during the consultation that should be included in the written plan or CA:
 - a. Kinds of material to be considered as cultural objects as defined in Standing Operating Procedure #A and 43 CFR 10.2(b);
 - b. Specific information used to determine custody pursuant to 43 CFR 10.6;

- c. Treatment, care, and handling of human remains and cultural objects;
- d. Archeological recording of the human remains and cultural objects;
- e. Kinds of analysis planned for identification of human remains and cultural objects;
- f. Steps to be followed to contact Indian Tribe officials before any excavation of human remains or cultural objects;
- g. Kind of traditional treatment to be afforded the human remains or cultural objects;
- h. Nature of the reports to be prepared; and
- i. Disposition of human remains and cultural objects in accordance with 43 CFR 10.6.

Standard Operating Procedure 4c

Treatment and Disposition of Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony Discovered Inadvertently [Reference: Native American Graves Protection and Repatriation Act 25 USC 3002, Sec. 3, 43 CFR 10]

Introduction

Specifying treatment and disposition of Native American human remains, associated funerary objects, sacred objects, and objects of cultural patrimony discovered on Army lands rests with lineal descendants or Indian tribes that can demonstrate priority of ownership as outlined in NAGPRA [25 USC 3002 Sec. 3(a), 43 CFR 10.6]. The definitions provided in the Introduction of Standing Operating Procedure (SOP) #4A apply.

Policy

Identification of Native American human remains and cultural objects occurs first in consultation with potential lineal descendants or Indian tribes that can demonstrate the closest affiliation according to priority of ownership. All notification and consultation shall be carried out with tribal governments in compliance with White House Memorandum, 29 April 1994, Government-to-Government Relations with Native American Tribal Governments. If the Army, in consultation with lineal descendants or federally recognized tribes, determines that an asserted claim is legitimate, the lineal descendants or tribe(s) may consult with Presidio of Monterey in specifying treatment and disposition of remains.

If ownership cannot be assigned to one tribe due to lack of a preponderance of evidence, then the responsibility of treatment and disposition may lie with multiple tribes.

If there are no legitimate claimants, the NPS Departmental Consulting Archeologist will be notified and the human remains and cultural objects will be protected in situ, or if that is not possible, will be removed and stored in a facility agreeable to the consulting parties, pending the appearance of legitimate claimants.

In instances where there is a dispute as to the ownership of human remains and cultural objects, the installation shall safeguard them until the dispute is resolved in accordance with 43 CFR 10.5(a)(2). The Installation Commander shall notify the Major Command (MACOM) in the event of a dispute regarding custody of human remains and cultural objects. All activities carried out to comply with NAGPRA and 43 CFR 10 shall only occur with federally recognized Indian tribes and lineal descendants as defined and provided for by NAGPRA.

Procedure

1. The treatment and disposition of any Native American human remains and cultural objects recovered inadvertently from Presidio of Monterey lands shall be determined in consultation with lineal descendants or closest affiliated Indian tribe(s) as required by 25 USC 3002 Sec. 3(a), 43 CFR 10.3(2), and 10.4(d)(iv). A tribe that wishes to make a claim of ownership of human remains or cultural objects must be able to demonstrate an affiliation by a preponderance of evidence according to the criteria for the priority of custody specified in 25 USC 3002, Sec.3 (a) and 43 CFR 10.6.
2. If a single, legitimate claimant cannot be identified, continue consultation with the previously consulted tribes to consider possible alternatives for affiliation, treatment, and disposition. Notify the NPS Departmental Consulting Archeologist and Southwest Regional Office regarding the details of the case. Presidio of Monterey must retain the material in a safe and secure manner agreeable to the consulting parties as required by 43 CFR 10.6(c), or 10.15 until a plan for the treatment and disposition of the Native American human remains and cultural objects pursuant to 43 CFR 10 can be specified.
3. If no agreement can be reached, refer to dispute resolution.
4. For inadvertent discoveries of Native American human remains and cultural objects, endeavor to specify treatment within thirty (30) days after the certification of notification has been issued.
5. The treatment regarding Native American human remains and cultural objects encountered during planned archeological excavations will be developed before the commencement of the project. If it is determined by the consulting parties that the in situ restoration of a burial site is not feasible, the contents of the burial shall, upon the identification of the lineal descendants or cultural affiliation, be repatriated to the lineal descendants or appropriate tribe/s, if a legitimate claim is made. Procedures for repatriation will be made in consultation with the appropriate descendants and/or tribes pursuant to 43 CFR 10.6.

6. Each restoration and reinterment shall require that Presidio of Monterey provide an opportunity for appropriate tribal religious ceremony or ceremonies pursuant to the American Indian Religious Freedom Act (AIRFA) [42 USC 1996-1996a].
7. Upon request, sacred objects and objects of cultural patrimony shall be returned where [25 USC 3005, Sec. 7(a)(5)]:
 - a. the requesting party is the direct lineal descendant of an individual who owned the sacred object;
 - b. the requesting Indian tribe can show that the object was owned or controlled by the tribe;
 - c. the requesting Indian tribe can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a member thereof owned a sacred object, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object under NAGPRA.
8. Following 43 CFR 10.6(b), prior to the disposition of human remains and cultural objects to the lineal descendants or the apparent most closely affiliated Indian tribes, the Installation Commander or his/her official designee must publish notices of the proposed disposition in a newspaper of general circulation in the area in which the human remains and cultural objects were discovered and in which the lineal descendants or affiliated Indian tribes currently reside.
 - a. The notice must provide information as to the nature and affiliation of the human remains, funerary objects, sacred objects, or objects of cultural patrimony and solicit further claims to custody. The consulting tribes may review the content of the notice before its publication. Privileged information should not be included in the notice.
 - b. The notices must be published twice at least a week apart. A copy of the notice and information on when and in what newspapers the notice was published must be sent to the NPS Departmental Consulting Archeologist, Department of Interior.
 - c. The return of human remains and cultural objects must not take place until at least thirty days after the publication of the second notice to allow time for any additional claimants to come forward. If additional claimants do come forward and the Installation Commander or his/her designee cannot clearly determine which claimant is entitled to custody, the federal agency must not transfer custody of the human remains and cultural objects until the proper recipient is determined pursuant to 43 CFR 10.
9. If a claim is made for human remains and cultural objects, all of the tribes that were involved in the consultations regarding their disposition will be notified.
10. Unclaimed Native American human remains and cultural objects shall be returned in accordance with the regulations developed by the NAGPRA Review Committee.

11. The resolution of treatment and disposition issues must be documented in a written plan of action or Comprehensive Agreement (CA), as specified in SOP #4A and #4B pursuant to 43 CFR 10.3, 10.4, 10.5, 10.6, and 10.15.

Time Conflicts

On those rare occasions when Presidio of Monterey or the tribe(s) is unable to meet its commitments pertaining to time schedules for any activity specified herein, the party that is unable to meet the schedule will notify the other party as soon as physically possible to reschedule the activities to the mutual satisfaction of both parties. Emergency actions will be coordinated by telephone or FAX.

Dispute Resolution

1. All disputes regarding the cultural affiliation of discovered human remains and/or cultural objects shall be resolved in accordance with Sections 3 and 7(e) of NAGPRA and the implementing regulations 43 CFR 10.

2. The Presidio of Monterey shall follow the procedures set forth in this document regarding consultation with the interested tribes. Should any interested tribe make a conflicting claim of cultural affiliation or dispute the methods of treatment or disposition of human remains and/or cultural objects as delineated herein, the Installation Commander shall notify the MACOM.

3. The Presidio of Monterey will continue consultation with the disputing parties, suggest that the disputing parties seek resolution among themselves, and, if the disputing parties concur, go before the NAGPRA Review Committee which is given the authority under 25 U.S.C 3006, Sec. 8(c)(4) and 43 CFR 10.16 and 10.17 to make recommendations on the resolution of disputes.

4. If, upon receipt of the recommendations of the Review Committee, the most appropriate claimant still cannot be determined, Presidio of Monterey shall retain the disputed remains or cultural objects until the question of custody is resolved, as stated in 43 CFR 10.15(a)(2).

Additional Parties

Interested tribes claiming lineal descent or cultural affiliation may join these procedures at any time should they express a desire to do so. However, in accordance with 43 CFR 10.15 (a)(1), if an interested party fails to make a written claim prior to the time human remains and cultural objects are duly repatriated or disposed of to a claimant in accordance with 43 CFR 10, the interested party is deemed to have irrevocably waived any right to claim such items pursuant to these regulations.

Federal Statutes

1. American Indian Religious Freedom Act of 1978, as amended, 42 USC 1996-1996a
2. Archeological Resources Protection Act of 1979, 16 USC 470aa-470ll

3. Native American Graves Protection and Repatriation Act of 1990, 25 USC 3001-3013
4. National Environmental Policy Act of 1969, as amended, 42 USC 4321-4370c
5. National Historic Preservation Act of 1966, as amended, 16 USC 470-470w
6. Religious Freedom Restoration Act of 1993, 42 USC 2000bb

Federal Regulations

1. 32 CFR 229, Protection of Archeological Resources
2. 36 CFR 60, National Register of Historic Places
3. 36 CFR 63, Determinations of Eligibility for Inclusion in the National Register of Historic Places
4. 36 CFR 78, Waiver of federal Agency Responsibility under Section 110 of the National Historic Preservation Act
5. 36 CFR 800, Protection of Historic Properties
6. 40 CFR 1500-1508, Regulations Implementing the National Environmental Policy Act
7. 43 CFR 7, Protection of Archeological Resources
8. 43 CFR 10, Native American Graves Protection and Repatriation Act Regulations

Executive Orders

E.O. 13007, Indian Sacred Sites

Presidential Memoranda

White House Memorandum, Government-to-Government Relations with Native American Tribal Governments, April 29, 1994

SOP #4 Appendix A: Template for Memorandum Of Notification of the Installation Commander

Purpose

- a. To notify the Installation Commander that Native American human remains and/or cultural objects have been inadvertently discovered on Presidio of Monterey.
- b. Recommend an action plan that implements requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001-3013, 43 CFR 10], outlined in the NAGPRA Standard Operating Procedures (SOP), #4.
- c. Request certification of this notification by the Commander to be directly forwarded to the Cultural Resources Manager.

Situation

- a. Describe circumstances of discovery: By whom, where, and how were Native American human remains and/or cultural objects discovered on the installation.
- b. Describe discovered items: condition and contents of the burial, including any grave goods; the primary context of the remains and any artifacts, including site location described according to standard Presidio of Monterey archeological practice; probable antiquity and significance of the remains and/or cultural objects.

Action Plan

- a. Continue to protect the site.
- b. Receive certification of notification from the Commander by the Cultural Resources Manager within forty-eight (48) hours of receipt of this notification by his office.
- c. Notify the Ohlone/Costanoan Esselen Nation contacts listed in Appendix B of the discovery by telephone and written report within three working days after receipt of certification of notification from the Commander.
- d. Inform each notified tribe of the names of the other tribes being consulted.
- e. Consult with the Indian cultural groups about the cultural affiliation, treatment, and disposition of the remains and/or objects.
- f. Document the decisions made as a result of consultation in a written plan of action or implement a prior Comprehensive Agreement (CA) as specified in NAGPRA SOP #4A, Identification of Native American Remains, numbers 5 and 6.
- g. Carry out treatment and disposition of remains and/or objects as agreed upon in consultations according to the process outlined in NAGPRA SOP #4.

Appendix B: List Of Tribal Contacts

Non-Federally Recognized Indian Tribes

Ohlone/Costanoan-Esselen Nation

Rudy Rosales

Tribal Chairman

Ohlone/Costanoan Esselen Nation

P.O. Box 1301

Monterey, California 93942

Lorraine Escobar

Vice Chair

Ohlone/Costanoan Nation

P.O. Box 1301

Monterey, California 93942

SOP#5

Phase I Archeological Field Procedures

THE FOLLOWING GUIDELINES outline Phase I archeological field and laboratory procedures. These guidelines are intended to provide a comprehensive and detailed instruction for all Cultural Resources Managers from which all Phase I surveys and evaluations will be conducted, as well as post-field laboratory procedures. Phase I archeological investigations are required by Sections 106 and 110 of the National Historic Preservation Act. Section 106 requires federal agencies to consider how their activities will affect historic properties, and requires archeological surveys prior to surface disturbing activities in areas not previously surveyed. Section 110 requires that federal agencies assume responsibility for identifying, evaluating, nominating and protecting historic properties under their control.

Policy

Field Technicians

All archeological technicians must have completed a formal archeological field school at a recognized university, community college, or equivalent and must have experience with Phase I survey and evaluation techniques. Each team member is required to attend a field safety and unexploded ordnance briefing prior to beginning fieldwork. In the field, technicians are required to wear proper field attire and use appropriate equipment.

Field Equipment Inventory

Prior to all fieldwork, team members should account for and check the condition of all necessary field equipment. This includes: vehicle, shovels, screens, compasses, field attire, notebooks, pencils, pens, artifact bags, camera and film, flagging tape, water, radio, first aid kit, and the PA folder. Similarly, while in the field, all equipment not carried with team members must be kept in a locked field vehicle. The Field Equipment Inventory table lists the equipment that should accompany all field investigations.

Pre-Field Preparation Procedures

The Cultural Resources Manager will provide all pertinent site information and survey guidance, including survey strategy/methodology or evaluation strategy/methodology and an appropriate timetable for completion. Field preparation should consist of the following steps:

1. Survey team members should first review the materials provided in the survey area and/or site folders. The Cultural Resources Manager compiles the folders as project managers request archeological survey of project areas. Survey area folders contain location, geomorphic unit and soils maps, and/or aerial photographs regarding known sites and previous surveys within or adjacent to the project area. Project folders contain all documentation collected during Phase I survey, the artifact catalogue, and a copy of the report citing the site.
2. All field equipment should be checked, evaluated, and maintained if necessary.
3. The field note box should be restocked with the following forms as appropriate:
 - a) Field site forms
 - b) Shovel test forms
 - c) Test unit level forms
 - d) Field specimen log
 - e) Photograph log
 - f) Graph paper
 - g) Stamped bags for artifacts

Phase I Field Survey Procedures

A site shall be defined as a concentration of more than five artifacts within an area measuring 20-m diameter. Also, the occurrence of two adjacent positive shovel tests shall result in the definition of a site. A positive shovel test is one within which at least one cultural item that appears to be older than fifty years is found. An isolated find consists of one to five artifacts within a 20-m diameter area or a single, isolated positive shovel test with fewer than six artifacts. Appropriate California state site forms shall be filled out for isolated finds as well as sites.

Site Discovery

High Probability Zones include all slightly elevated, level-to-nearly level landforms (less than 20% slope) within 100 m of a source of water. High Probability zones shall be subdivided into a series of parallel transects spaced 30 meters (m) apart. Shovel tests shall be excavated along each transect at 30-meter intervals. Areas where there is greater than 75% visibility can undergo walkover survey at 30 meter intervals. If sites are found, they must still be shovel tested, however, to delineate site horizontal and vertical boundaries and evaluate deposit integrity. Low Probability Zones are defined as areas with greater than 20% slope or that are located more than 100 m from a source of water. Low Probability Zones shall be subdivided into a series of parallel transects spaced 50 m apart. Shovel tests shall be excavated along each transect at 50 m intervals. Areas of significant slope may be walked over, with particular attention paid to any type of surface visibility or areas where artifacts or cultural materials can be expected to accumulate due to colluvial activity, etc. Areas that are level, or nearly so, and are 100 m or more from water should be shovel tested, provided surface visibility is less than 75%. If sites are found, shovel testing is required to delineate site horizontal and vertical boundaries and evaluate deposit integrity.

Field Methods

All individual shovel test locations, both positive and negative, as well as all transect beginning and end points, shall be flagged using high visibility (i.e., day glow red or orange) flagging tape. Sufficient tape shall be used to permit the easy relocation of tests along transects. No shovel tests shall be excavated in areas of standing water or if the locations are otherwise inappropriate or inaccessible, such as, if they are located on steep slopes (greater than 20 degrees). Any deletions of shovel tests shall be fully noted and justified in the survey record. Transects shall be oriented along terrace edges and ridge tops, when practical, to insure that these locations are thoroughly surveyed. If a shovel test is aligned so that a likely site location, such as a knoll, might be missed, surveyors shall use discretion to realign the shovel test so that all likely observed site locations shall be shovel tested. All survey transects shall be delimited on maps of the project area, and these maps shall be included in the draft and final report. The project field notes shall specify the number and location of individual shovel tests excavated along each transect. Each survey transect and constituent shovel test shall be numbered in such a way as to permit subsequent researchers (using the maps in the report and the field notes) to relocate individual shovel tests, and areas that were not shovel tested.

Identification of Site Boundaries: After a site or isolated find has been identified, additional shovel tests shall be excavated to identify site boundaries. Shovel tests shall be excavated to define site boundaries at all sites, even in areas where surface visibility is excellent. Shovel tests excavated to define site boundaries shall be arranged in a grid or in perpendicular transects. Transects shall be oriented along cardinal directions (i.e., N/S and E/W) at a maximum of 15 meters on all sites and isolated finds. No shovel test should be more than 15 meters from another shovel test, if done in a grid pattern for site delineation-i.e., delineation transects, and shovel tests within transects, should be no more than 15 meters apart. Shovel tests excavated to define site boundaries shall be laid out using a compass or transit and tape; pacing distances is not acceptable. In each transect, shovel tests shall continue to be excavated until two consecutive negative tests are encountered. The last shovel test in the sequence containing archeological material shall be used to define the site boundary. Standard metric archeological grid coordinates shall be used to describe the location of all shovel tests excavated on project sites and isolated finds. Grid origins datums) shall be indicated on all site maps.

Shovel Tests: All shovel tests shall measure at least 30 cm in diameter and shall be excavated to subsoil (i.e., to the base of Late Pleistocene and Holocene age sediments), or to a depth of at least 75 cm below surface if subsoil is not reached. All excavated soil shall be screened through ¼ inch mesh. All cultural materials shall be retained for analysis. All subsurface excavations will be thoroughly and promptly backfilled.

Shovel Test Logs: (written records and standardized forms) shall be maintained throughout the fieldwork. These logs shall include information for each shovel test on location (including grid coordinates), excavated depth, number of artifacts recovered, and soil conditions (texture, stratigraphy, and evidence for cultural features. Sufficient profiles to clearly delineate the natural and cultural stratigraphy of sites shall be drawn to scale, and soil horizons and strata shall be described in standard scientific terms. The

Munsell Soil Color Chart shall be used to describe soil strata and colors. All features and other relevant phenomena shall be recorded in plan and profile, as appropriate, and other significant information including dimensions, depth, orientation, associations, etc., shall be recorded. Representative soil profiles shall be illustrated and described in the report (soil profiles do not need to be included for every shovel test).

Site Maps: An accurate sketch map of each site and isolated find shall be made. These maps shall include sketched-in contour lines showing major topographic features. All shovel tests, survey transects, disturbed areas, and prominent cultural and natural features within the site or isolated find as well as in the immediate vicinity of the site or isolated find shall be included on these maps. This information can be collected using a compass and tape, pacing, a hand level and stadia, or a transit. The maps shall differentiate positive from negative shovel tests and shall show the locations of site datum points. North Carolina site numbers shall be used on all maps, forms, records, photographs, and throughout the report.

Historic Sites: Standing structures, foundations, wells, cisterns, rock walls, and other surface features of historic sites shall be plotted as accurately as possible on the sketch maps. These features shall also be recorded using black and white print, color slide photographs; digital photography is acceptable. Every effort shall be made to determine the site-specific history, site function, date of construction, and occupation and identity of the inhabitants of historic sites. This effort shall include examination of installation and local county property, tax, and other records as appropriate. Wells, cisterns, and all other possible personnel hazards shall be clearly marked with high-visibility flagging tape and reported to the Cultural Resources Manager for future backfilling.

Historic Cemeteries: Historic cemeteries shall be assigned site numbers and sketch maps shall be prepared. If fewer than 20 graves (marked and unmarked) are present, the locations of head and footstones shall be sketched, and the inscriptions on headstones shall be recorded. Cemeteries with more than 20 graves (marked and unmarked) present shall be sketch-mapped, and recommendations as to the level of effort needed to fully record grave locational and marker data will be determined. There are no historic cemeteries recorded on the Presidio of Monterey. Verify that cemeteries encountered during Phase I survey have not been previously recorded to avoid duplication of effort.

Miscellaneous Finds: If any artifacts are discovered in exposed areas within the site boundaries, such as on roadways or eroded surfaces, or as surveyors walk between transects and/or shovel tests, these artifacts shall be handled the same as those found on a transect. If any artifacts are discovered in areas outside the survey boundaries, an attempt shall be made to ascertain the surface extent of the artifact scatter. These areas need not be shovel tested, but the area of the artifact(s) shall be recorded on project maps and shall be given site or isolated find numbers, as appropriate.

Site Datum Markers: At all sites that are recommended as Eligible or Potentially Eligible for the NRHP, a datum marker at a prominent point will be erected, e.g., a key shovel test location. Datum markers should be a length of rebar (at least three feet)

driven into the ground so that no more than a couple of inches is above the ground surface. The rebar must be fitted with an aluminum cap with the field site number stamped on it. The markers shall aid in site relocation and serve as a reference for future investigations. Wherever possible the locations of these markers shall be tied into permanent features, and the aluminum marker tips should be brightly painted or otherwise marked, to facilitate their relocation. No nails or spikes shall be driven into trees.

Plot Sites on Maps: The location of all sites and isolated finds will be marked on two sets of maps:

- 1) clean and current USGS 7.5 minute Quadrangle Maps and
- 2) Presidio of Monterey project maps.

GPS: Global Positioning System (GPS) instruments will be used to determine the exact locations of all sites and isolated finds. GPS coordinates shall be recorded for the site datum markers for all sites designated as Potentially Eligible or Eligible for the NRHP. These coordinates will be provided as VTMS, using the NAD 27 datum in the report.

Photographs: Sufficient photographs, both black and white print and color slide, shall be taken to record significant data and information. Digital photography, with resolution comparable to black and white print and color slides, is also acceptable. Photographs shall contain an appropriate scale, direction indicator (north arrow), and information (written on a menu board or chalk board, etc.) identifying the site, date, and subject. The north arrow and information boards shall be clearly readable in the photographs, but placed so as to not obscure the subject. When it is anticipated that a photograph may be reproduced in report, a second photograph of the subject shall be taken without the information board and north arrow. However, an appropriate scale shall be included in the photograph, and relevant information about the photograph shall be recorded. Additional color print photographs or digital photographs shall be taken that record each aspect of work that characterizes this project (e.g., excavating shovel tests, using GPS instruments). These photographs shall be suitable for use in the context of military briefings, educational lectures, or professional presentations.

Field Log: Throughout all stages of the fieldwork, a field log or journal shall be maintained detailing the work accomplished, field conditions, findings, observations, impressions, and any other information that may be relevant to the project. Standardized forms can be used to assist in the collection of this information, but shall not represent a substitute for the field log. The field log or journal shall become a part of the permanent project records and shall be included in the material to be curated. All cultural material collected during the field research, including artifacts, faunal and flora remains, soil and other samples, etc., shall be cleaned, stabilized when necessary, or treated as appropriate for the kind of material collected and the use for which it is intended. Where warranted and justified in the report, small samples of stone tools and flakes may be curated unwashed to facilitate future possible protein residue analysis. All material shall be clearly labeled with accession and state numbers acquired from the California SHPO, using a permanent medium, in accordance with California state archeological curation

standards and guidelines or the standards in force at the time the work is carried out. All cultural material collected shall be systematically identified and analyzed using procedures or processes appropriate to the type of class of artifact under consideration. Projectile points and ceramics shall be assigned to the appropriate culture-historical types to assist chronological assessments of site occupations. All intact or potentially diagnostic projectile points or other tools, representative examples of common ceramic categories, and all unusual or potentially typologically ambiguous sherds shall be illustrated using scaled photographs. The scale must be included in all artifact plates, statements to the effect that artifacts illustrated are "Actual Size" are not acceptable. Accession numbers and site numbers for each artifact illustrated must be present either in the caption or adjacent to each artifact. For each projectile point, the following attribute data shall be included in any report: maximum length, width, and thickness, weight, and raw material. Additional attribute data may be compiled. For all prehistoric ceramic artifacts the following attribute data shall be determined: information about paste, surface finish, and rim and lip form. All lithic artifacts (i.e., tools and, debitage) are to be reported using standardized and well defined and consistent sorting criteria. All historic artifacts will likewise be described using standardized and well-defined sorting criteria. A primary emphasis of the laboratory analysis and reporting shall be the determination of occupation span and function of each site, or for each component within complex sites. In the report, the analysis of artifacts shall be described in sufficient detail that subsequent investigators can evaluate technical conclusions and interpretations, and NRHP eligibility determinations.

At sites where systematic shovel testing yields at least twenty positive shovel tests, artifact density/distribution maps shall be produced to guide the interpretation of materials obtained from these units. These maps may be produced using standard computer mapping programs such as Surfer, Symap, MacGridzo, or their equivalent. The method by which the maps were produced shall be documented (i.e., the program, interpolative algorithm, and scale/contour intervals shall be fully specified). Minimally, one map of overall artifact density shall be prepared, based on the count or weight of materials, as considered appropriate. Additional maps of specific artifact categories (i.e., ceramics, lithics, historic glass, nails, etc.) may be produced.

General Field Survey Practices

Recording Field Information

Recording accurate, legible PA information is essential to the field survey process. Illegible or incomplete notes result in problems during mapping, cataloguing, and data compilation. When recording PA information, make sure the following appears neat and legibly on each page:

1. Survey member's name or initials
2. Project number
3. Date
4. Transect number
5. Magnetic direction the transect is heading
6. Names of team members on each side and their corresponding STPs
7. Individually numbered STPs, with positive or negative designations, as well as artifact descriptions

8. Brief soil description of each shovel test. The notes may reference soil types only as they change. For example an initial soil type on T1 STP1 might be sandy loam, and remain the same until T12 STP15 where sand is encountered. At that point "sand" should appear in the notes.

9. Any military impact on landscape: foxholes, tank emplacements, bunkers, machine gun nests, etc.

10. Any historical features

11. Two tracks, roads, streams, or other surface features

If a survey area is completed in the middle of a page, resume recording new project data on the next page.

Photography

After each survey is finished, the area or excavation site should be photographed. Photo documentation of each survey area and/or site should consist of both black and white prints and color slides. Field photography should consist of photographs that accurately record:

1. the surrounding terrain
2. extent and density of positive STPs
3. military features in the area
4. historic features, such as mills, foundations, windmills, barns, etc.
5. environmentally damaged areas, such as trash deposits or oil drums
6. other information relevant to the archeological interpretation of the site or PA
7. floor plan of each level within an excavation unit, and
8. wall profiles.

The field supervisor will be responsible for all photography. Each photograph should contain the photo board with the PA or site number and date. The photo board should be close enough to the camera as to be easily readable. Personnel may be included in the photograph for perspective or scale. A brief description, date, roll number, and photo number of the film must be recorded in the photo log, located in the field notebbox. All film rolls should be numbered with an indelible pen before insertion into the camera.

GPS

Under the direct supervision of the field supervisor, team members will complete the PA GPS data collection. As with photography, designated team members should consistently accomplish all GPS work in order to ensure continuity of performance. GPS data collection should include the PA boundary (when requested), and all historic features. GPS data is recorded in a notebook that stays with the project folder at all times. Information recorded at each location where GPS data is collected includes:

1. names of team members recording GPS data and date;
2. file number obtained from the data logger;
3. exact time when each feature is collected,
4. exact name of feature as it appears on the data logger,
5. number of points collected for each feature,

6. any points collected where either the real time link is lost, or anomalies occur such as loss of satellites or recording ephemeris, etc.,
7. right facing page should be left open and prepared for entering Easting and Northing UTM coordinates, and standard deviation.

SOP#6

Phase II Archeological Field Procedures

THE FOLLOWING GUIDELINES outline Phase II archeological field and laboratory procedures. The guidelines are intended to provide comprehensive, detailed instructions for the Cultural Resources Manager and all program staff members within a framework from which all Phase II evaluations will be conducted, as well as post-field laboratory procedures. Phase II archeological investigations are required by Sections 106 and 110 of the National Historic Preservation Act. Section 106 requires federal agencies to consider how their activities will affect historic properties, and requires archeological surveys prior to surface disturbing activities in areas not previously surveyed. Section 110 requires that federal agencies assume responsibility for identifying, evaluating, nominating and protecting historic properties under their control.

Policy

Field Technicians

All archeological technicians must have completed a formal archeological field school at a recognized university, community college, or equivalent and must have experience with Phase I survey and evaluation techniques. Each team member is required to attend a field safety and unexploded ordnance briefing prior to beginning fieldwork. In the field, technicians are required to wear proper field attire and use appropriate equipment.

Field Equipment Inventory

Prior to all fieldwork, team members should account for and check the condition of all necessary field equipment. This includes: vehicle, shovels, screens, compasses, field attire, notebooks, pencils, pens, artifact bags, camera and film, flagging tape, water, radio, first aid kit, and the PA folder. Similarly, while in the field, all equipment not carried with team members must be kept in a locked field vehicle. The Field Equipment Inventory table lists the equipment that should accompany all field investigations.

Pre-Field Preparation Procedures

The Cultural Resources Manager will provide all pertinent site information and survey guidance, including survey strategy/methodology or evaluation strategy/methodology and an appropriate timetable for completion. Field preparation should consist of the following steps:

1. Survey team members should first review the materials provided in the survey area and/or site folders. The Cultural Resources Manager compiles the folders as project managers request archeological survey of project areas. Survey area folders contain location, geomorphic unit and soils maps, and/or aerial photographs regarding known

sites and previous surveys within or adjacent to the project area. Project folders contain all documentation collected during Phase I survey, the artifact catalogue, and a copy of the report citing the site.

2. All field equipment should be checked, evaluated, and maintained if necessary.
3. The field note box should be restocked with the following forms as appropriate:
 - a) Field site forms
 - b) Shovel test forms
 - c) Test unit level forms
 - d) Field specimen log
 - e) Photograph log
 - f) Graph paper
 - g) Stamped bags for artifacts

Phase II Field Evaluation Procedures

Phase II field investigations are conducted to evaluate the significance of archeological sites and to determine eligibility for nomination to the National Register of Historic Places. Phase II evaluations are intensive investigations in which 1x1, 1x2, 2x2 m2 (or larger) units are excavated in discrete or arbitrary soil layers until layers that are sterile of cultural materials are encountered. Excavation and subsequent analysis of recovered artifacts should result in a determination of site type, site size, cultural affiliation, age, and site integrity. Sites located within an impact area or any of the live-fire ranges will not be evaluated due to their potential for unexploded ordnance. To be considered eligible, a site must be determined significant in American history or prehistory according to the National Register of Historic Places Criteria. A recommendation that a site is either eligible or not eligible for the NRHP must be justified with specific reasons. It is not acceptable to state merely that a site contains information dating to a particular time period and that this information is of local or regional importance. The investigator must state precisely why the site information is of value or why it is unique. For example, if a site contains material dating to a particular period, the value of the site should be expressed in terms of what is known about the local cultures represented by the material.

NRHP determinations must also specify how additional investigations would add significant knowledge to what is already known about the culture or components represented at the site. What specific research approaches are relevant to understanding these past cultures, and how would investigation of the site serve to provide new information? The questions asked, of course, depend on the nature of the resources under consideration and the state of knowledge concerning the prehistory and history of the project area. Existing historic context documents developed for this purpose are to be referenced wherever possible and appropriate. Conversely, evaluations must include justifications for statements that sites are not significant (not eligible for the NRHP). Unsupported statements that other sites have similar deposits (without providing specific quantitative or qualitative evidence in support of this claim), or that refer only to site integrity, are not sufficient or acceptable. The statement that a site is not significant because it is small and lacks deep, intact subsurface deposits may or may not be true.

Such a conclusion must be supported by the reason(s) why the investigator considers the site unimportant. The investigator must combine his/her knowledge resulting from the documentary research with the information and data obtained from the test excavations to arrive at legitimate, defensible conclusions concerning site significance.

For all sites that are recommended eligible for the NRHP by the Contractor, a detailed data recovery plan will be provided as part of the recommendations, detailing how adverse impacts at those sites are to be mitigated should such a need arise. The plan will address such questions as size, number, and locations of excavation units. Excavation methods, such as use of power machinery vs. hand excavation, water screening and flotation, and other special sampling procedures, are to be discussed as well. The recommended field data recovery program must be linked to research issues, specifically the kinds of important information that can be learned from the data to be collected. It must also indicate why the recommended procedures are appropriate to collect such information. The data recovery plan, or research design, by being linked to the NRHP eligibility justifications, provides additional justification as to why the site is eligible for inclusion on the NRHP. A research design will be presented in the proposal. The research design will demonstrate the familiarity of the offerer with the archeology and history of the project area. The research design also will demonstrate how the offerer proposes to evaluate the sites to be investigated. All archeological sites found that will be classified as eligible to the National Register of Historic Places must be reported the CRM at 831-242-7922 at the Presidio of Monterey as soon as possible after the resolution of such determinations to allow immediate protective measures to be taken. The investigator also will provide recommendations for the protection of National Register eligible sites at this time. All recommendations for NRHP eligibility status must proceed, in part, through the use of comparative analyses making use of the results of past work on the POM. These analyses will be quantitatively based.

Fieldwork (Site Relocation, Testing, and Evaluation)

For the purpose of making determinations of NRHP eligibility, test excavations of the sites in question will be conducted. As part of this effort, site conditions, particularly those that have had an impact on or changed the site since discovery, will be assessed. At every site, however (save for those found to no longer exist), at least one 1.0 x 1.0 square meter unit will be opened as part of the testing. At each site that has not been previously systematically shovel tested, or at those sites for which such previously collected data cannot be effectively used to determine intra-site patterning, including those with excellent surface visibility, a uniform (i.e., with no internal gaps or areas where no tests are excavated) grid of 30 x 30 cm square shovel tests will be opened at 10 meter intervals to define site boundaries and internal structure. Site boundary definition will thus proceed using the same procedures used during intensive survey work on the installation. That is, once sites are located, shovel tests will be arranged so that they will be excavated in a grid oriented along cardinal directions at 10- meter intervals. The shovel tests will continue to be excavated until two consecutive negative tests are encountered. Every positive test will have tests excavated around it along cardinal directions (i.e., N/S and E/W) or grid directions, until at least two negative tests are reached; when new positive tests are found as a result of this work, testing will proceed in

cardinal directions (i.e., N/S and E/W) around these tests until at least two negative tests are reached. The midpoint between the last positive shovel test and the first of the two negative tests shall constitute a boundary. Shovel test locations for purposes of boundary definition are to be laid out using a transit and tape, with elevation data recorded for each unit to be used in the preparation of the site contour map. Pacing distances to shovel test locations is unacceptable during site boundary definition. Shovel tests must be minimally 30 cm diameter, and must be opened to subsoil (i.e. as defined by specific soil conditions, but minimally encompassing Late Pleistocene and Holocene age sediments). No shovel test shall be shallower than 30 cm regardless of the depth of the subsoil and if subsoil is not reached, shovel tests should go to a depth of at least 75 cm. All excavated soil shall be screened through 1/4-inch mesh. Shovel test logs will be maintained providing information on the size, depth, soil conditions, and contents of all excavation units and shovel tests. The depth of all shovel tests will be noted in the report appendix for both positive and negative tests. Sufficient profiles to clearly delineate the natural and cultural structure of sites shall be drawn to scale, and soil horizons and strata shall be described in standard scientific terms.

The Munsell Soil Color Chart shall be used to describe soil strata and colors. All features and other relevant phenomena shall be recorded in plan and profile, as appropriate, and other significant information including dimensions, depth, orientation, associations, etc., shall be recorded. All shovel test (and all other) excavations shall be backfilled. Previous survey data shall be used in the determination of the site boundary and all previous test units and shovel tests opened on the site shall be placed on the site map. If it is not possible to accurately relocate previous unit locations, detailed descriptions and illustrations of these unit locations will be provided, together with information on the contents of each provenience unit collected during prior work on the site. Where previous survey work or the current intensive testing investigations have included systematic shovel testing using 30 cm diameter units, and at least twenty or more shovel tests were dug, artifact density/distribution maps must be prepared and used to guide the placement of larger test units (i.e., 50 x 50 cm and 1 x 1 m). This includes all cases where no such maps were produced as a result of previous investigations, otherwise earlier density/distribution maps may be used if they are considered appropriate. Where shovel testing is conducted as part of the site testing process itself, interpolated maps can be produced by hand in the field and use to guide the investigations. Most contour mapping programs, it should be noted, can be run on laptop computers, with the result that maps can produced in the field in an hour or less, including the time to enter data. Any such interpolated field maps that are generated will be curated with the field notes and records. To reiterate, artifact density/distribution maps based on data collected during current and previous shovel testing activity must be used to guide the subsequent placement of test units, as well as the interpretation of material obtained from these units. No test units are to be opened in areas shovel-testing programs have shown to be devoid of artifacts.

Standard archeological grid coordinates are to be used to locate and record all shovel test and larger units or collection areas opened, and these coordinates are to be included as part of the identification of specific units and their contents. Grid origins or other appropriate coordinates are to be indicated on site maps. Grid coordinate systems are the only acceptable Intra-site identification method allowed. The shovel test grid

requirement will not be necessary at sites, which have been adequately delineated through a 10m or 15 m interval, where site boundaries have been accurately ascertained during previous investigations. Density maps will, however, be produced using this data, and must be used to guide unit placement. The Presidio of Monterey Cultural Resources Manager will determine the necessity of grid tests at particular sites. All prior work at each site to be tested will, however, be thoroughly reported, and shall be considered part of the site assemblage used in all analyses and eligibility determinations.

Following site boundary definition (where this is warranted), 1 x 1 m or larger test units will then be opened at locations most likely to yield information concerning the site's significance. Typically, this means units should be placed in or near areas of high artifact density or unusual feature concentration. The placement of all units is to be justified in the report on the investigations, including explicit reference to density maps produced for the site. All excavated soil shall be screened through 1/4-inch or smaller mesh. The size, depth, and contents of all excavation units shall be recorded. Sufficient profiles to clearly delineate the natural and cultural structure of sites shall be drawn to scale, and soil horizons and strata shall be described in standard scientific terms. The Munsell Soil Color Chart shall be used to describe soil strata and colors. All features and other relevant phenomena shall be recorded in plan and profile, as appropriate, and other significant information including dimensions, depth, orientation, associations, etc., shall be recorded. All excavations shall be backfilled. A map shall be prepared for each site using a transit and tape. The locations of all shovel tests, test pits, grid data, contour intervals employing at least 30 cm resolution, and prominent cultural and natural features will be included on these maps. A separate map will be prepared for each site, and will be included in the evaluation report, drawn in a professional manner with lettering, scales, north arrows. Photocopies of field sketch maps are not acceptable, nor are statements that contours are not presented due to level terrain over the site area. That is, all shovel tests opened during fieldwork in the vicinity of project sites, as well as close interval boundary definition tests, must be illustrated on final project site maps. Negative as well as positive shovel tests along these transects and boundary definition tests in the vicinity of known sites and isolated finds must be included on the site maps. Grid coordinates and depths for all shovel tests and other surface and subsurface collection units (positive and negative) opened at sites are to be reported in the appendix. This will insure the easy relocation of individual concentrations or unusual features within both sites and isolated finds. On densely overgrown sites mapping will proceed employing (minimally) lines-of sight along the major and minor axes of the site grid, together with any additional mapping points as necessary to adequately document site boundaries and conditions. A minimum of 100 mapping points dispersed over and beyond the site area must be collected for each site in the generation of the contour map. Additional mapping points are to be collected as necessary to produce useful and accurate site maps.

A metal reference marker (site datum) will be placed at a prominent point (e.g., grid center, or at the corner of a key shovel test or test pit) at each site tested. The markers will aid in site relocation and serve as a reference for future investigations. If a metal marker had been placed at the site by a previous survey, attempts must be made to relocate it and use it as a reference point. If the previous marker cannot be relocated, a new metal marker will be placed and noted appropriately in the testing report. Whenever possible the locations of these markers are to be tied into permanent features and the

marker tips should be brightly painted to facilitate location. No nails or spikes may be driven into trees for reference purposes however, it is recommended that the marker be located next to a large tree to both protect the marker and facilitate relocation. The marker shall be at least 30 inches long, and the upper 6 inches will be spray-painted with day-glo orange coloring. The datum shall additionally be flagged with flagging tape, and left protruding at least 2 inches but no more than 4 inches above the ground surface.

Foundations, wells, cisterns, rock walls, and other surface features of historic sites shall be mapped as accurately as possible (using transit and tape) and photographed. Any extant structures shall also be mapped and photographed. Any cultural/historic landscape features that may figure into the area's evaluation as a historic landscape will also be mapped and photographed. Every effort shall be made to determine the site-specific history, site function, date of construction, and occupation, and the identity of the inhabitants of historic sites. This will include examination of installation and local county property, tax, and other records as appropriate. Wells and cisterns shall be marked with flagging tape and reported to the CRM for future backfilling. Exact site locations and boundaries will be plotted on USGS 7.5 minute Quadrangle Maps. The location of site datums or central grid points must also be documented using a Global Positioning System (GPS) accurate to within 5 meters. A list of UTMs based on these GPS readings and projected in NAD27 shall be included in the evaluation report. Sufficient black and white and color photographs shall be taken to document the site area, the fieldwork, and the findings, to record significant data and information. Use of digital photography, as long as the resolution is comparable to black and white and color photographs, is encouraged. These shall include at least two photographs of the general site area. Unit or feature photographs shall contain an appropriate scale and north arrow and include a menu or chalk board identifying the site, provenience, and subject. These shall be located clearly in the photographs, but placed so as not to detract from a clear rendering of the subject. Additional photographs of the subject may be taken without the information board, although the scale and directional indicator should be retained, and directional and other information shall be recorded for photograph captions. During the fieldwork, a field log or journal shall be maintained detailing the work accomplished, findings, and observations, impressions, and all information obtained that will permit and assist attainment of the regulatory and research goals of the project. Printed forms may be used to record the various kinds of data obtained (i.e., photo logs, level forms, artifact bag lists, etc.), but the log should key observations etc., to the appropriate form containing additional or supporting information. This log or journal (together with the forms) shall become a part of the permanent project records and shall be included in the material to be curated.

All units will be opened to culturally sterile subsoil, or to the maximum depth possible for the unit size, with all fill screened. "Culturally sterile" levels are defined as natural depositional (soil) units where cultural evidence is no longer present, and the possibility of more deeply buried cultural deposits has been ruled out. The Field Director or Principle Investigator shall determine that stage of unit excavation. Unless rock or hard, compact clay (i.e., unequivocal subsoil) is reached, however, all units (shovel tests and test units) will be opened to a minimum of 50 cm, regardless of whether artifacts or features are present. Full justification for the testing procedures employed will be provided, particularly concerning the depth to which shovel tests and larger units are

opened. On all historic sites where evidence for substantial past occupation exists, such as evidence for the presence of domestic or industrial structures, sufficient historic archival research will be conducted to assist in the interpretation of the archeological materials recovered at these sites. This will include, minimally, documenting the chain of title for the property, the examination of census records where these are accessible, and the examination of other records such as relevant local histories, maps, and other data. Every effort shall be made to determine the site-specific history, site function, date of construction, and occupation, and the identity of the inhabitants of historic sites.

On sites with substantial historic components a systematic metal detector survey should be employed to assist in boundary delimitation, with positive hits flagged and mapped. If warranted, a sample of these hits may be excavated. Stabilization of all artifacts recovered must be conducted as part of curation requirements.

Laboratory Analyses and Research

A professionally executed and legible map showing the location of all excavation units, 30 cm contour intervals, as well as significant cultural and natural features must be included in the report for each site examined. Grid coordinates for each unit opened at each site (whether positive or not) must be provided, together with a listing of the units' size, depth, and contents. The contents of all positive shovel tests and excavation units are to be documented in such a way as to insure that the location can be revisited, and the artifacts (or lack thereof) coming from individual units can be determined. Readers must be able to go back and forth between the maps and appendices and easily determine which units produced materials, what those materials were, and how deep these units were opened. All positive, negative, and undug shovel tests in the vicinity of project sites, including those excavated from previous projects, must be illustrated on final project site maps where this is feasible. Where it is not possible to precisely map previous and current collection units, separate maps showing the locations of units excavated during earlier projects must be provided, together with information on the location of all artifacts found during this previous work. This information from earlier work must be reported by provenience in a report appendix.

Basic descriptive information about how the work was conducted must be provided in all reports, including the dates of the fieldwork and the number of person days it involved as well as the names of the field supervisors and crew members. In all reports and state site forms, the official state site numbers will be used, and reference to the sites in the text will be by their official numbers. The use of temporary site numbers is unacceptable and will be the basis for the immediate rejection of draft or final reports. Previous work at individual sites and in neighboring areas must be presented in sufficient detail for the reader to compare and determine what was done and what was found. If previously recorded collections units are located in site areas but could not be relocated, this should be discussed. If shovel testing or test pits were opened at sites during earlier projects, maps showing the location of these tests must be presented or these previous tests should be added to the current site maps.

Reproducing maps from earlier reports or field notes (where these are legible) is acceptable. Summary data on the number and kinds of artifacts found during previous investigations must also be presented. These prior data are to be used to help assess the archeological record of the sites, areas, and isolated finds. All cultural material obtained

during the field research, including artifacts, faunal and flora remains, soil and other samples, etc., will be cleaned, stabilized when necessary, or treated as appropriate for the kind of material collected and the use for which it is intended. All material will be clearly labeled, using a permanent medium, in accordance with the Archeological Curation Standards and California state guidelines or the standards in force at the time the work is carried out.

All cultural material collected will be systematically identified and analyzed using procedures or processes appropriate to the type of class of artifact under consideration. Projectile points will be classified typologically to assist chronological determinations. Ceramics will be analyzed to permit identification of known types where possible. The analytical methods and procedures used for each kind or class of artifact and the results of the analysis will be presented in the final report of investigations. A catalog/inventory of all artifacts by specific provenience and accession number, and which includes all summary information and identification generated during analyses, is to be included in the evaluation report.

All intact or potentially diagnostic projectile points and other intentionally retouched or ground stone or bone tools, representative examples of common ceramic categories, and all unusual or potentially typologically ambiguous sherds are to be illustrated using scaled photographs in the evaluation report. Every photograph will include a scale; a statement that artifacts are "Actual Size" is not acceptable. For each projectile point and other intentionally retouched or ground stone or bone tool, the following attribute data is to be included in the report: maximum length, width, and thickness, weight, and raw material. Additional attribute data may be compiled. For all prehistoric ceramic artifacts the following attribute data is to be included in the report: information about paste, surface finish, and rim and lip form. All lithic artifacts (i.e., tools and debitage) are to be reported using standardized and well defined sorting criteria. All historic artifacts will likewise be described using standardized and well-defined sorting criteria, and unusual specimens are to be illustrated. A listing of primary references justifying the typological and artifactual analyses should be included in the report, to facilitate location and inspection of the original type descriptions or accounts of analysis procedures.

A primary emphasis of the laboratory analysis and reporting should be the determination of occupation span and function for each site, or for each component within complex sites. Sufficient data should be provided to insure that subsequent investigators could evaluate technical conclusions, interpretations, and NRHP eligibility determinations. For sites with historic components, the evidence, procedures, and results taken to document the history, function, date of construction, occupation, and identity of inhabitants shall be presented. This will include recounting what was found in the installation, county, and other records. At every site where 20 or more shovel tests are opened, artifact density/distribution maps must be produced to guide the interpretation of materials obtained from these units, and these maps must be presented in the report in a legible format. These maps may be produced using a standard computer-mapping program such as Surfer, Symap, MacGridzo, or their equivalent. The method by which the maps were produced must be documented (i.e. the program, interpolative algorithm, scale/contour intervals must be referenced). Minimally, one map of overall artifact density must be prepared, based on the count or weight of materials, as considered

appropriate by the project principal investigator. Additional maps of specific artifact categories (i.e. ceramics, lithics, historic glass, nails, etc.) may be produced at the discretion of the principal investigator to aid in site interpretation; the production and use of such additional maps is encouraged. Where widely differing components are present, such as 18th and 20th century historic occupations, or Late Archaic and Woodland occupations, and sufficient numbers of artifacts and discrete proveniences are present to yield useful results (>20 identifiable artifacts), separate maps must be produced. These maps must be used to recommend and guide the placement of larger test units during the testing programs. Unless compelling reasons are offered, no larger (50x50 cm or 1x1m) units opened for purposes of NRHP evaluation should be excavated in areas that the shovel-testing program has shown to be devoid of artifacts.

SOP#7

Reporting Damage to Historic Properties

Objective

THIS SOP PROVIDES A FRAMEWORK to ensure the routine reporting of damage to the historic properties of Presidio of Monterey, and to protect Presidio of Monterey's historic properties from all unnecessary damage.

Policy

Presidio of Monterey will exercise every precaution to avoid and reduce the risk of damage to Presidio of Monterey's historic properties. In cases where a historic property located at Presidio of Monterey sustains damage, the incident shall be reported and a reasonable effort shall be made to identify the responsible parties, if any, and to repair or replace the damaged resource or in some way mitigate its loss.

Implementing Procedures Damage of Archeological Sites

- 1) When a site has been damaged, an archeologist, who meets the applicable standards included in 36 CFR 61 - Appendix A, will review the archeological site records and visit the site. The archeologist will make a preliminary determination of the potential eligibility of the archeological site for inclusion in the National Register of Historic Places (NRHP) and assess the damage to the site.
- 2) Where the damage is determined to be slight, where the damage has occurred to a deposit not in situ, or where the archeological site has been determined potentially not eligible for inclusion in the NRHP, the archeologist may make a recommendation to the Cultural Resources Manager that the damage sustained has had no effect or no adverse effect on the site. Presidio of Monterey will then include documentation of these actions in an Annual Report.
- 3) Where the damage to the archeological site is determined to be severe and the archeologist feels there is evidence that the archeological site may have been potentially eligible for inclusion in the NRHP if not for the damage it had sustained, or if the archeological site had previously been determined to be eligible for inclusion in the NRHP, the archeologist will submit a written report to the Cultural Resources Manager documenting:
 - a) the damage to the site
 - b) the reason for recommending that the site is eligible, and

c) proposing types of possible mitigation of the damage. The Cultural Resources Manager will prepare a special report to the SHPO, with the archeologist's report appended, documenting the circumstances that caused the damage to the archeological site, the nature and extent of the damage to the site, and the justification for the determination of effect that the damage had on the site. Presidio of Monterey will submit the report to the SHPO within 30 days of receiving the report of damage.

Damage to Traditional Cultural Properties of Known Significance to Native Americans

When a property which has been documented to possess significance to Native Americans sustains either intentional or unintentional damage, or has been impacted in any other manner contradictory to Presidio of Monterey policy or the provisions of the PA, the Cultural Resources Manager will review the incident and prepare a report for the Garrison Commander. The report will provide documentation of the incident, including the circumstances that caused the damage to property and the nature and extent of the damage sustained by the property. The report will also recommend procedures, or modifications to existing procedures, to avoid future damage to such properties. Information pertaining to properties which have been documented to possess significance to Native Americans, and which is considered confidential by the Native Americans who identified the property, shall only be included in a separate "eyes only" message for the Garrison Commander, Director of Environmental and Natural Resources, and Director of Public Safety.

The Garrison Commander, in consultation with the Cultural Resources Manager, will notify those Native Americans with ties to the affected property. Presidio of Monterey will include documentation of these actions in an Annual Report. Presidio of Monterey will take care to ensure that information considered confidential by Native Americans is not made available to the general public.

Damage to Above Ground Properties

When an above ground property that is 50 or more years old sustains willful or unintentional damage, and that property is found to be either included in the NRHP, determined to be eligible for inclusion in the NRHP but not yet registered, or has not been previously evaluated to determine its eligibility for inclusion in the NRHP; or an above ground property that is 45 or more years old is demolished and that property is found to have not been previously evaluated to determine its eligibility for inclusion in the NRHP, a historic architect, who meets the applicable standards included in 36 CFR 61 - Appendix A, will visit the property to record and assess the damage to the property and to prepare a preliminary evaluation to determine the property's eligibility for inclusion in the NRHP. For above ground properties which are landscape features, a historic landscape architect, who meets the applicable standards included in 36 CFR 61 - Appendix A, will conduct the required assessment and evaluation.

Where the historic architect or historic landscape architect has determined that the damage to the property is slight and/or has found that the damage does not affect features of the property which contribute to the property's historical significance, the historic architect or historic landscape architect may make a recommendation to the Cultural Resources Manager stating that the damage had no effect or no adverse effect upon the

property. Presidio of Monterey will include documentation of these actions in an Annual Report.

Where the historic architect or historic landscape architect has determined that the damage to the property is severe, the historic architect or historic landscape architect may make a recommendation to the Cultural Resources Manager stating that the damage had an adverse effect upon the property. The Cultural Resources Manager will prepare a special report to the SHPO, in accordance with the requirements of 36 CFR 800. The report will provide documentation of the incident including the circumstances that caused the damage to the property, and the nature and extent of the damage sustained by the property. The report will be submitted to the SHPO within 30 days of receiving the report of damage. Presidio of Monterey will include documentation of these actions in an Annual Report in compliance.

In cases where either partial or total demolition of a property has occurred, and the historic architect or historic landscape architect determines that the property has either already been evaluated and found to be eligible in the NRHP or finds that the property has not yet been evaluated and may have been eligible for inclusion in the NRHP before it was damaged or demolished, the historical architect or historical landscape architect may make a recommendation to the Cultural Resources Manager stating that the damage had an adverse effect upon the property. The Cultural Resources Manager will prepare a special report to the SHPO, in accordance with the requirements of 36 CFR 800. The report will provide documentation of the incident including the circumstances, which caused the damage to property, and the nature and extent of the damage sustained by the property. The report will be submitted to the SHPO within 30 days of receiving the report of damage. Presidio of Monterey will include documentation of these actions in an Annual Report.

Emergency Actions

No requirement of a PA shall be used to delay immediate actions that are required in an emergency to protect health and human safety or avoid substantial loss of building fabric. "Emergency" is defined here as an immediate and imminent threat to life, health, or property. Where, in the opinion of the U.S. Government senior technical representative at the site, emergency exists, as defined above, all reasonable and prudent efforts shall be made to avoid or reduce any adverse effects to historic properties which may be caused by the implementation of emergency actions. The action shall be documented in writing, per the procedures noted above. Presidio of Monterey will include documentation of these actions an Annual Report.

SOP#8

Inadvertent Discovery of Archeological Deposits

Archeological investigation methods are designed to discover material evidence of past cultural activities, however, it is always possible that deeply buried archeological deposits may remain undetected during the survey process, only to be exposed by later construction or other ground disturbing activities.

Policy

In the event that archeological deposits are encountered during any construction or excavation activities, the activity must stop and the Cultural Resources Manager must be notified in person or by phone at (831) 242-7922. Because of the potential of each archeological deposit to contain Native American human remains or cultural materials, failure to report discovery of archeological deposits may result in violation of NAGPRA, ARPA and other related federal and state laws resulting in fines and penalties against the Commander, Presidio of Monterey.

Procedures

When notified of the possible discovery of archeological deposits or material, the Cultural Resources Manager will visit the discovery site within 1 workday of notification to examine the discovered material and any in situ deposits. A determination of NAGPRA compliance will be made by the Cultural Resources Manager upon identification of the discovered material as archeological in origin. If the Cultural Resources Manager determines that the site contains human remains, funerary objects, sacred objects, or objects of cultural patrimony, the procedures in SOP #4 of this ICRMP will be implemented. If determined that the objects are not covered under NAGPRA, the procedures outlined in this SOP will be followed:

1. If, upon examination, the discovered materials are clearly of European-American or African-American origin, the Cultural Resources Manager will conduct an evaluation of the primary context of the deposit, probable age and assessment of significance.
2. If, upon examination of the recovered material, it appears that the discovered deposits are of natural origin, the Cultural Resources Manager will advise the project manager that (s) he may proceed with project activities.
3. If prehistoric archeological materials other than human burials are present and disturbance has been limited, the Cultural Resources Manager will recommend that the

activity be relocated to avoid the site until a complete evaluation may be completed. If the activity cannot be relocated, the Cultural Resources Manager will consult with the California SHPO IAW 36 CFR § 800.11. Unless the activity is of the nature of an actual emergency (natural disaster or declaration of war), site activity must stop until consultation with the SHPO and/or ACHP is completed. Failure to cease activities that intentionally destroy archeological deposits prior to evaluation and determination of significance IAW 36 CFR § 800 may result in fines and penalties under ARPA against the Installation Commander and the individual responsible for the action.

4. The Cultural Resources Manager will telephone the California SHPO to discuss site significance. If both the SHPO representative and the Cultural Resources Manager agree that the discovered archeological deposit is not eligible for the NRHP, the telephone conversation will be summarized in a Memorandum for Record (MFR), to be included as part of the site documentation. The Cultural Resources Manager may then advise the project manager to proceed with project activities, although the Cultural Resources Manager will monitor the remainder of excavation activities to ensure that NRHP eligible deposits are protected.

5. If, in the opinion of either the SHPO or the Cultural Resources Manager, the recovered materials are of insufficient quantity or otherwise non-diagnostic thus hindering a valid assessment of significance, an emergency testing plan may be developed by the Cultural Resources Manager, in consultation with the SHPO. Further excavation in the immediate site vicinity must be halted pending the accomplishment of the emergency-testing plan. The Cultural Resources Manager may request that a SHPO representative be present on site to consult directly on the assessment of site significance. The SHPO may choose to send a representative to observe the emergency-testing plan without prior request by the Army; however, access to the site by non-Army personnel must be approved by the PAO. If the site is eligible, or if the Army and the SHPO cannot reach an agreement on determination of eligibility, the following alternative actions are available:

- a. Reconsider relocating the project to avoid adverse effect.
- b. Develop an MOA with the SHPO that specifies the scope and extent of data recovery required to mitigate the project impact. This option may be implemented as an extended test for NRHP eligibility. The mitigation may be terminated when sufficient site area has been investigated to determine the full archeological potential of the site.
- c. Where data recovery (mitigation) is limited in scope and such action is amenable to the SHPO, the Army may elect to proceed without development of an MOA. All aspects of data recovery will be fully documented and reported to the SHPO by written report at the termination of data recovery efforts.

d. When recovery of human remains is considered likely, the Army may elect to comply with NAGPRA and related federal and state law. Such procedures will be coordinated with the SHPO and the Native American Tribes.

e. The Army may elect to comply with 36 CFR § 800.11(b)(2)(ii), developing and implementing actions that take into account the effects of the undertaking on the property and requesting comments of both the SHPO and the ACHP. IAW 36 CFR § 800.11(c)(2), interim comments from the ACHP must be provided to the Army within 48 hours of receipt of the request and final comments within 30 days of the request. Section 106 and 36 CFR § 800 do not require the federal agency to stop work on the undertaking. However, depending on the nature of the property and the undertaking's apparent effects on it, the agency official should make reasonable efforts to avoid or minimize harm to the property until the requirements of 36 CFR § 800.11 are met.

A synopsis of this SOP will be printed on all Dig Request Result Reports as follows:

"There is always the potential for deeply buried archeological deposits that are not discovered during the survey process. If archeological materials are discovered during construction or excavation activities, this coordination becomes invalid and a Cultural Resources Manager must be notified at (831) 242-7922 to assess the discovery."

AND:

"In the event that Native American human remains or cultural items are discovered, federal law directs specific procedures that must be followed and establishes criminal and civil penalties for noncompliance. If human remains are encountered, all project activity on or near the discovery site must cease immediately. The human remains must be protected from further disturbance and a Cultural Resources Manager notified immediately at (831) 242-7922."

SOP# 9

Undertakings Affecting Historic Resources

AS OF THE DATE OF THIS ICRMP (FY04), there are 102 historic buildings and structures and seven historic landscapes on Presidio of Monterey (referred to as Historic Resources" in this SOP). For a complete list of these resources, see Appendix III: *Historic Resources Inventory*.

Policy

Resources that are eligible for or listed on the NRHP will be managed IAW the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR § 67), and in consultation with the California SHPO. Sections 106 and 110 of the NHPA will also be complied within the management of historic resources. This SOP does not affect resources determined ineligible for NRHP nomination.

Definition

As per Section 2 of Appendix B of DA Pam 200-4, Cultural Resources Management (1OCT98), an undertaking is defined as (but not limited to):

1. Construction
2. Land alterations
3. Building demolition
4. Building renovation
5. Building or landscape maintenance and management
6. Building abandonment or termination of maintenance
7. Changing the use of a facility in a way that could alter its character
8. Training that involves the use of land, airspace over land areas, or buildings

Procedures

Identification of Historic Resources

All undertakings (to include work orders, maintenance requests, and/or contracts) affecting historic landscapes will be flagged in such a manner as to identify that resource as protected under NHPA.

1. The Installation Facilities System (IFS) database software for Presidio of Monterey will be updated to ensure that all resources listed in Appendix III: *Historic Buildings and Structures* are annotated with an "H" identifier, indicating that the resource is historic.
2. Stakeholders of historic resources not using the IFS database will be provided a list as presented in Appendix III.

3. All stakeholders of historic resources of Presidio of Monterey will be provided with an orientation packet explaining the consultation process involved for undertakings affecting historic resources.

Historic Preservation Consultation Process

Any Presidio of Monterey activity that constitutes an undertaking affecting a historic resource is subject to review by the CRM, in consultation with the California SHPO and the Advisory Council on Historic Preservation, with the following considerations:

1. The CRM will be notified by the project proponent of any intended undertaking affecting resources listed in Appendix III: *Historic Buildings and Structures*. This will be accomplished through a review of the pertinent information submitted by the project proponent and will include the following information:

- a. Resource to be affected
- b. Description of proposed work to be performed
- c. Category of work (maintenance, repair, alteration, or demolition)
- d. Interior and/or exterior photographs (good resolution digital images are acceptable) of resource/resource elements to be affected (as the proposed work dictates)
- e. Specification sheets for any materials to be used
- f. Scopes of work, plans, cost estimates, bid schedules, design calculations, and design narratives, if applicable

2. Once notified of intent, the CRM will review the provided documentation. The CRM will provide a reply to the project proponent within five (5) working days concerning CRM action. During this five-day period, the CRM may request additional information or documentation of the undertaking as listed in lines 1a. – 1f. above.

3. Once the CRM has reviewed the application, a memorandum outlining the undertaking will be completed and transmitted to the California SHPO for comment and consultation. Within thirty (30) calendar days of receipt of the consultation request from Presidio of Monterey, the California SHPO will respond in writing as follows:

a. That Presidio of Monterey may proceed with the proposed undertaking without further consultation. In this instance, the CRM will notify the project proponent that the undertaking may continue; or

b. That Presidio of Monterey provides additional information. Upon receipt of the information the SHPO has 30 days to provide comment on the consultation

c. If the California SHPO fails to respond to the consultation and information provided in paragraphs "a" and "b" above, the CRM would assume SHPO concurrence with the proposed undertaking and notify the project proponent that they may proceed.

4. During the consultation both parties will consult in good faith to arrive at mutually agreeable and appropriate measures that Presidio of Monterey will implement to mitigate

any adverse effects associated with the proposed undertaking. These measures will be detailed in a Memorandum of Agreement (MOA) to be signed by Presidio of Monterey, California SHPO, and any other interested parties as applicable. If the California SHPO indicates that a MOA is necessary, the CRM will notify the project proponent that the undertaking may not start until an MOA can be completed and implemented.

5. If the adverse effects cannot be mitigated via an MOA, the POM will invite the Advisory Council on Historic Preservation (ACHP) to join the consultation. The Council will have 45 days to provide their comments to the request to consult.

6. If an MOA is required and developed in consultation with the SHPO and/or the Council, there is no time limit to complete the consultation.

Economic Analysis of Historic Resources

AR 200-4 requires that historic buildings and structures considered for demolition and replacement be subject to an economic analysis that explores the fiscal ramifications of reuse or replacement decisions. The NHPA requires that historic properties be considered for reuse to the maximum extent feasible. The decision to reuse, replace, or demolish a facility needs to be justified with a least cost, lifecycle economic analysis. When the economic analysis demonstrates that rehabilitation costs for historic properties exceed 70% of the building's replacement cost, replacement construction may be used. However, the 70% value may be exceeded where the significance of a particular historic structure warrants special attention, such as an NHL, or if warranted by the lifecycle cost comparisons. The assessment of new construction must evaluate lifecycle maintenance cost and replacement cost as alternatives. Replacement cost shall not be based on replacement in kind, but shall be based on a design that is architecturally compatible with the historic property.

If the building or structure to be demolished is an historic property, potential reuses of the building must be analyzed prior to making the final decision to dispose of the property.

Layaway

It is important to recognize that for as long as the resource is considered eligible for listing in the NRHP, Presidio of Monterey has the responsibility to properly maintain the resource IAW the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. This means protecting, monitoring, and maintaining the resource regardless of function. Layaway, commonly referred to as "mothballing," is often an economically feasible alternative to constant maintenance or demolition. Layaway puts a building "on hold" until it can be reactivated and reused. If a decision to layaway a historic building or structure is made, Presidio of Monterey will sequentially do the following:

1. Determine the length of time the property is likely to be in layaway. This will affect the type of work that will be undertaken and determine what level of maintenance is appropriate. The time periods can be divided into three categories: Short Term, 0-6 months; Mid Term, 6 months-2 years; and Long Term, over 2 years.

2. Determine the type of materials and the method of construction to be used:
 - a. Short Term Layaway: window and door closures will be at least 3/4" painted Marine Plywood.
 - b. Mid Term Layaway: closures will be at least galvanized and painted corrugated metal
 - c. Long Term Layaway: closures will be at least heavy gauge galvanized and painted metal.

3. Determine the current condition of the building through a Historic Building Condition Assessment Survey, outlined in *SOP# 10*.

4. Develop a Layaway Plan for the building or structure. This plan will at least consider:
 - a. the period of layaway;
 - b. the results of the building inspection;
 - c. environmental conditions;
 - d. ventilation requirements;
 - e. building location; and
 - f. access.

5. Present the Layaway Plan and Building File to the California SHPO for consultation. Actions taken to place a building or structure in layaway are defined as an "undertaking" by the NHPA and will be presented to the California SHPO for comment and guidance (see "Historic Preservation Consultation Process" section, above).

6. Complete the work as agreed upon through consultation by Presidio of Monterey and California SHPO. This will be executed to ensure:
 - a. that original building fabric is not damaged,
 - b. that, at the point of reactivation, the layaway work can be removed easily, and
 - c. that the layaway works itself will not contribute to deterioration of the building or structure.

7. Continue to monitor the building or structure IAW the monitoring and plan outlined in *SOP #10: Historic Building Condition Assessments*.

Demolition

Demolition of an historic resource is always considered an adverse effect. When demolition is planned, the California SHPO will be notified IAW the procedures listed above. At the California SHPO's recommendation, the regional offices contact the National Park Service for coordination and consultation to determine the requirements for the Historic American Building Survey or Historic American Engineering Record (HABS/HAER).

The consultation concerning demolition of an historic resource will proceed as listed above under "Historic Preservation Consultation Process" with the following additions:

a. Documentation provided to the CRM by the project proponent will include an economic analysis of the structure as defined above under "Economic Analysis of Historic Resources." The analysis provided to the CRM is subject to the same review as other documentation. The CRM reserves the right to request clarification, more information, or a re-calculation (when justified) at any time during the 5-business day review period.

b. Once transmitted to the California SHPO for consultation and comment, the California SHPO reserves the same rights of clarification and request for information during their 30-calendar day review process.

c. An MOA will always be required prior to the initiation of any demolition activity. The CRP will notify the project proponent of this requirement upon receipt of the application for demolition.

SOP# 10

Historic Building Condition Assessments

AS OF THE DATE OF THIS ICRMP (FY05), there are 102 historic buildings and structures on Presidio of Monterey. Of those, 59 are maintained and managed by the Presidio of Monterey and does not include historic resources located on the federal lands leased to housing privatization developers, historic resources leased to the City of Monterey as a Historic Park, or the Archeological District leased to the City of Monterey as part of the Historic Park.

Policy

Presidio of Monterey CRP will implement a monitoring program for the historic resources listed in Appendix III: *Historic Building and Structures List*. The monitoring program will be based on protocols for building condition assessments as described in Appendix IX: *Historic Building Condition Assessment Definitions*. All buildings and structures listed in Appendix III will be included in the survey and monitoring program, regardless of current use, condition, or status.

Procedures

Presidio of Monterey CRM will immediately do the following:

1. Initiate Building Condition Assessment Survey Program in FY05. IAW DA Pam 200-4, Appendix D ("Army Historic Building Management Standards"), the survey will identify the current status of the following for each building:
 - a. Site and Landscape
 - b. Concrete and Masonry
 - c. Metals
 - d. Wood
 - e. Doors and Windows
 - f. Roofing
 - g. Porches/Entrances
 - h. Interiors
 - i. Heating and Air Conditioning System (HVAC)
 - j. Electrical
 - k. Structural
 - l. Energy Conservation Measures

2. Establish a schedule for Building Condition Assessment Surveys for FY05 and beyond.

3. Develop a unique inspection checklist for each resource based on the initial Building Condition Assessment Survey. This checklist will aid in future inspections and monitoring and be included in the respective Historic Preservation Management Plan and in the resource's Building File (for more information on Building Files, see "Building File Management" in SOP # 12: *Historic Buildings Future Management Requirements*). Upon completion of the initial survey, the following actions will be undertaken on a bi-annual basis (starting in FY05) by the CRM IAW the Building Condition Assessment Survey schedule:
 - a. Within each reporting FY, CRM staff shall visit and individually report on the present conditions of all historic buildings and structures and changes to these buildings and structures since the last record.

 - b. By March 1 of each reporting FY, the CRM, with assistance of program and Public Works staff, shall meet to analyze the individual building monitoring reports for patterns and trends in changing building condition.

 - c. By March 1 of each reporting FY, the CRM shall prepare and submit an assessment report to the Chief, Environmental and Natural Resources and Hazardous Waste and Director of Public Works, Presidio of Monterey. The report shall assess trends and patterns in changing building conditions; rate the compliance as GREEN, AMBER, or RED according to the standards established in Appendix IX: *Historic Buildings Condition Assessment Definitions*, and make recommendations for any necessary corrective action.

4. The CRM shall initiate agreed upon corrective actions and monitor these actions by the process protocol in paragraphs 1 through 3 above.

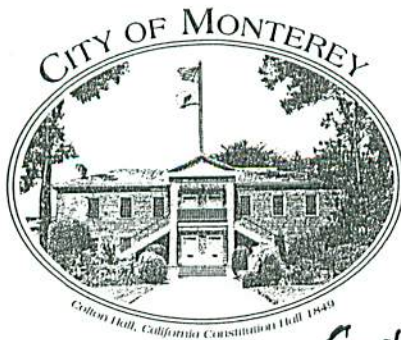
SOP#11

Historic Preservation Management Plans

Historic Preservation Management Plans (HPMP) will supplement the ICRMP by providing more district-, building-, or structure-specific information necessary for building and structure use and maintenance IAW *The Secretary of the Interior's Standards for Historic Preservation*. HPMPs will be more dynamic than the ICRMP and will allow for more frequent updates and revisions. Each HPMP will include:

1. Historic/cultural context
2. Architectural context (if applicable)
3. Landscape context (if applicable)
4. Resource list (districts only)
5. Location map for resource on the POM and within a district (if applicable)
6. A summary of the Building File for each resource in the subject area (see "Building File Management" in SOP # 12: *Historic Buildings Future Management Requirements*).
7. Initial building condition assessment reports as outlined in SOP # 10: *Historic Buildings Condition Assessment*
8. Maintenance requirements to bring building or structure up to/ keep building or structure in GREEN condition (as detailed in Appendix IX: *Historic Buildings Condition Assessment Definitions*).
9. Pest/termite surveillance requirements
10. Current use of building/structure/district
11. Planned use of building/structure/district (if known)
12. Provisions for unique use of building/structure/district (as needed)
13. Stakeholder list, to include function, affiliation, and contact information

Every HPMP will be submitted to the stakeholders for review and comment in draft form prior to adoption. Revision of an HPMP will be considered when any of the above listed plan elements numbered 8 – 12 are significantly altered.



cc: Mark
Bob

Mayor:
DAN ALBERT

Councilmembers:
CHUCK DELLA SALA
LIBBY DOWNEY
JEFF HAFERMAN
CLYDE ROBERSON

City Manager:
FRED MEURER

April 14, 2006

Colonel Tucker Mansager
Commandant
1759 Lewis Road
Monterey, CA 93944

OK cy [Signature] 21 APR 06
CY TO DPW

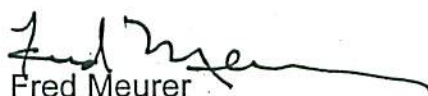
RE: National Register Nomination for the El Castillo Site

Dear Colonel Mansager:

The City of Monterey has been notified that Mary Gerbic, a student, is updating the National Register nomination for the El Castillo site on Defense Language Institute's Lower Presidio.

The student project appears to be moving forward, and the City will support this effort as part of our stewardship responsibilities for historic properties.

Sincerely,


Fred Meurer
City Manager

c: Mary Gerbic, 2280 Paul Minnie Ct., Santa Cruz, CA, 95062
Community Development Director
Museum Coordinator Conway
Senior Planner Cole

SOP# 12

Historic Buildings Future Management Requirements

Inventory

The list of NRHP-listed and -eligible properties, buildings and structures is current as of 1995 (see *Appendix III: Historic Building and Structures List and Appendix VII Monuments, Memorials, Historic Properties and Roads*). Future inventory updates should be conducted at five-year intervals from FY05 to evaluate those properties that have reached 50 years of age since 1995. Presidio of Monterey will do the following:

1. Conduct the next inventory update in FY06 (funding dependent).
2. Reevaluate buildings or structures, which in previous inventories were determined ineligible for listing in the National Register of Historic Places (NRHP), only if the SHPO, ACHP, or an interested member of the general public specifically requests they be reevaluated. Such reevaluations shall be done during the regularly scheduled inventory update.
3. Conduct out-of-cycle evaluations on an as-needed basis for buildings and structures that become 50 years old between scheduled evaluations when:
 - a. A significant undertaking is planned,
 - b. Consultation with the SHPO identifies buildings and structures that are eligible for the National Register within the area of potential effect, or
 - c. The undertaking will adversely affect the identified buildings and structures.
4. Evaluate buildings and structures at Presidio of Monterey that are less than 50 years old and are not scheduled for demolition only if HQDA, the SHPO, or an interested member of the general public provides information that substantially supports the conclusion that the property is of exceptional importance. The definition of "exceptional importance" shall be that used in the National Register Bulletin "*Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Last Fifty Years.*"

Building Condition Assessment

(For more detailed management requirements concerning historic buildings, see *SOP #10: Historic Building Condition Assessments*.)

The Presidio of Monterey CRP will:

1. Initiate in FY06 the Historic Building Condition Assessment Program

2. Utilize the Historic Building Condition Assessment Program reports to develop a maintenance management program. The maintenance management program shall include an inspection/monitoring schedule, list of required reports and report formats, and a schedule of regular (annual, semi-annual, etc.) maintenance activities.

3. Develop a maintenance schedule for each building to bring it up to/maintain it in GOOD/GREEN condition (as defined in Appendix IX: *Historic Building Condition Assessment Definitions*).

Historic Building Management Management Plans

(For more information concerning Historic Buildings and Structures Management, see SOP #11 *Historic Preservation Management Plans*.)
The Presidio of Monterey CRM will:

1. In FY06, complete a (Draft) Historic Preservation Management Plan (HPMP) for the non-family housing historic buildings within the Presidio of Monterey historic district. See SOP# 11: *Historic Preservation Management Plans* for more information.
2. In FY07, complete (Final) HPMP for the Presidio of Monterey non-family housing buildings within the historic district.
3. In FY07, review and update the City of Monterey historic building management plan.
4. In FY05 complete (Draft) HPMP for the individually significant historic resource at the City of Monterey YMCA building.
5. In FY06, complete (Final) HPMP for the individually significant historic resource at the City of Monterey YMCA building.

Architectural Integrity

Preserving the architectural integrity of individual historic buildings will, in turn, preserve the integrity of the Historic District as a whole. Preserving integrity encompasses aspects of design, maintenance, and repair. The replacement of deteriorated building elements, or the rehabilitation and adaptive reuse of an entire building can significantly affect the architectural character and appearance of both a building and its surrounding district if not done in a manner that is sensitive to the architectural design of the building. To aid federal agencies in this task, the National Park Service has developed the *Secretary of the Interior's Standards*, which describe standards for Preservation, Rehabilitation, Restoration, and Reconstruction projects. The Standards address issues as diverse as building materials, building elements, building interiors, building site, setting (district/neighborhood), and special considerations, such as additions, energy conservation, handicapped accessibility, and fire/life safety.

The Presidio of Monterey CRM will:

1. Continue to act as the installation Point of Contact and liaison to the California SHPO
2. Facilitate the Historic Preservation Consultation Process to ensure that repairs will be completed using appropriate designs, materials, and methods of construction that preserve the architectural character of the historic building/structure/district.
3. Identify significant resource elements in the respective HPMP and determine whether repairs must be in-kind or of compatible design, depending on its importance in defining the architectural character of the historic building/structure/district.
4. Cooperate with the Installation Engineers and Architectural Review Board (ARB) to develop design details/standards for typical building elements such as window repair, window replacement, handicapped ramps, street lighting, light fixtures, and others as determined by Public Works.
5. Cooperate with the Installation Engineers and ARB to develop a Maintenance and Repair Manual for Historic Structures specific to Presidio of Monterey.
6. Assemble technical files of building repair professionals/specialists.
7. Assemble technical files of resource elements pertinent to the styles and types of buildings and structures on Presidio of Monterey for purchase and/or reference.
8. Liaison with the California SHPO to design rehabilitation and adaptive reuse projects to preserve the original architectural character and significant architectural elements of the building/district.
9. Liaison with the California SHPO and the Installation Engineers to design new construction, either within the historic district, or visible from the historic district, to be compatible with the historic buildings of the district, thereby enhancing the character of the district.
10. Include a discussion of character-defining features of the historic district in the HPMP. At a minimum this should include a discussion of overall building scale and form, setbacks in relation to neighboring buildings, predominant building materials, design elements and landscaping.

Building File Management

A number of people are responsible for maintaining and preserving the historic buildings and structures at Presidio of Monterey. The information they need to do their job is varied and often scattered. There is the potential for critical information for a job to be overlooked, or unavailable because someone who could answer a question was simply not around when the question came up.

Beginning in FY05 and continuing until completion, the Presidio of Monterey CRM will establish a separate file for each historic resource. The file will be on hand for use by any stakeholder in historic resources, and will be included in the respective HPMP. Each building file will include the following information:

- Name – current and historic
- Number – current and historic
- Function – current and historic
- Date of construction
- Existing photographs – interior and exterior
- Cross-references to historic photographs – consider including quality black and white photocopy of historic photographs (i.e., use color copy machine set to black and white only)
- Copy of real property record card – consider using high quality copies as listed above
- Statement of significance – can include copy of, or cross-reference to National Register Nomination or inventory report reference
- Copy of HABS/HAER (Historic American Building Survey/Historic American Engineering Record) inventory card as applicable
- List of significant architectural features
- History of the physical development of the building. Historic photographs can also be used to document changes to the building's appearance.
- List of existing drawings including drawing number, date, title, location
- Cross-reference existing reports including date, title, location
- Cross-references to technical files.

SOP#13

Cultural Landscape Management

MUCH OF THE INFORMATION in this SOP is derived in whole or in part from "Guidelines for Documenting and Evaluating Historic Military Landscapes: An Integrated Landscape Approach" written by Loechl, Batzli, and Enscoe of USACERL. In the evolution of understanding our historic heritage, the interpretation of history has moved from focusing on individual sites, to a more enveloping perspective that includes the cultural setting, or landscape, associated with the site and the peripheral events contributing to the significance of each site. We have begun to recognize the importance of the landscape as it relates to a broader understanding of the cultural value and significance of a particular place. Additionally, there has been a growing awareness that cultural landscape preservation encourages a more comprehensive approach to resources management by engendering an increased understanding of the interrelationships between cultural and natural resources within a property. Cultural landscapes are special physical settings that reveal aspects of a site's origins and development, its cultural associations, and historical events or uses. A cultural landscape encompasses a much more inclusive scope than aesthetics to include the social and ecological significance of the site, historical beliefs and values expressed by the various cultures who have interacted with the site over time, the technologies expressed in the archeological record of the site, and the culturally affected natural history of the site.

Note: Cultural landscape as a planning approach should not be confused with "historic landscapes." Historic landscapes are a type of historic property as defined in the NHPA.

The Cultural Landscape Planning Approach

Cultural resources constitute essential and significant elements of ecosystems in which Army installations and their component activities exist and function. Planning and management of cultural resources, therefore, should occur within the context of a comprehensive and integrated land, resources, and infrastructure approach that adapts and applies principles of ecosystem management. This involves planning and management of cultural resources by reference to the landscape.

1. A "cultural landscape" is defined as the collective surface features of a place and the spatial relationships among surface features such as the natural terrain, the human affects to the natural terrain, and the built environment. The cultural landscape planning approach analyzes the spatial relationships among all cultural resources (as defined in AR 200-4), within their natural and human influenced settings. Syntheses are a cost-effective means of analyzing cumulative impacts and identifying with greater precision the need for further investigation in any given project area.

2. The cultural landscape planning approach treats military installations as an integral entity with interrelationships existing among the natural and cultural resources present across the landscape. Military operations are treated as one, albeit the most significant in terms of impact, of a number of human cultural activities that have influenced the installation cultural landscape. The intent of this approach is to utilize installation GIS systems and multiple data layers to fully integrate ongoing installation efforts in cultural resources, natural resources and ITAM with military training and testing operations. Current and projected GIS information is produced in the ArcInfo® environment, with subsequent data manipulation accomplished in the ArcView® environment.

3. The cultural landscape approach emphasizes the fact that installation natural and cultural resources may result from and obtain significance through the continuous military occupation and use of the land. Ecosystems on Presidio of Monterey have all been affected to some degree by human activity. Prehistoric and historic archeological resources, historic buildings and structures, Native American sacred sites, endangered species habitat, wetlands, riparian areas, and other components of the ecosystem have all been influenced, affected, unaffected, maintained, or created by past human and military use of the land through time. All of these variables are viewed as one of a series of components that make up the installation's cultural landscape.

4. The cultural landscape on Presidio of Monterey is unique because of its continued use for defense related purposes and the influences to the landscape that result from defense related activities. Therefore, there must be functional continuity, i.e., military training and testing, and other defense related activities must continue to occur in order to maintain the integrity and uniqueness of the installation cultural landscape.

5. The cultural landscape planning approach is most useful as an overall conservation planning strategy to fully integrate cultural and natural resources, ITAM, and military operations.

Military Landscapes

The military landscape reflects the history and cultural traditions within which it has evolved. The principal force that shapes the landscape of military installations is the military mission. The military missions that helped shape and reshape installations are often significant within a national military context. An understanding of the relationship between the changing mission of an installation and its landscape is the key to identifying the historical significance of the military landscape. Historic military landscapes are architecturally designed landscapes associated with historic building districts in Army cantonment areas. Designed historic military landscapes are a component of the larger encompassing installation cultural landscape. The evaluation of the military landscape of a military installation incorporates several of the following features:

1. Military Mission: Expressed as a fundamental design principle influencing landscape development.

2. Siting and Layout: Directly related to the evolution of the military mission and, in many cases, influenced by the local, natural environment.
3. Military Cultural Values and Traditions: Expressed in the landscape as a ranking hierarchy in building placement and landscape treatment, uniform architectural styles, utilitarian land use, etc.
4. High Level of Similarity: Basic components and designs are repeated within an installation and are often common among many installations.
5. Restricted Access: Controlled entrance and exit points.
6. Clearly Defined Borders: Created through fencing, walls, guard posts, sentry houses, signs and other features.

Historic Contexts for Military Landscapes

Identifying a historic military landscape requires developing a context to explain the property's significance. The National Register guidelines call for consideration of a property's chronological periods, geographical limits, and themes. The military mission must be added when evaluating military properties. Each installation should develop its own detailed context, based on the national military context and on the Major Command-wide contexts.

Cultural Landscape Survey Procedures

1. Develop a statement of historic contexts based on the region's prehistory and historic background and the installation's missions, primary activities, associations, and periods of development that will be used for determining the significance of specific areas and landscape characteristics within the installation.
2. Determine the most important landscape areas and characteristics using the statement of historic contexts developed through archival research. Based on the relative size, scale, and amount of available documentation, the field investigations should be directed toward identifying existing landscape characteristics and determining the extent to which historic properties and characteristics remain intact, as well as which historic periods and military missions are associated with characteristics of the landscape.
3. Identify the military landscape characteristics:
 - a. Natural Landscape Features: The location of military installations is often related to the way the natural environment of the site supports the installation's mission. Major natural features such as mountains, rivers, lakes, forests, and grasslands may influence both the location and organization of military installations. Climate influences the siting of buildings, types of construction materials, and the locational relationships between clusters of buildings and structures.

b. Expression of Military Cultural Traditions: Military cultural traditions are expressed on military installations in both an organizational sense and an aesthetic sense. Abstract values such as hierarchy, uniformity, discipline, utility, and patriotism are physically manifested in the landscape. Military residential areas exhibit both hierarchy and uniformity. The installation layout and individual building design reflect uniformity and hierarchy simultaneously. The regular maintenance of lawns in public areas and the performance of activities in their assigned areas represent discipline. Warehouses in a storage area reflect utility. Monuments and flags reflect patriotism as well as buildings, streets, parade grounds, and housing areas are often named after conflicts or veterans.

c. Circulation Networks: Primary and secondary roads, local roads, cul-de-sacs, and service lanes provide access to installation land use areas and are an important characteristic of military landscapes.

d. Boundary Demarcations: Boundary demarcations for military installations delineate areas of land use and activities within the installation, and the boundaries of the installation as a whole. Changes in elevation, ravines and waterways may also be used to define boundaries.

e. Vegetation: Vegetation is a characteristic of the landscape that bears a direct relationship to long-established patterns of land use. Patterns of vegetation may delineate boundaries, land use areas, and natural areas such as streams or ravines. Forests are frequently used at the edges of an installation as buffer zones to the surrounding community. While many features change over time, vegetation is perhaps the most dynamic. Current vegetation may differ from historic vegetation, suggesting past uses of the land such as old farmsteads or railways. Plantings often reflect the historical trends in landscape design. Plant replacement or restoration should consider and incorporate whenever possible, vegetation recommendations found in the installation Integrated Natural Resource Management Plan.

f. Buildings, Structures, and Objects: Buildings, structures and objects are landscape characteristics that serve human needs related to the occupation and use of the land. Their function, materials, date of construction, condition, construction methods and location reflect the historic activities, military customs, preferences and skills of the people who built them. Buildings are designed to shelter military and other human activities. Structures are designed for functions other than human shelter. Objects are relatively small, but important, stationary or moveable constructions.

g. Clusters of Buildings, Structures, and Objects: The organizational and spatial relationships among clusters of buildings, structures and objects on military installations are important military landscape characteristics.

h. Archeological Sites: Military installations often contain both prehistoric and historic archeological sites. While most archeological sites predate military use of the land and are unrelated to the military mission, some historical sites may be related to prior military activities.

4. Analysis of Spatial Organization and Land Use: A major component of the cultural landscape approach is the analysis of the spatial relationships among natural and manmade landscape features. The overriding principal of installation development is to implement the mandated mission as expediently as possible. Cultural and natural resources distribution maps can provide the data for systematic analysis of spatial

patterning in land use through time. This has direct planning implications for land management and training, time and funds can be maximized by a single comprehensive planning approach based on sound data and analysis. A number of interrelated environmental variables can be related to patterns of human land use through time including past and present military land uses for training purposes. Analyses of the spatial relationships among the locations of cultural and natural resources and localities affected by past, present and future military use may be best illustrated through the study of spatial relationships on Presidio of Monterey that weigh the effect of terrain factors on human land use. The identification and analyses of non-random patterns of human land use as influenced by terrain factors such as elevation, slope, soil texture and drainage, vegetative cover, distance to water, proximity to roads and other transportation routes and service centers, can provide significant land management information for both Army trainers and land managers on Presidio of Monterey. These factors influenced the locations selected for prehistoric and historic settlement and activity areas.

These same terrain factors influence the locations of specific military field activities. Identification of these nonrandom patterns of land use is beneficial for compliance related environmental documentation that requires future impact prediction (e.g., NEPA and NHPA documents), preparation of substantiated analyses for the consideration of alternatives, for impact avoidance, and in the development of training scenarios in a manner that avoids conflict with regulated resources. Distribution maps of cultural and natural resources locations, overlain with specific locations of military field training activities (including past and future locations of command posts, individual fighting positions, landing and drop zones, maneuver obstacles, observation posts, avenues of approach, etc.) and proposed infrastructure improvements may show a nonrandom pattern of distribution across the landscape. Spatial analyses based on such distribution maps can indicate if the locations of cultural resources, natural resources, and military training and infrastructure improvement activities coincide. The coinciding, non-random distributions of cultural and natural resources and specific locations of military field training and testing activities are important land management factors that can also be used by military planners.

Cultural Landscape Assessment

The goal of cultural landscape management is to provide the installation land managers a more effective method in which to identify, evaluate, and manage their cultural resources inventory. Following the landscape field survey techniques and spatial analysis discussed above, the installation CRM should have sufficient data to serve as the foundation for the assessment of significance of the various elements of the cultural landscape. Once the significance of the property has been established, however, the integrity, or the ability of a property to convey its significance must be assessed.

The seven aspects of integrity are:

1. location
2. design
3. setting
4. materials
5. workmanship

6. feeling
7. association.

The relationship between landscape characteristics and integrity is complex. Patterns of spatial organization, circulation networks, and clusters directly relate to design and strongly influence the cohesiveness of the landscape. Responses to the natural environment, boundary demarcation, buildings, clusters, and vegetation all add to location and setting as well as design. Continuing and compatible land use and activities can enhance integrity of feeling and association. Buildings, structures, vegetation, and land uses all reflect materials, workmanship and design. Archeological sites may strengthen integrity by providing physical evidence of activities no longer practiced. Each of these factors requires consideration when establishing the integrity of a resource.

The final step in cultural landscape assessment process is to:

1. Develop a statement of integrity for the entire installation, as well as individual landscape units. This is accomplished through a written narrative that lists those areas that have integrity, specific landscape features that contribute to that integrity, and any features that detract from integrity.
2. Develop a current installation GIS map indicating those features identified as contributing landscape characteristics to the landscape's integrity. This map will also serve as a graphic list of historic properties or landscape features to be protected or mitigated.
3. Coordinate the information within the individual GIS layers of the installation cultural landscape map, with other offices within the installation. Not only do the people who are going about the installation as a routine part of their daily activities have to be aware of the location and significance of specific cultural resources, but those concerned with planning and executing the military mission must also have direct access to the installation cultural landscape GIS layers. Only when installation land use managers have the cultural landscape GIS data layer that pertains to their individual area of responsibility will cultural landscape management become a valuable and viable management tool.

SOP#14

Cemetery Maintenance

In accordance with the Advisory Council on Historic Places, National Register Evaluation Criteria, there are no historic family or military cemeteries located on the Presidio of Monterey. The POM has a military cemetery on post that does not meet the criteria for having significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

The National Register criteria considers that ordinarily, cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. The POM cemetery does not meet criteria for properties considered eligible for the National Register; however, the cemetery does present some military importance and requires that a standard be met in ground maintenance in maintaining the integrity of the burial site.

Post cemetery

Standards of maintenance will be equal to those authorized for other intensively maintained grounds. Areas will be protected as required by fencing, and will be kept orderly. Care will be taken to prevent damage to monuments, markers, and headstones. These will be kept clean and will be reset and realigned when necessary. As required, temporary headboards provided and placed, and permanent headstones set.

Procedures

Grounds

Grass will be cut, as necessary, to maintain a height of not less than 3 inches or more than 5 inches. During the winter season, grass will be permitted to retain a growth of 3 to 5 inches to prevent frost damage. Care will be taken to prevent damage to headstones during all cemetery maintenance operations, including fertilizing, seeding, pruning, tree spraying, and excavating and filling graves. Particular and continual care is necessary and will be emphasized to protect the headstones from chipping, scraping, scratching, breakage, or soiling during mowing and trimming of the grass. The following precautions are mandatory:

- Power mowers, both rotary and reel-type, will be operated no closer than 12 inches from the headstones, markers and trees. Bumper guards will be used. Such bumper guards will be provided with white or non-staining rubber or other resilient material at the points where they would contact the headstone.
- The grass immediately around the headstones will be trimmed within 24 hours each time the lawn is mowed using a string trimmer.

- No tools or other articles (lunch boxes or coats) will be placed on headstones at any time. Tools will not be leaned against the headstones, and personnel or visitors will not be permitted to sit on or lean against them.
- Cemetery maintenance personnel will be thoroughly oriented in these requirements, and the Grounds Superintendent will see that they are observed at all times.
- Both organic and inorganic fertilizers and weed killers will be used to maintain lawns in the best possible condition. Mechanical equipment for collecting and pulverizing leaves and returning them to the lawns may be utilized. To achieve the desired results, mowers 20 inches or less, which grinds satisfactorily, should be used to the maximum and only those areas with low thatch content should be mulched. Oak leaf mulch will increase soil acidity. Applications of fertilizer and soil amendment will be in accordance with recommendations of the Superintendent, DENR Natural Resources program manager, and the manufactures application instructions. Grass should be watered as often as necessary to prevent loss of turf. Bare spots in turf will be re-sodded or re-seeded when necessary and seasonal conditions permit. Aeration should be considered when upgrading existing turf. The process stimulates root growth and provides for better penetration of water and fertilization.
- Flowerbeds will be permitted in Army cemeteries only upon approval of the Superintendent. A well-kept lawn with trees and shrubs located properly is more important and contributes more to the beauty and general appearance of the cemetery than the distribution of flowerbeds.
- Trees, shrubs, or vines will be planted, altered, or removed to conform to plans approved by the Superintendent. Superintendents will acquaint themselves with the proper methods of planting and caring for trees and shrubs, especially those that thrive best in the cemetery vicinity.
- Transplanting and new planting will not be undertaken in hot or very dry weather. Trees should be moved with a ball of earth at the most advantageous time of the year. A liberal amount of soil will be removed with the plants, and special care will be taken to ensure that the roots are disturbed as little as possible and not exposed to the wind or sun for extended periods. Holes will be dug large enough for a considerable quantity of rich topsoil to be deposited before the plant is placed in position. Normally, plants will not be put deeper in the earth than before removal. Soil around new plantings will be kept loosened and mulched. Two or 3 inches of shredded bark or other suitable mulch should be placed over the plant saucer or bed. Roots will be kept well watered during dry seasons, and necessary insect and disease control will be maintained.
- Dead, dying, or broken limbs and branches and destructive growths, such as honeysuckle, ivy, or brambles, will be removed from trees and shrubs. Serious injuries to trees and shrubs will be reported promptly to the Superintendent. Diseased plants will be treated and/or removed if the sources of infection cannot be arrested.
- The Superintendent must specifically approve the removal of live lower limbs or branches of evergreen or deciduous trees.
- Mistletoe will not be removed from trees unless there are indications it is doing harm to them.
- Shrubs may be trimmed to give plants the full benefit of light and air and to assure that headstones are not obstructed. This will be accomplished by pruning some of the older

branches or by thinning out some of the new shoots where they are dense. The cutting is to be done to the base of the shrub.

- Trees and shrubs, especially those adjacent to buildings, will be kept trimmed to provide the benefits of air and light. They will be cabled, spliced and fertilized, when necessary. Cavities in trees will be filled when justified by reasonable life expectancy.
- When trees are removed; care will be taken to avoid damage to buildings, monuments, headstones, shrubs, or other trees. When a tree is cut down, the entire stump will be removed, where possible; otherwise, the trunk will be cut at least 8 inches below ground level in order that proper re-sodding or seeding can be accomplished.
- Nontoxic ivy or vines growing on the enclosure wall may be retained but will be kept trimmed or trained on a line parallel with the lower edge of the coping. The Superintendent must approve new plantings of ivy or vines. Ivy or ground covers in an open border will be maintained neatly, and kept free from grass, weeds, dead leaves, debris, and rubbish.
- Planting of flowering vines, such as running roses and clematis, must conform to the approved landscape design or be authorized by the Superintendent. Flowers or other plants growing in boxes, tubs, or other types of receptacles will be permitted only when in conformity with plans approved by the Superintendent.
- Developed areas will be kept free of weeds to the greatest extent possible. Obnoxious plants, such as poison oak will be removed from the cemetery grounds, trees, walls, buildings, fences, and other facilities.
- Brushwood, debris, or rubbish will not be burned in Army cemeteries.
- When possible, brush and grass will be cut and turned under in undeveloped areas to assist in developing the soil, and/or minimizing fire hazards.
- Eroded areas will be restored and preventive measures taken against recurrence.
- Control measures will be taken where ground moles or other destructive animals or insects are found.
- The cemetery will be policed, for the removal of trash, dead flowers, and flower receptacles (except those permanently installed).
- Cemeteries will be hand-raked prior to any controlled burn in the vicinity.

Maintenance of Grave Stones and Markers

The natural surfaces of headstones and markers will be retained. They will not be painted, white washed, bleached, or calcimined. Headstones and markers will be cleaned with water and a fiber brush to remove objectionable accumulations, such as bird droppings, mud, tire or hose markings, grass stains, residue from trees, and fungi. The toning or patina of the stone will not be removed unless as a result of cleaning to remove such accumulations. In this instance, the stone should be cleaned in its entirety to present a uniform appearance. The following methods will normally be used for cleaning headstones or markers.

Marble Headstones and Markers

- Add one-half pound of calcium hypochlorite ($\text{Ca}(\text{OCl})_2$) to 13 quarts of water and mix thoroughly. For best results, apply the solution with a long-handled brush and scrub the headstones until all foreign material is dissolved. Rinse with clear water.

Flat Granite Markers

To remove grass stains and mud, wet the marker with clear water. Apply a small amount of any standard household detergent, powder, or liquid, in accordance with manufacturer's directions. Allow emulsion to form, scrub with brush, and rinse. To remove rust or stubborn dirt stains, wet marker with clear water. Apply, with a brush, a solution of 2 parts orthophosphoric acid and 1 part water. Rinse thoroughly when stain disappears. Failure to remove solution may result in discoloration and damage to the surface of the stone. Exercise extreme caution in using this solution. Personnel performing the work, mixing the solution or pouring it from one container to another should be equipped with acid-proof face protectors, rubber gloves, aprons, and boots. Employees applying the solution should stand on the windward side of the stone. The following method may be tried in place of the orthophosphoric acid solution: wet the marker with clear water, apply a mild abrasive cleanser (diatomaceous earth or volcanic ash), and rub gently with a fiber brush until stain disappears. Superintendents will exercise utmost care to prevent headstones and markers from being chipped, marred, or damaged.

Access

Persons wishing to visit the cemetery should first contact Presidio of Monterey's Public Affairs Officer to obtain permission. This may be done by writing to the following address:

Commander
DLIFLC&POM
Public Affairs Office
ATTN:ATZP-PAO
Presidio of Monterey, California 93944

Coordination

All visits to the cemetery must be coordinated in advance with the Adjutant General.

SOP#15

Native American Consultation

FORMAL CONSULTATION with Native American tribes is mandated by federal law. Consultation proceedings are designed to ensure the participation of Native American representatives early in the planning process for US Army activities in a manner that is consistent with federal laws and regulations. The goal of consultation is the resolution of issues in terms that are mutually acceptable to the US Army and to the participating Native American groups. Consultation can be contrasted with two other forms of communication: notification and obtaining consent. Notification focuses on providing information, so potentially affected parties have the chance to respond to a pending action. Obtaining consent differs from consultation in that the information obtained from the consulting party is dispositive. Refusal to consent is sufficient to stop a proposed plan. Consultation provides an invaluable means of obtaining expert advice, ideas, and diverse opinions from Native American constituents regarding the control and appropriate treatment of federal resources. Failure to consult can significantly delay a project, either through court injunction or public pressure.

Native American History

A number of local Native American descended groups or individuals are claiming historic affiliation with the property now known as the Presidio of Monterey. There has been much interest from these groups to the closing of Fort Ord, and the development of the POM leased areas, Soldier Field and Lower Presidio grounds, to the City of Monterey. These areas are considered by the Native American groups to contain traditional tribal burials and cultural items. The Presidio is considered traditional homelands to various tribal groups. There are at least four parts of present day Monterey having had specific Indian names: Hunnukul, Shirishta, Achasta and Sukilta villages.

Some descendent groups that are now seeking recognition as Federally recognized tribal status, include: the Amah-Mutsen Tribal Band; Muwekma /Ohlone Tribe; Esselen Nation; and other unacknowledged Indian Cultural groups within the State of California. Much of the Native American culture and family history was lost when individuals of these groups were brought under the Spanish Mission system of that era. This history and tradition is being revived by the modern day descendants of these tribal groups. Currently there are no federally recognized tribal groups in the Monterey area. (A Timeline of the History of Monterey from 1542 to 1998. Draft, Monterey Historic Master Plan, Architectural Resources Group, Pier 9, The Embarcadero, San Francisco, California).

Six Costanoan groups are currently pursuing Federal recognition. The Coastanoan Band of Carmel Mission Indians filed a Letter of Intent to Petition on 9/16/88, but as of Feb 13, 1997, they have not submitted their petition (Bureau of Indian Affairs, 1997). Five groups have submitted petitions, and all have been determined by the BIA to be

incomplete: Amah Band of Ohlone/Coastanoan Indians (5/21/96), Coastanoan Ohlone Rumsen-Mutsen Tribe (3/14/95), the Coastanoan/Mutsen Indians (8/23/91), and the Muwekma Indian Tribe (11/14/96). Incomplete petitions can be revised and resubmitted to the Bureau for review.

Traditional Cultural Properties

According to National Register Bulletin 38, a traditional cultural property is a place 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 the community's history, and (b) are important in maintaining the continuing cultural identity of the community." A traditional cultural property may have significance for any identifiable living community with a shared history. However, federal legislation, including the American Indian Religious Freedom Act, Sections 106 and 110 of the National Historic Preservation Act, Executive Order 12898, and Executive Order 13007, requires federal officials to ensure that Native American traditional cultural properties receive consideration in the management of federal lands.

Native American traditional cultural properties may include places where culturally important plants and animals are harvested. The gathering of such resources by traditional Native Americans usually has religious connotations. One often prays or purifies oneself in preparation for hunting and gathering. The hunting and gathering location (which may be quite large), is not necessarily the site of specific ritual activities. This does not detract from its cultural significance however, as the area and its resources may be absolutely vital to the continuing cultural integrity of a community. DoDI 4715.3 provides that "Native Americans shall have access to DoD sites and resources that are of religious importance, or that are important to the continuance of their cultures (e.g., areas containing traditionally used plants and traditionally used hunting areas), consistent with the military mission, appropriate laws (42 USC 1996, reference (f)), and regulations, and subject to the same safety, security, and resources considerations as the general public." Consultation is the key to identification and protection of traditional cultural properties. ARPA and NAGPRA establish certain very basic threshold standards for notification and consultation that also apply to federal agency management of traditional cultural properties. Tribal procedures, and NPS and ACHP guidelines, provide more detailed but less binding direction.

Issues of Concern

The United States Government has negotiated and consulted with Native American tribes and groups throughout its history. More often than not, the American Indian has suffered as a result of these meetings and the actions that have resulted from them. Consequently, most Native American groups and Tribes have serious and legitimate concerns about the consultation process, especially with the United States Army, who was their principal foe throughout the 19th Century. The following are some of the major issues of concern to Native Americans. An understanding of these issues should help Army representatives develop the consultation process so that consultation becomes a meaningful and effective process that allows for open communication and long-term, credible consultation relationships.

Public Disclosure and Confidentiality

Representatives of Indian tribes may be reluctant, unwilling, or even unable to provide information on sacred site locations or specific aspects of religious ceremonies or cultural traditions. If tribal representatives are concerned about disclosure issues, the Installation Commander should discuss these issues at the beginning of the consultation process with tribal representatives and with the Staff Judge Advocate in order to develop a means of protecting information that must be kept in confidence. During consultation, the Installation Commander or consultation representative should not request more information than is needed to discuss and resolve consultation issues. The Freedom of Information Act provides any person the right to access agency records, except to the extent that one of nine exemptions or protects them from disclosure by one of three special law enforcement record exclusions.

The NHPA [16 USC 470w3] provides for the withholding of information about the location, character, or ownership of a district, site, building, structure, or object eligible for inclusion in the National Register of Historic Places. The Archeological Resources Protection Act [16 USC 470] prevents the disclosure of information on the nature and location of archeological resources that require a federal permit for excavation or removal. Archeological sites, traditional cultural properties, and sacred sites shall be protected from illegal entry or disturbance IAW DoD Directive 4165.61 and 36 CFR 79 (references (z) and (g)).

Ceremonies and Access to Religious and Sacred Sites

Specific sites or landforms may serve as integral components of Native American religious practices and may require compliance with the NHPA as "traditional cultural properties." Certain natural resources, such as particular plant species, may be necessary to fulfill religious or other ceremonial needs. Thus, Indian tribal concerns not only involve the protection of such sites, objects, and resources, but also include retaining reasonable access to them. Even seasonal access restrictions to sites and resources may inhibit the practice of ceremonies that traditionally are held only at specific times of the year. Many traditional religious and cultural practices require privacy and cannot be performed in the presence of non-participants. The installation should work with tribal governments to protect the privacy of those practices.

Scientific Study and Photography of Human Remains

Many Native Americans consider the scientific study of human remains, including photographic documentation, to be disrespectful and culturally insensitive. NAGPRA limits scientific research to procedures that are necessary for determining cultural affiliation and lineal descendancy. The regulations only allow for more extensive study in those circumstances where human remains and certain cultural items are indispensable to the completion of a specific scientific study, the outcome of which is of major benefit to the United States (43 CFR § 10.10(c)).

Timing

Tribal representatives should be afforded time to adequately review the appropriate information and documentation to allow their constituencies to reach consensus. Gaining familiarity with tribal procedures and protocols may help avoid time conflicts in consultation proceedings. Tribal council meetings may provide the only or best opportunity for tribal representatives to gain tribal approval of consultation agreements. Developing an ongoing consultation relationship prior to a specific need for consultation also would help alleviate scheduling conflicts by addressing timing issues in advance. The consideration of timing issues should extend to the distance and costs of travel that will be required by tribal representatives to attend consultation meetings and to make site visits. The consultation schedule that is developed must also fit into the overall project timetable, including fiscal, mission, and legal constraints.

Liaisons

DoDI 4715.3 provides that "At each DoD installation, the base commander shall choose a staff member to serve as a liaison between the Department of Defense and tribal governments, if present. This person should be trained to deal with Native American issues. AR 200-4 Section 19 (c) provides that "The Installation Commander will establish a government to government relationship with federally recognized Indian tribes, as needed. If there are significant Native American issues, he will also designate an installation "Coordinator for Native American Affairs" to facilitate the government-to-government relationship. The Installation Commander will ensure that the Coordinator for Native American Affairs has appropriate knowledge, skills, and professional training and education to conduct installation consultation responsibilities with Indian tribes."

Policies

The following policies provide the foundation upon which all Native American consultation will take place:

1. Respect the sovereign status of each Native American tribal government. The Army must work directly with federally recognized tribes on a government-to-government basis, recognizing the sovereignty of each tribe. First contact should be made with the tribal leadership.
2. At a minimum, the Indian tribes with whom consultation should occur are those groups that have tribal or trust lands in proximity to the Army installation, those Native American tribes that occupied the area of the Presidio of Monterey in aboriginal times, and those tribes or groups with which the presidio of Monterey has previously held consultation proceedings.
3. An attempt should be made to identify any non-federally recognized Native American groups that may eventually be brought into consultation as interested parties under certain federal laws and regulations (e.g., NEPA, AIRFA, 36 CFR § 800).
4. Notification to tribal representatives should be made in writing signed by the Installation Commander to the head of the tribal government, followed immediately by a confirming telephone call. Written notification should be sent by certified mail or similar device that offers receipt of delivery to the addressee.

5. The consultation timetable should be developed to allow for the greatest opportunity possible for appropriate tribal representatives and others to participate in consultation.

6. The Installation Commander should request information concerning tribal-developed regulations, ordinances, resolutions, and protocols for handling issues covered under specific federal cultural resources legislation when first establishing a consultation relationship.

7. Consultation should identify, as early as possible, all potential issues that may result from a particular procedure or activity, so that resulting consultation meetings will not address these issues in a piecemeal fashion.

8. For procedural and planning decisions, consultation should be designed to result in mutually acceptable terms for avoiding or minimizing affects on Native American human remains or cultural resources. Agreement upon mutually acceptable revisions to plans or procedures that take into consideration Indian tribal concerns may be all that is necessary.

9. For proposed construction or land use activities, intentional excavations may be planned to determine whether any Native American cultural resources are present. The scope and procedures used for intentional excavations should be developed in consultation with all interested parties. Agreement may involve altering the timeframe of such activities, modifying the activities themselves, or relocating the activities to avoid affecting Native American human remains, cultural resources, traditional cultural properties, or religious sites.

10. If an Indian tribe, or tribal representative, does not respond in the requested time frame, follow-up notification should be made and alternative methods of consultation should be attempted.

Procedures

The following procedures establish general guidelines for consultation and identify issues to consider for successful proceedings:

1. The Installation Commander should develop procedures for consultation that take into consideration issues specific to the installation and to the Native Americans with whom consultation will occur. Before consultation with Native Americans can begin, the following should be identified:

- a. the appropriate groups and representatives who should be invited to consult;
- b. relevant tribal protocols, procedures, regulations, and cultural etiquette;
- c. the activities or issues requiring consultation; and
- d. the specific laws and regulations that mandate consultation, and the specific laws and regulations that encourage consultation.

2. Regardless of the specific legal mandate that prompts consultation, the general form of consultation should include the following components:

- a. identification of the appropriate consulting parties to achieve a government-to-government relationship;
- b. procedures for notifying the consulting parties;
- c. the consultation schedule, process, and content;

- d. resolution of the consultation issue(s);
- e. dispute resolution; and
- f. final actions.

3. The schedule for consultation should be developed mutually by the Army and tribal representatives taking into consideration a variety of matters:

- a. the complexity of the consultation issues;
- b. Army and tribal schedule and fiscal constraints;
- c. Army and tribal standing operating procedures and protocols; and
- d. statutory requirements.

SOP#16

Coordination with Endangered Species Management

Objectives

THE CULTURAL RESOURCE PROGRAM (CRP) supports the natural resource management goal of protection and enhancement of existing populations and associated habitat of threatened and endangered species on the installation through cultural resource surveys. CRP in order to systematically identify, document, and mitigate any adverse impacts to cultural properties that may be impacted by endangered species projects, routinely implements archeological reconnaissance, survey, and site clearance. Project review procedures are undertaken in order to assure that any known historic or archeological properties subject to review under Section 106 of the National Historic Preservation Act will not be adversely affected by endangered species projects. Results of any archeological investigation undertaken by the CRP as part of the review of or in support of endangered species projects are reported annually to the SHPO pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36CFR Part 800.

Procedures for Implementation

The Natural Resources Program (NRP) is located in the Directorate of Public Works, Environmental and Natural Resources {phone number (831) 242-7920} and is responsible for management of all threatened and endangered species for Presidio of Monterey, including populations of Yadon's piperia (*Piperia yadoni*), a federally Endangered orchid and Hooker's manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), a California Native Society plant on list 1B found in undeveloped areas of the POM. Yadon's piperia was listed as endangered by the U.S. Fish and Wildlife Service (Service) on August 12, 1998. Hooker's manzanita is considered rare, threatened or endangered by the California Native Plant Society and could be a candidate for future listing. If the CRP has conducted surveys of sensitive archeological sites, the coordinates will be provided to the NRP. If a cultural resources survey has not been conducted, endangered species projects will not be conducted until the cultural resource survey(s) are completed and sensitive cultural resource sites identified and protected. Upon completion of cultural resource surveys the CRP will provide the NRP a list of sensitive cultural resource sites as well as survey area boundaries that were not completely surveyed for cultural resource sites. Protected archeological sites will be identified on the ground by placement of signs along site boundaries. Depending on the size and urgency of the project, cultural resource surveys will be conducted by CRP personnel or through contracted services by outside agencies.

SOP#17

Use of Historic Resources

AS OF FY2004, there are 124 historic buildings and structures within the Presidio of Monterey historic district. These resources are divided into the Upper and Lower POM for purposes to distinguish between leased and Army occupied historic resources. The Lower POM, known as the Lower Presidio Historic Park, is leased to the City of Monterey and consists of 26.15 acres and 14 buildings/structures. In addition, the lease includes El Castillo, a site listed on the National Register of Historic Places (NRHP). Located within the NRHP site are El Castillo -1793, Fort Mervine-1846, California-MNT-101 a prehistoric Native American Village site, and four additional archaeological sites, The Serra Monument - 1891, The Sloat Monument- 1910, The Alex Nino Monument- 1975, The Bouchard Monument -1979, and Artillery Street entrance gate - 1902. The lease was recorded on September 30,1996 for a term of 50 years

Policy

Use of historic resources located on the main post cantonment as listed in *Appendix III: Historic Buildings and Structures List and Appendix VII Monuments, Memorials, Historic Properties and Roads*, will be limited to known and established military, administrative, and residential activities unless otherwise expressly indicated in this SOP. This SOP supercedes any information presented in an HPMP, and can act as a separate directive. Language in this SOP is effective immediately, and is not subject to the phasing requirements defined in the HPMP SOP.

Procedure

The following chapters of all HPMPs will address use of historic resources managed by POM:

1. Current use of building/structure/district
2. Planned use of building/structure/district (if known)
3. Provisions for unique use of building/structure/district (as needed) The "current use" and "planned use" chapters of the HPMP will define specified and allowed uses for the resources in accordance with real property category codes (see AR 415-28, *Real Property Category Codes*, 10 OCT 96, and DA PAM 415-28, *Guide to Using Real Property Category Codes*, 11 FEB 00). When needed, a chapter concerning provisions for unique use will outline, at a minimum, the following:
 1. Allowed alternate use(s)
 2. Authorized personnel for alternate use(s)
 3. Guidelines for CRM coordination
 4. Monitoring provisions

Affected Resources

Any historic resource on POM that has a category code from DA PAM 415-28 will be used IAW definitions provided in the regulation. For category codes 76010 (Museum), 76020 (Monuments/Memorials), and 74035 (Conservation Building), alternate uses may be considered in coordination with the CRM. Other category-coded buildings may be considered on a case-by-case basis using the guidance described below.

Allowed Alternate Uses

1. Recreational

a. For recreational use of any historic structure, the CRM will be consulted during event planning phases. The CRM will determine if the proposed use will negatively impact historic resources and will require changes to the use plan accordingly.

b. Recreational use will occur IAW established Natural Resource Program (NRP) management requirements. Recreational use will not be authorized by the CRM if otherwise forbidden by the NRP.

c. Huckleberry Hill nature reserve (leased to City of Monterey) permits access for recreational purposes such as walking and bird watching.

2. Military Training

a. Must be IAW applicable SOPs and regulation currently in-force.

b. Huckleberry Hill nature reserve WILL NOT be used for training purposes.

3. Meeting/conference facilities

Civilian meetings/conferences will be authorized at the discretion of the CRM. Previously authorized civilian events using historic resources include reunions and professional society meetings.

Authorized personnel for alternate use(s)

1. Military (active, guard/reserve, retired) who have demonstrated justifiable need.

2. Military dependants who have demonstrated justifiable need.

3. POM/OMC employees who have demonstrated justifiable need.

4. Civilians who have demonstrated justifiable need.

Guidelines for CRP coordination

1. Requests for alternate use of historic resources will be reviewed by CRP before approval is given:

2. Requests may be made via email to Mike.Kelly@monterey.army.mil; via mail to Commander DLIFLC and POM, Directorate of Public Works, Environmental and Natural Resources, ATTN: Mike Kelly, P.O. Box 5004, Monterey, California, 93944; fax to (831) 242-7019; or interoffice memo to the Cultural Resources Manager, ENR.

3. Requests must be received by the CRM no later than 21 calendar days before the proposed event date.

4. Requests will be reviewed, commented on, and returned to the requesting party within seven business days.

5. Any request deemed unsuitable by the CRP will be returned, and the use will not be permitted. The proponent may revise the request and resubmit it to the CRP. The CRP retains the right to another seven-day review period.

Monitoring Provisions

1. The CRP retains the right to inspect the alternate use of historic resources at any time.
2. If violations of the use policy as outlined above are observed by the CRP, all actions/uses will cease.
3. For violations of the use policy during military training, the CRP will report the violation to the proper chain-of-command and the Staff Judge Advocate Office. The military unit will be responsible for rectifying/repairing any damage incurred by the violation.
4. For violations of the use policy by military dependants, the CRP will report the violation to the sponsor's chain-of-command and the Staff Judge Advocate Office. The sponsor of the dependant will be responsible for rectifying/repairing any damage incurred by the violation.
5. For violations of the use policy by POM employees, the CRP will report the violation to the employee's supervising activity and the Civilian Personnel Office. The employee will be responsible for rectifying/repairing any damage incurred by the violation.
6. For violations of the use policy by other civilians, the CRP will report the violation to the Provost Marshall's office, require the civilians to rectify/repair any damage incurred by the violation, and will prohibit those civilians from using POM historic resources in the future.
7. Violations discovered after the alternate use has concluded could also be subject to the reporting criteria listed above.

SOP#18

Archeological Collections Care Management

Objective

THE OVERALL GOAL of the federal curation program, as set forth in 36 CFR Part 79, is to ensure the preservation and accessibility of archeological collections for use by members of the public interested in the archaeology of the region. Archeological collections are a significant element of our national patrimony and are valuable for the scientific information they contain, as well as for educational purposes. An archeological collection is defined in 36 CFR Part 79 as material remains that are excavated or removed during an archeological survey, excavation, or other study of prehistoric or historic resources and associated records that are prepared or assembled in connection with the survey, excavation or other study. Archeological collections and associated records always remain the property of the Army and must be maintained in perpetuity. Without the proper conservation and storage, archeological collections deteriorate, become displaced, or are otherwise subject to the many vicissitudes of time. To comply with federal law and Army regulation (36 CFR Part 79, AR 200-4 and PAM 200-4), Presidio of Monterey has contracted with an artifact curation facility (ACF) to manage its archeological collections. This SOP outlines the policies and procedures to be followed to curate, conserve, store and use the POM archeological collections. For detailed information, consult the Curation Guidelines in Appendix XIII.

Policy

The POM contracted ACF shall operate in compliance with all applicable federal regulations, most notably 36 CFR Part 79 (*Curation of Federally- Owned and Administered Archeological Collections*) as well as all corresponding Army regulations (AR 200-4 para 27) and guidelines. AR 200-4 (Cultural Resource Management) requires the Installation Commander to ensure that all archeological collections (as defined in 36 CFR Part 79) are processed, maintained and preserved IAW the requirements of 36 CFR Part 79. The policy for evaluating the acceptability of objects for curation is outlined below. These standards apply both to objects donated to the ACF and to objects collected during cultural resource activities.

1. Objects must have a documented ownership history. Documentation of clear title transfer must accompany the object(s).
2. The nature and quality of the object(s) are consistent with, and in furtherance of, the mission of the POM CRP.

3. The physical qualities of the material, as well as any legal encumbrances, will not restrict the ACF to conserve and care for the object(s) in accordance with 36 CFR Part 79.

4. Possession or transfer of object(s) will not violate any federal or state law or regulation pertaining to the acquisition or possession of such object(s).

Procedure

Accession Approval

Object(s) proposed for accession into the ACF will be reviewed by the archeological collections manager for compliance with the collection criteria outlined above. If in compliance with the collections criteria, the object(s) will then be accessioned into the ACF collections. Whenever a proposed acquisition does not obviously comply with the collections criteria, the archeological collections manager must consult with the post archeologist. After consultation, accession may be granted or denied based on the degree of compliance with the collections criteria, historical and/or geographical significance of the object(s), physical condition, provenience documentation, representative ness to other object(s) of its kind, and the object(s) contribution to the mission of the CRP.

Storage

Secure storage, monitoring of environmental controls, and ensuring the ACF complies with or exceed the standards set in 36 CFR 79 for archeological collections will be under the direct supervision of the ACF archeological collections manager.

Access

In accordance with 36 CFR 79, the POM's collections and associated records are available for scientific, educational, and religious uses, subject to such terms and conditions as are necessary to protect and preserve the condition, research potential, religious or sacred importance, and uniqueness of the collection. To gain access to the collections, all potential users must provide a written request to the CRM indicating the nature of their work and the specific collections to be viewed. Any resulting exhibits and/or publications shall acknowledge the POM as the U.S. Army, and as the owner and administrator of the collections. Copies of any resulting publications including exhibition supplementary materials shall be provided to the archeological collections manager. All outgoing loans of the POM's materials require execution of written loan agreements.

Conservation

The majority of artifacts stored for the POM will require no or minimal conservation. Artifact examination, cleaning, stabilization, accessioning, cataloguing and packing for storage are outlined in the Curation Guidelines (Appendix XIII).

Reporting Requirements

The annual Secretary of Interior's report to Congress requires an assessment of archeological records and materials in federal repositories. This is not a requirement of the POM since a federal repository does not exist at the installation. In addition, 36 CFR Part 79 and AR 400-4 require specific reporting actions pertaining to the installation archeological collections:

- Within five (5) days of the discovery/notification from the ACF, of any loss or theft of, deterioration and damage to, or destruction of the collection (or part thereof) or any other POM-owned or controlled archeological artifacts, the ACF Repository Official prepares and provides the Federal Agency Official (Installation Commander) written notification of the circumstances surrounding the loss, theft, deterioration, damage or destruction.
- Following each inspection and inventory, the ACF Repository Official prepares and provides the Federal Agency Official with a written report of the results of the inspection and inventory, including the status of the objects and associated records, treatments completed and recommendations for additional treatments, inventory of all U.S.

Government-owned personal property received by the ACF, physical status of the ACF and the results of periodic inventories conducted to verify the location of objects and/or associated documents.

Artifact analysis and accessioning

A contracted cultural resource specialist conducts artifact analysis and accessioning. Standard sources will be used for the identification of objects. Descriptions will include as much detail as possible for future research reference. Minimally, material, function, technological and morphological characteristics and dimensions will be recorded.

Appendix I

Acronyms and Abbreviations

ACSIM Assistant Chief of Staff for Installation Management
 ACHP Advisory Council on Historic Preservation
 ACTS Army Compliance Tracking System
 AIRFA American Indian Religious Freedom Act
 APE Area of Potential Effect
 ARPA Archaeological Resources Protection Act
 ASG Aerial Spray Grid
 BLM Bureau of Land Management
 BP Before Present
 CA Comprehensive Agreement (per 43 CFR 10)
 CCC Civilian Conservation Corps
 CFR Code of Federal Regulations
 CO Commanding Officer
 CRM Cultural Resources Manager
 CRP Cultural Resources Program
 CX Categorical Exclusion
 DA Department of the Army
 DASA (ESOH) Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health)
 DEP Directorate of Environmental Programs
 DEP-CP Directorate of Environmental Programs-Conservation Preservation
 DOD U.S. Department of Defense
 DPW Directorate of Public Works
 EA Environmental Assessment
 ECAS Environmental Compliance Assessment System
 EIS Environmental Impact Statement
 ENR Environmental and Natural Resources Management
 EO Executive Order
 EPR Environmental Program Requirement
 FPO Federal Preservation Officer
 FR Federal Register
 FY Fiscal Year
 GIS Geographical Information System
 GPS Global Positioning Satellite
 HABS/HAER Historic American Building Survey/ Historic American Engineering Record
 HPO Historic Preservation Officer
 HPP Historic Preservation Plan
 HQDA Headquarters, Department of the Army
 IAW In accordance with
 ICRMP Integrated Cultural Resources Management Plan
 ITAM Integrated Training Area Management (program)
 JAG Judge Advocate General
 MACOM Major Army Command

MCA Military Construction Army
MOA Memorandum of Agreement (per 36 CFR 800)
NAGPRA Native American Graves Protection and Repatriation Act
NCSHPO North Carolina State Historic Preservation Office
NEPA National Environmental Policy Act of 1969, as amended
NHL National Historic Landmark
NHPA National Historic Preservation Act of 1966, as amended
NPS National Park Service
NRHP National Register of Historic Places
PA Programmatic Agreement (per 36 CFR 800)
PI Principal Investigator
R&D Research and Development
SHPO State Historic Preservation Office
SOP Standing Operating Procedure
US United States
USACE US Army Corps of Engineers
WWI World War I
WWII World War II

Appendix II

GLOSSARY

Advisory Council on Historic Preservation (ACHP)- The Council was established by Title 11 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.

Antiquities Act of 1906- Provides for the protection of historic and prehistoric ruins and objects of antiquity on Federal lands, and authorizes scientific investigation of antiquities on Federal lands, subject to permits and other regulatory requirements.

Archeological Artifacts- An object, a component of an object, a fragment or sherd of an object that was made or used by humans, a soil, botanical or other sample of archaeological interest.

Archeological 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)).

Archaeological Resources Protection Act (ARPA) of 1979- Prohibits the removal, sale, receipt and interstate transportation of archaeological resources obtained illegally (without permits), from federal or Indian lands and authorizes agency permit procedures for investigations of archaeological resources on lands under the agency's control.

Area of Potential Effect (APE)- The geographical area within which the undertaking may cause changes in the character of or use of historic properties, if any such properties exist. The APE may change according to the regulation it is being applied under.

American Indian Religious Freedom Act (AIRFA)- State the policy of the United States is to protect and preserve for American Indians their inherent rights of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut and Native Hawaiians. These rights include, but are not limited to, access to sites, use and possession of sacred objects and the freedom to worship through ceremony and traditional rites.

Army Compliance Tracking System (ACTS)- Annual report required by AEC for environmental compliance actions.

Categorical Exclusion (CX)- Under the National Environmental Policy Act, CXs apply to actions that have no foreseeable environmental consequences to resources other than cultural resources and are not likely to be highly controversial. CXs may also be applied to cultural resources management activities. A list of approved Army CXs can be found in AR 200-2.

Code of Federal Regulations (CFR)- Includes the government-wide regulations that all Federal agencies must follow, and have the force of law.

Cultural Items- As defined by NAGPRA, human remains and associated funerary objects, unassociated funerary objects (at one time associated with human remains as part of a death rite or ceremony, but no longer in possession or control of the federal agency or museum), sacred objects (ceremonial objects needed by traditional Native American religious leaders for practicing traditional Native American religions), or objects of cultural patrimony (having ongoing historical, traditional, or cultural importance central to a Native American tribe or

group, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual of the tribe or group).

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 AIRFA and collections and associated records as defined in 36 CFR 79.

Cultural Resources Management Program- Activities carried out under the authority of AR 200-4 to comply with Federal statutes and regulations pertaining to cultural resources.

Curation of Federally Owned and Administered Archaeological Collections- The practices associated with the storage, preservation and retrieval for subsequent study of archaeological records and artifacts.

Environmental Assessment (EA)- An EA is prepared under NEPA for actions that the project proponent does not anticipate will have a significant effect on the environment or if it is not known if the impact will be significant. An EA results in a Finding of No Significant Impact (FONSI) or a Notice of Intent (NOI).

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)- Under NEPA, an EIS is required when cultural resources may be damaged or "significantly adversely affected."

Environmental Program Requirement (EPR)- The Army's annual budget request system.

Executive Order (EO) 11593 of 1971- Directs Federal agencies to provide leadership in reserving, restoring and maintaining the historic and cultural environment of the Nation; to ensure the preservation of cultural resources; to locate, inventory and nominate to the National Register all properties under their control that meet the criteria for nomination; and to ensure that cultural resources are not inadvertently damaged, destroyed, or transferred before the completion of inventories and evaluation for the National Register.

Executive Order 13007 of 1996 on Indian Sacred Sites- Provides additional direction to Federal agencies regarding "Indian sacred sites." Federal agencies are "within the constraints of their missions" required to accommodate Indian tribes' requirements for access to and ceremonial use of sacred sites on public lands; and avoid damaging the physical integrity of such sites.

Historic Property- Any real or personal property, record, or lifeway. Includes: historic real property such as archaeological and architectural places, monuments, designed landscapes, works of engineering or other property that may meet the criteria for inclusion in the National register of Historic Places; historic personal property such as any artifact or relic; historic records to include any historical, oral-historical, ethnographic, architectural, or other document that provides a record of the past; and community resources/lifeways to include any resource that a community or interested group ascribes cultural value (references to historic real or personal property such as natural landscapes and cemeteries; references to real property such as vistas or viewsheets; or references to the nonmaterial such as certain aspects of folklife, cultural or religious practices, languages or traditions.

Indian Tribe- Any tribe, band nations, or other organized 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 U.S.C. 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. Such acknowledged or "federally recognized" Indian tribes exist as

unique political entities in a government-to-government relationship with the United State. The Bureau of Indian Affairs maintains the listing of federally recognized Indian tribes. **Integrated Cultural Resources 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. **Memorandum of Agreement (MOA)**- A formal written agreement containing the result of discussions among the Federal agency, the SHPO, the ACHP and interested public. The MOA documents mutual agreements upon statements of facts, intentions, procedures and parameters for future actions and matter of coordination. It shows how the needs of the Federal agency, the needs and desires of the public, and the scientific/historical significance of the property have all been protected.

Memorandum for Heads of Executive Departments and Agencies dated 29 April 1994: Government-to-Government Relations with Native American Tribal Governments- Directs that consultation between the Army and federally recognized Indian tribes shall occur on a government-to-government basis in accordance with this Memorandum. Installation commanders as the representatives of government shall treat designated representatives of federally recognized Indian tribal governments. Consultation with federally recognized Indian tribes on a government-to-government basis occurs formally and directly between installation commanders and heads of federally recognized tribal governments. Installation and tribal staff to staff communications do not constitute government-to-government consultation.

National Environmental Policy Act of 1969 (NEPA)- (P.L.91-90; 42 U.S.C. 4321-4347), states that the policy of the Federal government is to preserve important historic, cultural and natural aspects of our national heritage and requires consideration of environmental concerns during project planning and execution. This Act requires Federal agencies to prepare an Environmental Impact Statement (EIS) for every major Federal action that affects the quality of the human environment, including both natural and cultural resources. It is implemented by regulation issued by the Council on Environmental Quality (40 CFR 1500-08) that is incorporated into AR 200-2, Environmental Effects of Army Actions.

National Historic Landmark (NHL)- National Historic Landmarks are buildings, historic districts, structures, sites and objects that possess exceptional value in commemorating or illustrating the history of the United States. They are so designated by the Secretary of the Interior after identification by National Park Service professionals and evaluation by the National Park System Advisory Board, a committee of scholars and other citizens.

National Historic Preservation Act (NHPA) of 1966- [as amended (P.L. 89-665; 16 U.S.C. 470-470w-6)], establishes historic preservation as a national policy and defines it as the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, or engineering. Amendments of 1980 establish guidelines for nationally significant properties, curation of artifacts, data documentation of historic properties and preservation of federally owned historic sites. They also require designation of a Federal Historic Preservation Officer in each Federal agency, authorize the inclusion of historic preservation costs in project planning costs and authorize the withholding of sensitive data on historic properties when necessary. Section 106 of the National Historic Preservation Act provides direction for Federal agencies on undertakings that affect properties listed, or those eligible for listing on the National Register and is implemented by regulations (36 CFR 800), issued by the ACHP. Section 110 requires Federal agencies to locate, inventory and nominate all properties that may qualify for the National Register. Applicable regulations are 36 CFR 60, National

Register of Historic Places; 36 CFR 63, Determination for Eligibility for Inclusion in the National Register of Historic Places; and 36 CFR 800, Protection of Historic Properties. 36 CFR 78 provides a waiver of responsibility for Federal agencies of the requirement of the NHPA of 1966 in the event of a major natural disaster or imminent threat to national security. **National Park Service-** The bureau of the Department of the Interior to which the Secretary 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 National Register of Historic Places (36 CFR 60).

National Register of Historic Places (National Register)- A nationwide listings 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. National Register listings must meet the criteria found in 36 CFR 60.4.

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990- (P.L. 101-601), requires Federal agencies to establish Native procedures for identifying Native American groups associated with cultural items on Federal lands, to inventory human remains and associated funerary objects in Federal possession and to return such items upon request to the affiliated groups. The law also requires that any discoveries of cultural items covered by the Act shall be reported to the head of the Federal entity who shall notify the appropriate Native American tribe or organization and cease activity in the area of the discovery for at least 30 days.

Programmatic Agreement (PA)- A formal agreement between agencies to modify and/or replace the Section 106 process for numerous undertakings in a program in accordance with 36 CFR 800.13.

Record of Environmental Consideration- A document that is used to explain how an action is covered in a CX.

Section 106- Under the National Historic Preservation Act, Section 106 provides direction for Federal agencies regarding undertakings that affect properties listed, or those eligible for listing on the National Register and is implemented by regulations (36 CFR 800), issued by the ACHP.

Section 110- Under the National Historic Preservation Act, 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 National Register.

Section 111- Under the National Historic Preservation Act, Section 111 addresses leases and exchanges of historic properties. It allows the proceeds of any lease to be retained by the agency for use in defraying the costs of administration, maintenance, repair and related expenses of historic properties.

Section 402- Under the National Historic Preservation Act, Section 402 describes Federal agency responsibilities for historic properties in other nations and requires the head of the Federal agency to take into account the effect of an undertaking on property that is on the World Heritage List or on the applicable country's equivalent of the National Register to avoid or mitigate any adverse effect.

State Historic Preservation Officer (SHPO)- The person who has been designated in each state to administer the State Historic Preservation Program, including identifying and nominating eligible properties to the National Register and otherwise administering applications for listing historic properties in the National Register.

Survey- A scientific sampling of the extent and nature of archaeological resources within a specific area.

Undertaking- Any project, activity, or program that can result in changes in the character or use of historic properties as defined by the NHPA. A project, activity, or program under the direct or indirect jurisdiction of the installation commander, including those project, activities, or programs carried out or on behalf of the 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. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106 of the NHPA.

World Heritage List- A list developed by the World Heritage Committee containing properties forming part of the cultural heritage and natural heritage that the committee considers as having outstanding universal value based on different criteria. This list is updated every two years.

Appendix III

Historic Buildings, Structures and Monuments List

Historic Buildings List

Bldg #	Date of Const	Original Use	Bldg #	Date of Const	Original Use
208	1910	Assembly Hall	306	1903	Officers Quarters
209	1903	Barracks	307	1903	Officers Quarters
210	1903	Barracks	308	1940	Garage
211	1903	Barracks	309	1903	Officers Quarters
212	1903	Barracks	310	1940	Garage
213	1903	Barracks	311	1903	Officers Quarters
214	1903	Barracks	312	1903	Officers Quarters
215	1903	Barracks	314	1903	Officers Quarters
216	1903	Barracks	315	1932	Servants Quarters
218	1903	Barracks	316	1932	Servants Quarters
219	1904	Bathhouse	317	1903	Officers Quarters
220	1908	Bowling Alley	318	1940	Garage
221	1904	Post Exchange	319	1903	Officers Quarters
227	1938	Tennis Courts	320	1903	Officers Quarters
228	1934	Gymnasium	321	1940	Garage
254	1929	Ordnance Storehouse	322	1903	Officers Quarters
257	1932	Ordnance Storehouse	323	1926	Tennis Courts
261	1903	Warehouse	326	1904	Officer Club/Quarters
263	1915	Guardhouse	327	1903	Officer Quarters
267	1903	Commissary	328	1940	Garage
268	1903	Quartermaster Storehouse	329	1932	Servants Quarters
269	1912	Quartermaster Storehouse	330	1903	Officer Quarters
270	1918	Storehouse	331	1940	Garage
272	1922	Service Club	332	1903	Officer Quarters
273	1903	Barracks	333	1903	Officer Quarters
274	1903	Barracks	334	1940	Garage
275	1903	Barracks	335	1903	Officer Quarters
276	1903	Barracks	336	1903	Officer Quarters
277	1935	Post School	338	1903	Officer Quarters
278	1914	Telephone Exchange	345	1903	Officer Quarters
279	1904	Wagon Shed	346	1903	Officer Quarters
281	1921	Repair Shop	347	1930	Garage
282	1903	Coal Shed	348	1903	Officer Quarters
283	1903	Powerhouse	349	1903	Officer Quarters
301	1910	High Street Entrance Gate	350	1940	Garage
304	1940	Garage	351	1903	Officer Quarters

Bldg #	Date of Const	Original Use	Bldg #	Date of Const	Original Use
351	1903	Officer Quarters	431	1903	Officers Quarters
352	1940	Garage	432	1930	Garage
353	1930	Garage	433	1903	Officers Quarters
354	1908	NCO Quarters	434	1903	Officers Quarters
355	1903	Officer Quarters	435	1930	Garage
356	1908	NCO Quarters	437	1903	Officers Quarters
357	1903	Officer Quarters	444	1922	Officers Quarters
358	1908	NCO Quarters	445	1922	Officers Quarters
359	1903	Mess Hall	446	1940	Garage
360	1940	Garage	447	1922	Officers Quarters
361	1903	Officer Quarters	448	1940	Garage
363	1940	Garage	449	1922	Officers Quarters
364	1903	Train Master's Quarters	450	1903	Barracks
428	1940	Garage	451	1903	Barracks
429	1922	Officers Quarters	452	1903	Barracks
430	1903	Officers Quarters	453	1903	Barracks

Historic Structures and Monuments List

Bldg #	Date of Const	Original Use
	1846	Fort Mervine
109	1891	Serra Monument, statue
	1903	Road network
	1903	Soldier Field
152	1910	Sloat Monument
102	1920	Serra Monument, cross
	1935 +	Retaining Walls

Appendix IV

Historic Buildings Demolition List

(prepared 11/2004)

Category 1 - WW II Wood, Temporary

Bldg.	Yr. Const.	District	Non-Contrib./eligible	Demo date:
104	1941	L.POM	Non-Cont.	Demo 9/2001
106	1941	L.POM	Non-Cont.	Demo 9/2001
110	1943	L.POM	Non-Cont.	Demo 12/98
124	1941	L.POM	Non-Cont.	Demo 10/99
125	1941	L.POM	Non-Cont.	Demo 9/2001
204	1941	Historic	Non-Cont.	
205	1941	Historic	Non-Cont.	
206	1941	Historic	Non-Cont.	
207	1941	Historic	Non-Cont.	
230	1941	Historic	Non-Cont.	
233	1941	Historic	Non-Cont.	
234	1941	Historic	Non-Cont.	Demo 4/99
324	1941	Historic	Non-Cont.	
325	1941	Historic	Non-Cont.	
339	1943	Historic	Non-Cont.	
340	1943	Historic	Non-Cont.	
341	1943	Historic	Non-Cont.	Demo 3/2002
343	1942	Historic	Non-Cont.	
454	1943	Historic	Non-Cont.	

Category 2 Pre WWII Structures

Bldg.	Yr. Const.	District	Cont. /Non-Cont.(eligible)	Demo date:
105	1922	L.POM	Non-Cont.	
118	1922	L.POM	Non-Cont.	
121	1923	L.POM	Non-Cont.	
141	1931-41	L.POM	Non-Cont.	
418	1929-62	N/A	Non-Eligible	Demo 12 /98
517	1931	N/A	Non-Eligible	
518	1935	N/A	Non-Eligible	

Category 3 (High Maintenance Wood)

Bldg.	Yr. Const.	District	Cont. /Non-Cont.(eligible)	Demo date:
255	1904	Historic	Contributing	2000
256	1904	Historic	Contributing	2000
262	1904	Historic	Contributing	

Note: The following Category 3 buildings were not consulted with SHPO but were considered as possible candidates for demolition.

Bldg.	Yr. Const.	District	Non-Contrib./eligible	Demo date:
279	1904	Historic	Contributing	
281	1921	Historic	Contributing	
282	1903	Historic	Contributing	
283	1903	Historic	Contributing	

Appendix V

Archeological Sites/Collections

CA-MNT-15;

* ERA (15) (Environmental Research Archaeologists) Collection

Date: Jan. 6, 1979.

Human remains: none observed;

Current repository: San Diego Archaeological Center

16666 San Pasqual Valley Road

Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: less than one cubic foot.

Condition: poor, collection requires upgrade to current federal standards.

* Fort Mervine Collection (Verify with St. Louis inventory)

Date: 1988.

Human remains: none;

Current repository: San Diego Archaeological Center

16666 San Pasqual Valley Road

Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size:

Condition:

CA-MNT-101;

* POM (ACRS) Collection

Date: Jan-Feb, 1985.

Human remains: small box, approximately, 5cm X 15cm X 25cm.

Current repository: San Diego Archaeological Center

16666 San Pasqual Valley Road

Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: total collection; ca. 14 cubic feet.

Condition: fair.

Issues: None.

* UCB Collection

Date: (Univ. of Calif. Collectors); Gifford, 1913; Kroeber 1915; Golomshtok, 1922; Wood, 1930; Fisher, 1935; anonymous, 1939; Pilling, 1948; Broadbent, 1953.

Human remains: human male crania, tooth, misc.: Kroeber, Fisher, anonymous, Pilling.

Current repository: Arch. Research Facility, UCB. Site records & Manuscripts. Phoebe Apperson Hearst Museum of Anthropology, UCB.

Size:

Condition:

Issue: Federal jurisdiction over /treatment of POM materials in ongoing Hearst Museum Inventory of its collections relative to Native American Graves Protection and Repatriation act, (NAGPRA).

* Howard Collection

Date: circa 1960.

Human remains: one (1) ulna.

Current repository: Museum of Natural History, 166 Forest Ave., Pacific Grove, California.

Size: less than 1 cubic foot.

Condition: good.

* King Collection; Date: Feb. 25, 1967.

Human remains: none observed;

Current repository: unknown, thought to be Cal. State Univ. San Francisco.

Size: less than one (1) cubic foot.

Condition: unknown.

Issue: Whereabouts unknown, Thomas F. King recalls artifacts deposited at San Francisco State Univ.

* Carmel Valley Historical Society (CVHS) Collection

Date: Nov 5, 1967.

Human remains: none;

Current repository: CVHS, P.O. Box 858, Carmel Valley, CA 93924

Original collection done by Donald Howard, Monterey County Archaeological Society.

Size: ca. 4 cubic feet.

Condition: good.

Issue: Collection needs permanent curation to current 36 CFR 79 standards.

* Pritchard Collection

Date: November 1967.

Human remains: Seven burials in the "El Castillo" area, with shell material, tools, etc.;

Current repository: California State Department of Parks and Recreation, State wide Collections Development, 2420 Port St., Sacramento, California.

Size: ca. 30.8 cubic feet.

Condition: good.

Issues: Original field notes are missing. Burial inventory accuracy could not be verified by CRMS.

* Douglas Collection

Date: December 20, 1978.

Human remains: none observed.

Current repository: San Diego Archaeological Center
16666 San Pasqual Valley Road
Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: less than 1.0 cubic foot.

Condition: good.

* Ellison Collection (auger test)

Date: 1978-79.

Human remains: unknown

Current repository: Biosystems Analysis, Inc., 303 Potrero St., Santa Cruz, CA 95060

Size: unknown

Condition: unknown

Issues: unknown contents, size, condition of materials. Not catalogued when collected.

* ERA Collection (Environmental Research Archaeologists) auger test

Date: Jan. 6, 1979.

Human remains: none observed

Current repository: San Diego Archaeological Center
16666 San Pasqual Valley Road
Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: less than 1.0 cubic feet.

Condition: poor.

Issues: collection not coordinated or processed when collected. One bag, #3 is missing, may be in Ellison collection

*** POM (ACRS) - Museum Collection**

Date: Jan-Feb, 1985.

Human remains: none.

Previous repository: POM Museum.

Current repository: 7th Inf. Div., Fort Lewis / TRADOC.

Size: less than one cubic foot.

Condition: good.

Issues: POM Museum closed, City to reopen. May want the articles for display. A "Spanish coin" is included in collection, probably the one missing from ACRS Collection (item 101-750).

CA-MNT-298; POM (ACRS) Collection

Date: Nov-Dec 1992.

Human remains: none observed.

Current repository: San Diego Archaeological Center

16666 San Pasqual Valley Road

Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: less than one cubic foot.

Condition: fair.

Issue: Site located outside of Federal boundary, permanent curation is an issue.

CA-MNT-697; FWARG (Far Western Anthropological Research Group) Collection

Date: October 1984.

Human remains: none observed.

Current repository: San Diego Archaeological Center

16666 San Pasqual Valley Road

Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: less than one cubic foot.

Condition: good.

CA-MNT-930; FWARG Collection

Date: October 1984.

Human remains: none observed.

Current repository: San Diego Archaeological Center

16666 San Pasqual Valley Road

Escondido, CA 92027-7001

POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org

Size: less than one cubic foot.
Condition: good.

CA-MNT-931; FWARG Collection

Date: Oct 1984.
Human remains: none observed.
Current repository: San Diego Archaeological Center
16666 San Pasqual Valley Road
Escondido, CA 92027-7001
POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org
Size: less than one cubic foot.
Condition: good.

CA-MNT-932; FWARG Collection

Date: Oct 1984.
Human remains: none observed
Current repository: San Diego Archaeological Center
16666 San Pasqual Valley Road
Escondido, CA 92027-7001
POC is Cindy Stankowski, Director, 760-291-0370, FAX, 760-291-0371,
email address: cstankowski@sandiegoarchaeology.org
Size: less than one cubic foot.
Condition: good.

Royal Presidio Collection

Date: 28 April 1981
Human remains:
Current repository:
Size:
Condition:

Sites Adjacent to the Presidio include: Sites CA-MNT-108 and 298.

- During the archival research conducted for the POM (Aug. 1997), two additional sites near POM property were noted as having produced human skeletal remains. Extensive research into these two sites, CA-Mnt-108 and Ca-Mnt-298, has documented that no human remains have been excavated from POM property other than the material collected from CA-Mnt-101.
- Site CA-Mnt-108 extends from the edge of POM to the Custom House and Custom House Plaza in the City of Monterey. At least five burials are recorded to have been collected from site CA-Mnt-108 by Beardsley in 1946 (Breschini and Haversat; Archives of California Prehistory. Coyote Press, Salinas, 1989). These burials were not collected from POM property, but from the portion of the site

that extends to California DPR property. Beardsley's collection is curated by PAHMA, and NAGPRA compliance for the material is the responsibility of those two institutions.

- Site CA-Mnt-298 is adjacent to both CA-Mnt-101 and CA-Mnt-108. Only a small portion of CA-Mnt-298 is located on POM property. The primary investigations at CA-Mnt-298 were conducted by Archeological Resource service in 1977. During this work, two burials were encountered, however, they were left in situ and are not located on POM grounds (Breschini and Haversat 1989:23, personal communication, William Roop ARS.)
- Site of the original Royal Presidio of Monterey, est. 1770 by the Spanish, is located on Camino El Estero in Monterey. The site is archeologically significant for prehistoric inhabitants (Costanoan Indians) and the granite and shale footings of the Royal Presidio dating to 1778. On this site is constructed the Armed Forces YMCA building that was part of the United Services Organization facility for soldiers serving during WWII. The 1941 building is currently leased to the National Board of Young Men's Christians Association.

Appendix VI

Landscape Environments

See: Guidelines for Documenting and Evaluating Historic Military Landscapes: An Integrated Landscape Approach. ..\..\Historic Landscape guide.doc

Appendix VII

Monuments, Memorials, Historic Properties and Roads

Historic Roads

Historic Roads listed from Page and Turnbull, Historic Architects, Historic Preservation Plan, (HPP, 1994). Roads may be identified on map, pg. 37 in the 1994 HPP.

Lewis Road	Patton Ave.
Kit Carson	Artillery St.
Fitch Ave.	Infantry St.
Colton Ave.	Army St.
Sierra Ave.	Sgt. Beans
Plummer St.	

Monuments, Memorials, and Historic Properties

Historic Properties leased; City of Monterey (lease # DACA05-1-96-554, Sacramento District COE, September 4, 1996).

- El Castillo (1793) - A Spanish fort built for the defense of Monterey Bay; CA-Mnt-101.
- Prehistoric Native American Village site (CA-Mnt-101) composed of contiguous family sites (to 1770). These archaeological remains are located throughout the lease site and under the remains of El Castillo.
- Fort Mervine (1846) was constructed by the U.S. Army to defend Monterey after California was won from Mexico. The original fort was diamond-shaped and 650 ft. X 400 ft. named after the commander of the first landing party. Lt. E.O.C. Ord and Engineer Lt. Halleck were involved with the construction of the fort. Located on the remaining earthen parapets of Fort Mervine are an 1846 mountain howitzer and four 1863 Civil War siege cannons. The fort was reactivated for 1-1/2 years during the Civil War.
- Alex Niño grave marker (1975) is considered the site of the first non-Native American burial in Monterey. Alex Niño was a ship's caulker of African descent. The burial site is in the vicinity of the marker.
- Artillery Street Entrance Gate (1902) - the original gate site. There were two known wooden gates, the first gate about 1902; the second built in the 1920's, currently graced with modern chain-link. The fence and gate were rebuilt in 2002 to recreate the latter.

- No. 102 - Serra Monument (Celtic Cross - City of Monterey monument on the POM).
- No. 109 - Serra Monument, donated by Mrs. Leland Stanford (1891) the granite and iron sculpture commemorates the original occupation of the Presidio of Monterey by the Spanish and Fray Serra's first mass in the Monterey area.
- No. 152 - Sloat Monument (1910) commemorates the 1846 landing of Commodore Sloat in Monterey to take possession of Monterey for the United States.
- No. 108 - Bouchard Monument (non-Contributing) commemorates the brief appearance and occupation of Monterey by the Argentinean privateer Hippolyte Bouchard.

Historic Properties outside of leased areas:

No. 301 - High Street Gate Structure

Note: The Historic Resources Inventory (HPP, Page and Turnbull, 1994) for these historic properties is a good reference for information. The City of Monterey prepared a draft master plan for the lower POM Monterey Historic Interpretive Park in 2003. The final plan completion date is expected to be in 2004.

Resource Assessment Priorities

- Develop ICRMP
- Manage/implement ICRMP
- Coordinate cultural resources management with other installation offices
- Advise/ educate other installation offices, enlisted personnel, tenants, contractors, and guests on cultural resource issues
- Develop agreement documents and standard operating procedures
- Foster partnerships with outside entities (local city governments, universities, SHPO, Native American groups, etc.)
- Monitor resource condition and management compliance
- Develop procedures for handling unanticipated / un-funded requirements

Economic Analysis

As stated in the DoD Instruction 4715.3, D.3.e "an economic analysis shall be conducted on all National Register eligible historic properties that are being considered for demolition and replacement (Section 2825 of 10 U.S.C., (reference (f)). The economic analysis should include an evaluation of life-cycle maintenance costs, utility costs, replacement costs, and other pertinent factors."

DoD Instruction 4715.3, F.3.c states that "if the economic analysis demonstrates that revitalization cost of historic properties exceeds 70 percent of replacement cost, replacement construction may be used. However, the 70 percent value may be exceeded where the significance of a particular historic structure warrants special attention, or if warranted by long-term life cycle cost comparisons. An assessment of new construction

must evaluate life-cycle maintenance cost and replacement cost as alternatives for consideration by the decision-maker. Replacement costs shall not be based on replacement in kind, but shall be based on a design that is architecturally compatible with the historic property. Federal Agencies are required to make maximum reuse of historic buildings before disposal, new construction, or leasing (Section 470 et seq. Of 16 U.S.C., reference (h)). If the building to be disposed of is historic, potential reuses of the building must be analyzed prior to making a decision to dispose of it."

Appendix VIII

Programmatic Agreement

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING ROUTINE MAINTENANCE OF HISTORIC PROPERTIES AT THE
PRESIDIO OF MONTEREY

WHEREAS, the United States Army (Army) has determined that the routine maintenance of historic buildings, structures, and grounds at the Presidio of Monterey (POM) may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (Register) and has consulted the Advisory Council on Historic Preservation (Council) and the California State Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 USC 470f) and Section 110 of the same Act (16 USC 470h-2); and

WHEREAS, the definitions for routine maintenance, maintenance, repair, and replacement in kind given in Appendix A are applicable throughout this Programmatic Agreement;

NOW, THEREFORE, the Army, the Council, and the SHPO agree that the routine maintenance of historic properties at the Presidio of Monterey shall be administered in accordance with the following stipulations to satisfy the Army's Section 106 responsibilities for all individual undertakings of the program covered by this Programmatic Agreement.

Stipulations

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

1. Actions described in Appendix B, "Actions Not Requiring Further Consultation," may proceed with no further consultation with the SHPO or the Council.
2. At least one direct supervisor of the work to be accomplished under this agreement will have received a minimum of 30 hours of training in preservation maintenance within 6 months after execution of this document by all parties. At least one additional maintenance worker will receive a minimum of 30 hours of such training during every 12 month period thereafter. A course syllabus and a certificate of training will be included in the maintenance log specified in paragraph 6. below.
3. The Army shall consult with the SHPO and the Council on all undertakings subject to review pursuant to 36 CFR 800, with the exception of activities listed in Appendix B as exemptions to further consultation. Should the Army, in the process of

carrying out any action listed in Appendix B, find that it has the potential to affect a previously unknown property that may be eligible for the Register or that the action will affect a known historic property in an unanticipated manner, the Army will cease work on only those portions of the action that have the potential to affect the property and proceed in accordance with 36 CFR Part 800.11(b).

4. The SHPO will be afforded thirty (30) days after receipt to comment on any documentation submitted by the Army under the terms of this Agreement. Should the SHPO decline to participate or fail to respond within thirty (30) days to a written request for participation, the Army shall consult with the Council to complete its responsibilities under Section 106.

5. The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The Army will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

6. The Army will maintain a log, by building or facility number, of those actions listed in Appendix B that are undertaken without further consultation with the SHPO or the Council. The log will include, at a minimum, a complete description of each action and clear, unobstructed, photographs documenting the full extent of the action, before and after the action is undertaken, at each individual building/facility. The log will also include concise descriptions of all undertakings on the POM which were reviewed separately, including the SHPO and Council file numbers, so that the incremental effects of all work can be considered.

7. The Army will prepare an annual report, first due on June 15, 1994, on its implementation of this Programmatic Agreement and, concurrently, provide this report to the SHPO and the Council for review, comment and consultation as needed. The annual report shall include information on the undertakings considered under this Agreement and make recommendations for modifications that may increase its effectiveness. Copies of the log maintained in accordance with Stipulation 6, above, will be included as an appendix to the annual report.

8. If any party to this Agreement determines that its terms cannot be met or believes an amendment or addendum necessary, that party shall immediately request the consulting parties to consider an amendment or addendum to the Agreement. Such amendment or addendum shall be executed in the same manner as the original Agreement. No amendment or addendum to this Agreement will go into effect without written concurrence of all consulting parties.

9. Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to all other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Army will comply with 36 CFR Section 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

10. Should the SHPO or the Council object within thirty (30) days to any actions pursuant to this Agreement, the Army shall consult with the objecting party to resolve the objection. If the Army determines that the objection cannot be resolved, the Army shall forward all documentation relevant to the dispute to the Council, the Council will either:

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

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

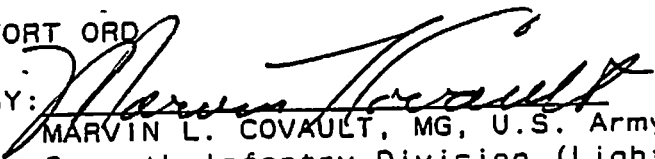
Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. The Army's responsibility to carry out all actions under this agreement that are not subject to dispute will remain unchanged.

11. In the event the Army does not carry out the terms of this Programmatic Agreement, the Army will comply with 36 CFR sections 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and Implementation of this Programmatic Agreement evidences that the Army has satisfied its Section 106 responsibilities for all individual undertakings of the program.

FORT ORD

BY:


MARVIN L. COVAULT, MG, U.S. Army, Commanding General,
Seventh Infantry Division (Light) and Fort Ord

DATE:

15 Mar 93

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

BY:


NAME AND TITLE:

DATE:

May 13, 1993

DEPARTMENT OF THE ARMY

BY: _____
NAME AND TITLE:

DATE: _____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: Robert D. Bush
NAME AND TITLE: Robert D. Bush
Executive Director

DATE: 6/16/93

APPENDIX A

DEFINITION OF TERMS USED IN THIS AGREEMENT

In addition to the terms defined here, and unless otherwise indicated, all definitions given in 36 CFR 800.2 will be accepted for the purpose of this agreement.

1. Routine maintenance: Routine maintenance will include interior and exterior maintenance and repair.
2. Maintenance: Maintenance is recurring day to day or periodic work required to continue use of a facility. It includes work undertaken to prevent damage or deterioration.
3. Repair: Repair includes overhauling, refinishing or reprocessing constituent parts or material of a facility in order to continue effective current use. It includes replacement in kind when new materials and design exactly match existing materials and design.
4. Replacement in Kind: Repair of features through small scale replacement with materials exactly matching in size, configuration, material, color, and construction only those parts of the historic fabric that have deteriorated beyond repair. Replacement of entire features or replacement of materials for cosmetic reason is not within the scope of this agreement.

APPENDIX B

ACTIONS NOT REQUIRING FURTHER CONSULTATION

The following actions will not require further consultation with the SHPO or the Council:

A. Architectural Elements:

1. Doors:

a. Repair of existing materials.

b. Replacement in kind when beyond repair and done in kind to match the existing material and form.

2. Footings, Foundation and Retaining Walls:

a. Repair of existing materials.

b. Replacement of those portions that have deteriorated beyond repair when done in kind to exactly match the existing materials and form. Any associated mortar replacement shall be with a mortar mix that exactly matches historic mortar mixes.

3. Glass:

a. Replacement of broken clear glass with clear glass of similar thickness when no modification or damage to adjacent surfaces will result.

4. Roofs:

a. Repair or replacement of roofs or parts of roofs that have deteriorated, when done in kind to match the existing material and design. Adequate anchorage of the roofing material to guard against wind damage and moisture penetration shall be provided.

5. Window frames and sash:

a. Repair of window frames by patching, splicing, consolidating or otherwise reinforcing or replacing in kind those parts that are either extensively deteriorated or missing. No change in the exterior or interior appearance or the operation of the window shall result.

b. Adjusting counterweights.

6. Wood siding, trim, porch decking, porch rails, joists, columns, and stairs (including framing):

a. Repair of existing materials.

b. Replacement in kind of only those elements that are beyond repair when done in kind to exactly match existing material and design.

B. Surfaces:

1. Painting interior or exterior surfaces when the new paint matches the existing or original color. Damaged or deteriorated paint may be removed to the next sound layer by hand scraping or hand sanding. Abrasive methods, such as sandblasting and waterblasting, are not allowed.

2. Replacement or installation of caulking and weatherstripping around windows, doors walls, and roofs.

C. Interior Elements:

1. Floor covering:

a. Repair and replacement of existing floor coverings, when done in kind to match existing material and design.

2. Floor refinishing.

3. Historic cabinets:

a. Repair of existing materials.

b. Replacements of those elements that have deteriorated beyond repair when done in kind to exactly match the existing material and design.

4. Kitchens and bathrooms:

a. Replacement of appliances, cabinets and fixtures that are less than 45 years old (e.g., ranges, refrigerators, kitchen cabinets and bathroom fixtures). When associated historic cabinets are intact, the cabinets will be retained in place. Historic plumbing fixtures shall be retained.

b. Replacement of contemporary kitchen and bathroom accessories such as medicine cabinets, towel bars and toothbrush holders. Historic accessories shall be retained.

D. Utility Systems:

1. Installation of mechanical equipment that is not visible and/or will not require the installation of ductwork.
2. Replacement, removal or the upgrading of electrical wiring.
3. Replacement, removal or upgrading of water and plumbing systems when historic features such as handpumps are left in place. Historic plumbing fixtures shall be retained.

E. Surrounding Features:

1. Replacement of signs in kind.
2. Ongoing maintenance of existing landscaping, including removal of dead, diseased, or hazardous vegetation.
3. Removal of animal or bird debris without damaging adjacent surfaces.
4. Repair or replacement of driveways and walkways done in kind to match existing materials and design.
5. Repair or replacement of fencing done in kind to match existing material and design.

F. New Materials:

1. Installation of dry insulation provided an analysis of vapor migration has been made and vapor barriers are installed to prevent the retention of moisture within the installation or the building assembly.
2. Installation of dead bolts, door locks, window latches and door peep holes.
3. Installation of fire and smoke detectors.
4. Installation of carpet over existing vinyl and/or vinyl asbestos flooring.
5. Replacing of existing vinyl and/or vinyl asbestos floor tiles with sheet vinyl flooring.

G. Ground Disturbing Activities:

Except in the area indicated on the map at Appendix C as "Historic Preserve" the following actions shall be exempt from review:

1. Installation of utilities, such as sewer, water, storm, electrical, and gas lines, where installation is restricted to the areas previously disturbed by installation of these utilities.
2. Tree removal when the trees are dead, diseased or hazardous.
3. Excavation for the repair or replacement of building footings or foundation work within two feet of existing footings, foundations or retaining walls.

Within the area indicated on the map at Appendix C as "Historic Preserve" the following exemption shall apply:

1. Urgent repairs of existing utility systems. Extensive and/or scheduled ground disturbing utility repairs will be permitted only under the direct supervision of an Archeologist meeting standards defined in Army Regulation 420-4 (Historic Preservation).

H. Non-Historic Building within the Viewshed of Historic Properties:

1. All interior maintenance, repair or renovation.
2. Exterior maintenance and repair that does not result in a change to the overall appearance of the building or a change to the color of materials.

I. Landscape Maintenance:

1. Removal of vines that are damaging building materials by destroying the plant at the root and gently removing the vine after the plant has died and dried.
2. Grass cutting
3. Hedge trimming
4. Tree pruning

APPENDIX IX

Historic Building Condition Assessment Definitions

The following supplementary material provides definitions of Work Priorities, Building Condition and Feature Condition. The similarity of each definition is readily apparent and enforces the inter-relatedness of each definition. These definitions are paired with GREEN, AMBER, or RED keywords for ease in transition to numerical requirements for Installation Status Reports (ISR).

Work Priorities/Deficiencies

A **CRITICAL** deficiency of an element exists where:

- a. there is advanced deterioration that has resulted in the failure of the building element or will result in the failure of the building element if not corrected within two years, and/or
- b. there is accelerated deterioration of adjacent or related building materials as a result of the element's deficiency, and/or
- c. there is a threat to the health and/or safety of the user.

Critical deficiencies can include, but are not limited to: undersized floor joists which are inadequate for the load of the building, leaking roof, failed drainage system, or a furnace located in an unprotected crawl space.

ISR category: **RED**.

A **SERIOUS** deficiency of an element exists where:

- d. there is deterioration which, if not corrected within 2-5 years, will result in the failure of the building element, and/or
- e. a threat to the health and/or safety of the user may occur within 2-5 years if the deterioration is not corrected, and/or
- f. there is deterioration of adjacent or related building materials and/or systems as a result of the element's deficiency, and/or
- g. there is a failure to meet a legislative requirement.

Serious deficiencies can include, but are not limited to: an old electrical system that is inadequate for present use, inadequate ventilation of the crawl space, a public building which is not accessible to the handicapped.

ISR category: **AMBER**.

A **MINOR** deficiency of an element exists where:

- h. standard preventive maintenance practices and building conservation methods have not been followed, and/or
- i. there is a reduced life expectancy of affected or related building materials and/or systems, and/or
- j. there is a condition with long-term impact beyond 5 years.

Minor deficiencies can include, but are not limited to cracked window glass, cracked plaster on interior wall surfaces.

ISR category: GREEN

GOOD: There are no deficiencies that and where:

- k. standard preventive maintenance practices and building conservation methods have been followed and are effective, and/or
- l. normal life expectancy of affected or related building materials is occurring
- m. no conditions exist with long-term impact beyond 5 years.

Building Condition

ISR category: GREEN.

GOOD: There are either no maintenance problems, or the maintenance requirements that do exist are only cosmetic in nature, and will not lead to more the serious deterioration of other building features. In general, the building needs only routine maintenance.

ISR category: AMBER.

FAIR: There are early signs of wear, failure, or deterioration of the building, although the building is generally structurally sound. Moderate to severe deterioration of nonstructural elements are evident, but no more than approximately 25% of these nonstructural features. The deterioration of non-structural elements is such that if not repaired within the next 5 years may lead to the deterioration of structural elements.

ISR category: RED.

POOR: There is deterioration of structural elements that if not repaired within the next 12 months may lead to catastrophic failure and loss of the historic resource. There may be moderate to severe deterioration of non-structural features as well.

Feature Condition

A building feature is a component that makes up the structure, finishes and systems of a building. Feature elements are as diverse as windows, roof, structural elements, finish materials, decorative elements such as door and window trim or mantelpieces, mechanical and electrical systems and their individual components. In assessing the overall condition of a building, a comprehensive inspection will look at each feature or element of a building.

An element is evaluated as **GOOD/GREEN** when:

- a. The element is intact, structurally sound and performing its intended purpose.
- b. There are few or no cosmetic imperfections.
- c. The element needs no repair and only minor or routine maintenance.

An element is evaluated as **FAIR/AMBER** when:

- d. There are early signs of wear, failure, or deterioration, though the element is generally structurally sound and performing its intended purpose.
- e. There is failure of a sub-component of the element.
- f. Replacement of up to 25% of the element or replacement of a defective subcomponent is required.

An element is evaluated as **POOR/RED** when:

- g. The element is no longer performing its intended purpose.
- h. The element is missing.
- i. Deterioration of damage affects more than 25% of the element and cannot be adjusted or repaired.
- j. The element shows signs of imminent failure or breakdown.
- k. The element requires major repair or replacement.

Appendix X

Section 106 Regulations of the National Historic Preservation Act

[skip general nav links](#)[skip specific nav links](#)[Home](#) ➡ [Working with Section 106](#) ➡ [Users Guide](#) ➡ [Section 106 Regulations](#)[About ACHP](#)[ACHP News](#)[National Historic Preservation Program](#)[Working with Section 106](#)[Federal, State, & Tribal Programs](#)[Training & Education](#)[Publications](#)[§ 1](#)

Section 106 Regulations

(Effective January 11, 2001)

What follows are the Section 106 regulations, 36 CFR Part 800 ("Protection of Historic Properties"), of the National Historic Preservation Act.

For the preamble, [click here](#).

[Also available with the preamble (42 pages total) in Adobe Acrobat (PDF) format]

36 CFR PART 800—PROTECTION OF HISTORIC PROPERTIES

Subpart A—Purposes and Participants

Sec.

800.1 Purposes.

800.2 Participants in the Section 106 process.

Subpart B—The Section 106 Process

800.3 Initiation of the Section 106 process.

800.4 Identification of historic properties.

800.5 Assessment of adverse effects.

800.6 Resolution of adverse effects.

800.7 Failure to resolve adverse effects.

800.8 Coordination with the National Environmental Policy Act.

800.9 Council review of Section 106 compliance.

800.10 Special requirements for protecting National Historic Landmarks.

800.11 Documentation standards.

800.12 Emergency situations.

800.13 Post-review discoveries.

Subpart C—Program Alternatives

800.14 Federal agency program alternatives.

800.15 Tribal, State, and local program alternatives. [Reserved]

800.16 Definitions.

Appendix A to Part 800—Criteria for Council involvement in reviewing individual Section 106 cases

Authority: 16 U.S.C. 470s.

Subpart A—Purposes and Participants

Sect. 800.1 Purposes.

(a) *Purposes of the section 106 process.* Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

(b) *Relation to other provisions of the act.* Section 106 is related to other provisions of the act designed to further the national policy of historic preservation. References to those provisions are included in this part to identify circumstances where they may affect actions taken to meet section 106 requirements. Such provisions may have their own implementing regulations or guidelines and are not intended to be implemented by the procedures in this part except insofar as they relate to the section 106 process. Guidelines, policies, and procedures issued by other agencies, including the Secretary, have been cited in this part for ease of access and are not incorporated by reference.

(c) *Timing.* The agency official must complete the section 106 process "prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license." This does not prohibit agency official from conducting or authorizing nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties. The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.

Sec. 800.2 Participants in the Section 106 process.

(a) *Agency official.* It is the statutory obligation of the Federal agency to fulfill the requirements of section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for section 106 compliance in accordance with subpart B of this part. The agency official has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of section 106 compliance. For the purposes of subpart C of this part, the agency official has the authority to commit the Federal agency to any obligation it may assume in the implementation of a program alternative. The agency official may be a State, local, or tribal government official who has been delegated legal responsibility for compliance with section 106 in accordance with

Federal law.

(1) *Professional standards.* Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary.

(2) *Lead Federal agency.* If more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

(3) *Use of contractors.* Consistent with applicable conflict of interest laws, the agency official may use the services of applicants, consultants, or designees to prepare information, analyses and recommendations under this part. The agency official remains legally responsible for all required findings and determinations. If a document or study is prepared by a non-Federal party, the agency official is responsible for ensuring that its content meets applicable standards and guidelines.

(4) *Consultation.* The agency official shall involve the consulting parties described in paragraph (c) of this section in findings and determinations made during the section 106 process. The agency official should plan consultations appropriate to the scale of the undertaking and the scope of Federal involvement and coordinated with other requirements of other statutes, as applicable, such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act, and agency-specific legislation. The Council encourages the agency official to use to the extent possible existing agency procedures and mechanisms to fulfill the consultation requirements of this part.

(b) *Council.* The Council issues regulations to implement section 106, provides guidance and advice on the application of the procedures in this part, and generally oversees the operation of the section 106 process. The Council also consults with and comments to agency officials on individual undertakings and programs that affect historic properties.

(1) *Council entry into the section 106 process.* When the Council determines that its involvement is necessary to ensure that the purposes of section 106 and the act are met, the Council may enter the section 106 process. Criteria guiding Council decisions to enter the section 106 process are found in appendix A to this part. The Council will document that the criteria have been met and notify the parties to the section 106 process as required by this part.

(2) *Council assistance.* Participants in the section 106 process may seek advice, guidance and assistance from the Council on the

application of this part to specific undertakings, including the resolution of disagreements, whether or not the Council is formally involved in the review of the undertaking. If questions arise regarding the conduct of the section 106 process, participants are encouraged to obtain the Council's advice on completing the process.

(c) *Consulting parties.* The following parties have consultative roles in the section 106 process.

(1) *State historic preservation officer.*

(i) The State historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the act, the SHPO advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taking into consideration at all levels of planning and development.

(ii) If an Indian tribe has assumed the functions of the SHPO in the section 106 process for undertakings on tribal lands, the SHPO shall participate as a consulting party if the undertaking takes place on tribal lands but affects historic properties off tribal lands, if requested in accordance with Sec. 800.3(c)(1), or if the Indian tribe agrees to include the SHPO pursuant to Sec. 800.3(f)(3).

(2) *Indian tribes and Native Hawaiian organizations.*

(i) *Consultation on tribal lands.*

(A) *Tribal historic preservation officer.* For a tribe that has assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the tribal historic preservation officer (THPO) appointed or designated in accordance with the act is the official representative for the purposes of section 106. The agency official shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands.

(B) *Tribes that have not assumed SHPO functions.* When an Indian tribe has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the agency official shall consult with a representative designated by such Indian tribe in addition to the SHPO regarding undertakings occurring on or affecting historic properties on its tribal lands. Such Indian tribes have the same rights of consultation and concurrence that the THPOs are given throughout subpart B of this part, except that such consultations shall be in addition to and on the same basis as consultation with the SHPO.

(ii) *Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations.* Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an

undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party.

(A) The agency official shall ensure that consultation in the section 106 process provides the Indian tribe or Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. It is the responsibility of the agency official to make a reasonable and good faith effort to identify Indian tribes and Native Hawaiian organizations that shall be consulted in the section 106 process. Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.

(B) The Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets, or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies, or limits the exercise of any such rights.

(C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization. Consultation with Indian tribes and Native Hawaiian organizations should be conducted in a manner sensitive to the concerns and needs of the Indian tribe or Native Hawaiian organization.

(D) When Indian tribes and Native Hawaiian organizations attach religious and cultural significance to historic properties off tribal lands, section 101(d)(6)(B) of the act requires Federal agencies to consult with such Indian tribes and Native Hawaiian organizations in the section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations and should consider that when complying with the procedures in this part.

(E) An Indian tribe or a Native Hawaiian organization may enter into an agreement with an agency official that specifies how they will carry out responsibilities under this part, including concerns over the confidentiality of information. An agreement may cover all aspects of tribal participation in the section 106 process, provided that no modification may be made in the roles of other parties to the section 106 process without their consent. An agreement may grant the Indian tribe or Native Hawaiian organization additional rights to participate or concur in agency decisions in the section 106 process beyond those

specified in subpart B of this part. The agency official shall provide a copy of any such agreement to the Council and the appropriate SHPOs.

(F) An Indian tribe that has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act may notify the agency official in writing that it is waiving its rights under Sec. 800.6(c)(1) to execute a memorandum of agreement.

(3) *Representatives of local governments.* A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. Under other provisions of Federal law, the local government may be authorized to act as the agency official for purposes of section 106.

(4) *Applicants for Federal assistance, permits, licenses, and other approvals.* An applicant for Federal assistance or for a Federal permit, license, or other approval is entitled to participate as a consulting party as defined in this part. The agency official may authorize an applicant or group of applicants to initiate consultation with the SHPO/THPO and others, but remains legally responsible for all findings and determinations charged to the agency official. The agency official shall notify the SHPO/THPO when an applicant or group of applicants is so authorized. A Federal agency may authorize all applicants in a specific program pursuant to this section by providing notice to all SHPO/THPOs. Federal agencies that provide authorizations to applicants remain responsible for their government-to-government relationships with Indian tribes.

(5) *Additional consulting parties.* Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

(d) *The public.*

(1) *Nature of involvement.* The views of the public are essential to informed Federal decisionmaking in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

(2) *Providing notice and information.* The agency official must, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decisionmaking.

(3) *Use of agency procedures.* The agency official may use the agency's procedures for public involvement under the National

Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart.

Subpart B—The Section 106 Process

Sec. 800.3 Initiation of the section 106 process.

(a) *Establish undertaking.* The agency official shall determine whether the proposed Federal action is an undertaking as defined in Sec. 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) *No potential to cause effects.* If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

(2) *Program alternatives.* If the review of the undertaking is governed by a Federal agency program alternative established under Sec. 800.14 or a programmatic agreement in existence before January 11, 2001, the agency official shall follow the program alternative.

(b) *Coordinate with other reviews.* The agency official should coordinate the steps of the section 106 process, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act, and agency-specific legislation, such as section 4(f) of the Department of Transportation Act. Where consistent with the procedures in this subpart, the agency official may use information developed for other reviews under Federal, State, or tribal law to meet the requirements of section 106.

(c) *Identify the appropriate SHPO and/or THPO.* As part of its initial planning, the agency official shall determine the appropriate SHPO or SHPOs to be involved in the section 106 process. The agency official shall also determine whether the undertaking may occur on or affect historic properties on any tribal lands and, if so, whether a THPO has assumed the duties of the SHPO. The agency official shall then initiate consultation with the appropriate officer or officers.

(1) *Tribal assumption of SHPO responsibilities.* Where an Indian tribe has assumed the section 106 responsibilities of the SHPO on tribal lands pursuant to section 101(d)(2) of the act, consultation for undertakings occurring on tribal land or for effects on tribal land is with the THPO for the Indian tribe in lieu of the SHPO. Section 101(d)(2)(D)(iii) of the act authorizes owners of properties on tribal lands which are neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe to request the SHPO to participate in the section 106 process in addition to the THPO.

(2) *Undertakings involving more than one State.* If more than one State is involved in an undertaking, the involved SHPOs may agree to designate a lead SHPO to act on their behalf in the section 106 process, including taking actions that would conclude the section 106 process under this subpart.

(3) *Conducting consultation.* The agency official should consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties.

(4) *Failure of the SHPO/THPO to respond.* If the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may either proceed to the next step in the process based on the finding or determination or consult with the Council in lieu of the SHPO/THPO. If the SHPO/THPO re-enters the Section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations.

(d) *Consultation on tribal lands.* Where the Indian tribe has not assumed the responsibilities of the SHPO on tribal lands, consultation with the Indian tribe regarding undertakings occurring on such tribe's lands or effects on such tribal lands shall be in addition to and on the same basis as consultation with the SHPO. If the SHPO has withdrawn from the process, the agency official may complete the section 106 process with the Indian tribe and the Council, as appropriate. An Indian tribe may enter into an agreement with a SHPO or SHPOs specifying the SHPO's participation in the section 106 process for undertakings occurring on or affecting historic properties on tribal lands.

(e) *Plan to involve the public.* In consultation with the SHPO/THPO, the agency official shall plan for involving the public in the section 106 process. The agency official shall identify the appropriate points for seeking public input and for notifying the public of proposed actions, consistent with Sec. 800.2(d).

(f) *Identify other consulting parties.* In consultation with the SHPO/THPO, the agency official shall identify any other parties entitled to be consulting parties and invite them to participate as such in the section 106 process. The agency official may invite others to participate as consulting parties as the section 106 process moves forward.

(1) *Involving local governments and applicants.* The agency official shall invite any local governments or applicants that are entitled to be consulting parties under Sec. 800.2(c).

(2) *Involving Indian tribes and Native Hawaiian organizations.* The agency official shall make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. Such Indian tribe or Native Hawaiian organization that requests in writing to be a consulting party shall be one.

(3) *Requests to be consulting parties.* The agency official shall consider all written requests of individuals and organizations to participate as consulting parties and, in consultation with the SHPO/THPO and any Indian tribe upon whose tribal lands an undertaking occurs or affects historic properties, determine which should be consulting parties.

(g) *Expediting consultation.* A consultation by the agency official with the SHPO/THPO and other consulting parties may address multiple steps in Secs. 800.3 through 800.6 where the agency official and the SHPO/THPO agree it is appropriate as long as the consulting parties and the public have an adequate opportunity to express their views as provided in Sec. 800.2(d).

Sec. 800.4 Identification of historic properties.

(a) *Determine scope of identification efforts.* In consultation with the SHPO/THPO, the agency official shall:

(1) Determine and document the area of potential effects, as defined in Sec. 800.16(d);

(2) Review existing information on historic properties within the area of potential effects, including any data concerning possible historic properties not yet identified;

(3) Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties; and

(4) Gather information from any Indian tribe or Native Hawaiian organization identified pursuant to Sec. 800.3(f) to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the National Register, recognizing that an Indian tribe or Native Hawaiian organization may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to Sec. 800.11(c).

(b) *Identify historic properties.* Based on the information gathered under paragraph (a) of this section, and in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to properties within the area of potential effects, the agency official shall take the steps necessary to identify historic properties within the area of potential effects.

(1) *Level of effort.* The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. The agency official shall take into account past planning, research and studies, the magnitude and

nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The Secretary's standards and guidelines for identification provide guidance on this subject. The agency official should also consider other applicable professional, State, tribal, and local laws, standards, and guidelines. The agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process.

(2) *Phased identification and evaluation.* Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to Sec. 800.6, a programmatic agreement executed pursuant to Sec. 800.14(b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to Sec. 800.8. The process should establish the likely presence of historic properties within the area of potential effects for each alternative or inaccessible area through background research, consultation and an appropriate level of field investigation, taking into account the number of alternatives under consideration, the magnitude of the undertaking and its likely effects, and the views of the SHPO/THPO and any other consulting parties. As specific aspects or locations of an alternative are refined or access is gained, the agency official shall proceed with the identification and evaluation of historic properties in accordance with paragraphs (b)(1) and (c) of this section.

(c) *Evaluate historic significance.*

(1) Apply National Register criteria. In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified properties and guided by the Secretary's standards and guidelines for evaluation, the agency official shall apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility. The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible. The agency official shall acknowledge that Indian tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

(2) *Determine whether a property is eligible.* If the agency official determines any of the National Register criteria are met and the SHPO/THPO agrees, the property shall be considered eligible for the National Register for section 106 purposes. If the agency official determines the criteria are not met and the SHPO/THPO agrees, the property shall be considered not eligible. If the agency official and the SHPO/THPO do not agree, or if the Council or the Secretary so request,

the agency official shall obtain a determination of eligibility from the Secretary pursuant to 36 CFR part 63. If an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to a property off tribal lands does not agree, it may ask the Council to request the agency official to obtain a determination of eligibility.

(d) Results of identification and evaluation.

(1) No historic properties affected. If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in Sec. 800.16(i), the agency official shall provide documentation of this finding, as set forth in Sec. 800.11(d), to the SHPO/THPO. The agency official shall notify all consulting parties, including Indian tribes and Native Hawaiian organizations, and make the documentation available for public inspection prior to approving the undertaking. If the SHPO/THPO, or the Council if it has entered the section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under section 106 are fulfilled.

(2) Historic properties affected. If the agency official finds that there are historic properties which may be affected by the undertaking or the SHPO/THPO or the Council objects to the agency official's finding under paragraph (d)(1) of this section, the agency official shall notify all consulting parties, including Indian tribes or Native Hawaiian organizations, invite their views on the effects and assess adverse effects, if any, in accordance with Sec. 800.5.

Sec. 800.5 Assessment of adverse effects.

(a) Apply criteria of adverse effect. In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) Criteria of adverse effect. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(2) Examples of adverse effects. Adverse effects on historic properties include, but are not limited to:

(i) Physical destruction of or damage to all or part of the property;

(ii) 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's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines;

(iii) Removal of the property from its historic location;

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

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

(vi) 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

(vii) 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.

(3) *Phased application of criteria.* Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process in applying the criteria of adverse effect consistent with phased identification and evaluation efforts conducted pursuant to Sec. 800.4(b)(2).

(b) *Finding of no adverse effect.* The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

(c) *Consulting party review.* If the agency official proposes a finding of no adverse effect, the agency official shall notify all consulting parties of the finding and provide them with the documentation specified in Sec. 800.11(e). The SHPO/THPO shall have 30 days from receipt to review the finding.

(1) *Agreement with finding.* Unless the Council is reviewing the finding pursuant to Sec. 800.5(c)(3), the agency official may proceed if the SHPO/THPO agrees with the finding. The agency official shall carry out the undertaking in accordance with Sec. 800.5(d)(1). Failure of the SHPO/THPO to respond within 30 days from receipt of the

finding shall be considered agreement of the SHPO/THPO with the finding.

(2) Disagreement with finding.

(i) If the SHPO/THPO or any consulting party disagrees within the 30-day review period, it shall specify the reasons for disagreeing with the finding. The agency official shall either consult with the party to resolve the disagreement, or request the Council to review the finding pursuant to paragraph (c)(3) of this section.

(ii) The agency official should seek the concurrence of any Indian tribe or Native Hawaiian organization that has made known to the agency official that it attaches religious and cultural significance to a historic property subject to the finding. If such Indian tribe or Native Hawaiian organization disagrees with the finding, it may within the 30-day review period specify the reasons for disagreeing with the finding and request the Council to review the finding pursuant to paragraph (c)(3) of this section.

(iii) If the Council on its own initiative so requests within the 30-day review period, the agency official shall submit the finding, along with the documentation specified in Sec. 800.11(e), for review pursuant to paragraph (c)(3) of this section. A Council decision to make such a request shall be guided by the criteria in appendix A to this part.

(3) Council review of findings. When a finding is submitted to the Council pursuant to paragraph (c)(2) of this section, the agency official shall include the documentation specified in Sec. 800.11(e). The Council shall review the finding and notify the agency official of its determination as to whether the adverse effect criteria have been correctly applied within 15 days of receiving the documented finding from the agency official. The Council shall specify the basis for its determination. The agency official shall proceed in accordance with the Council's determination. If the Council does not respond within 15 days of receipt of the finding, the agency official may assume concurrence with the agency official's findings and proceed accordingly.

(d) Results of assessment.

(1) *No adverse effect.* The agency official shall maintain a record of the finding and provide information on the finding to the public on request, consistent with the confidentiality provisions of Sec. 800.11(c). Implementation of the undertaking in accordance with the finding as documented fulfills the agency official's responsibilities under section 106 and this part. If the agency official will not conduct the undertaking as proposed in the finding, the agency official shall reopen consultation under paragraph (a) of this section.

(2) *Adverse effect.* If an adverse effect is found, the agency official shall consult further to resolve the adverse effect pursuant to Sec. 800.6.

Sec. 800.6 Resolution of adverse effects.

(a) *Continue consultation.* The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties.

(1) *Notify the Council and determine Council participation.* The agency official shall notify the Council of the adverse effect finding by providing the documentation specified in Sec. 800.11(e).

(i) The notice shall invite the Council to participate in the consultation when:

(A) The agency official wants the Council to participate;

(B) The undertaking has an adverse effect upon a National Historic Landmark; or

(C) A programmatic agreement under Sec. 800.14(b) will be prepared;

(ii) The SHPO/THPO, an Indian tribe or Native Hawaiian organization, or any other consulting party may at any time independently request the Council to participate in the consultation.

(iii) The Council shall advise the agency official and all consulting parties whether it will participate within 15 days of receipt of notice or other request. Prior to entering the process, the Council shall provide written notice to the agency official and the consulting parties that its decision to participate meets the criteria set forth in appendix A to this part. The Council shall also advise the head of the agency of its decision to enter the process. Consultation is conducted in accordance with paragraph (b)(2) of this section.

(iv) If the Council does not join the consultation, the agency official shall proceed with consultation in accordance with paragraph (b)(1) of this section.

(2) *Involve consulting parties.* In addition to the consulting parties identified under Sec. 800.3(f), the agency official, the SHPO/ THPO and the Council, if participating, may agree to invite other individuals or organizations to become consulting parties. The agency official shall invite any individual or organization that will assume a specific role or responsibility in a memorandum of agreement to participate as a consulting party.

(3) *Provide documentation.* The agency official shall provide to all consulting parties the documentation specified in Sec. 800.11(e), subject to the confidentiality provisions of Sec. 800.11(c), and such other documentation as may be developed during the consultation to resolve adverse effects.

(4) *Involve the public.* The agency official shall make information available to the public, including the documentation specified in Sec.

800.11(e), subject to the confidentiality provisions of Sec. 800.11(c). The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking. The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. The agency official should also consider the extent of notice and information concerning historic preservation issues afforded the public at earlier steps in the section 106 process to determine the appropriate level of public involvement when resolving adverse effects so that the standards of Sec. 800.2(d) are met.

(5) *Restrictions on disclosure of information.* Section 304 of the act and other authorities may limit the disclosure of information under paragraphs (a)(3) and (a)(4) of this section. If an Indian tribe or Native Hawaiian organization objects to the disclosure of information or if the agency official believes that there are other reasons to withhold information, the agency official shall comply with Sec. 800.11(c) regarding the disclosure of such information.

(b) *Resolve adverse effects.*

(1) *Resolution without the Council.*

(i) The agency official shall consult with the SHPO/THPO and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects.

(ii) The agency official may use standard treatments established by the Council under Sec. 800.14(d) as a basis for a memorandum of agreement.

(iii) If the Council decides to join the consultation, the agency official shall follow paragraph (b)(2) of this section.

(iv) If the agency official and the SHPO/THPO agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement. The agency official must submit a copy of the executed memorandum of agreement, along with the documentation specified in Sec. 800.11(f), to the Council prior to approving the undertaking in order to meet the requirements of section 106 and this subpart.

(v) If the agency official, and the SHPO/THPO fail to agree on the terms of a memorandum of agreement, the agency official shall request the Council to join the consultation and provide the Council with the documentation set forth in Sec. 800.11(g). If the Council decides to join the consultation, the agency official shall proceed in accordance with paragraph (b)(2) of this section. If the Council decides not to join the consultation, the Council will notify the agency and proceed to comment in accordance with Sec. 800.7(c).

(2) *Resolution with Council participation.* If the Council decides to

participate in the consultation, the agency official shall consult with the SHPO/THPO, the Council, and other consulting parties, including Indian tribes and Native Hawaiian organizations under Sec. 800.2(c)(3), to seek ways to avoid, minimize or mitigate the adverse effects. If the agency official, the SHPO/THPO, and the Council agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement.

(c) *Memorandum of agreement.* A memorandum of agreement executed and implemented pursuant to this section evidences the agency official's compliance with section 106 and this part and shall govern the undertaking and all of its parts. The agency official shall ensure that the undertaking is carried out in accordance with the memorandum of agreement.

(1) *Signatories.* The signatories have sole authority to execute, amend or terminate the agreement in accordance with this subpart.

(i) The agency official and the SHPO/THPO are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(1) of this section.

(ii) The agency official, the SHPO/THPO, and the Council are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(2) of this section.

(iii) The agency official and the Council are signatories to a memorandum of agreement executed pursuant to Sec. 800.7(a)(2).

(2) *Invited signatories.*

(i) The agency official may invite additional parties to be signatories to a memorandum of agreement. Any such party that signs the memorandum of agreement shall have the same rights with regard to seeking amendment or termination of the memorandum of agreement as other signatories.

(ii) The agency official may invite an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties located off tribal lands to be a signatory to a memorandum of agreement concerning such properties.

(iii) The agency official should invite any party that assumes a responsibility under a memorandum of agreement to be a signatory.

(iv) The refusal of any party invited to become a signatory to a memorandum of agreement pursuant to paragraph (c)(2) of this section does not invalidate the memorandum of agreement.

(3) *Concurrence by others.* The agency official may invite all consulting parties to concur in the memorandum of agreement. The signatories may agree to invite others to concur. The refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement.

(4) *Reports on implementation.* Where the signatories agree it is appropriate, a memorandum of agreement shall include a provision for monitoring and reporting on its implementation.

(5) *Duration.* A memorandum of agreement shall include provisions for termination and for reconsideration of terms if the undertaking has not been implemented within a specified time.

(6) *Discoveries.* Where the signatories agree it is appropriate, a memorandum of agreement shall include provisions to deal with the subsequent discovery or identification of additional historic properties affected by the undertaking.

(7) *Amendments.* The signatories to a memorandum of agreement may amend it. If the Council was not a signatory to the original agreement and the signatories execute an amended agreement, the agency official shall file it with the Council.

(8) *Termination.* If any signatory determines that the terms of a memorandum of agreement cannot be or are not being carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it. The agency official shall either execute a memorandum of agreement with signatories under paragraph (c)(1) of this section or request the comments of the Council under Sec. 800.7(a).

(9) *Copies.* The agency official shall provide each consulting party with a copy of any memorandum of agreement executed pursuant to this subpart.

Sec. 800.7 Failure to resolve adverse effects.

(a) *Termination of consultation.* After consulting to resolve adverse effects pursuant to Sec. 800.6(b)(2), the agency official, the SHPO/THPO, or the Council may determine that further consultation will not be productive and terminate consultation. Any party that terminates consultation shall notify the other consulting parties and provide them the reasons for terminating in writing.

(1) If the agency official terminates consultation, the head of the agency or an Assistant Secretary or other officer with major department-wide or agency-wide responsibilities shall request that the Council comment pursuant to paragraph (c) of this section and shall notify all consulting parties of the request.

(2) If the SHPO terminates consultation, the agency official and the Council may execute a memorandum of agreement without the SHPO's involvement.

(3) If a THPO terminates consultation regarding an undertaking occurring on or affecting historic properties on its tribal lands, the Council shall comment pursuant to paragraph (c) of this section.

(4) If the Council terminates consultation, the Council shall notify the agency official, the agency's Federal preservation officer and all consulting parties of the termination and comment under paragraph (c) of this section. The Council may consult with the agency's Federal preservation officer prior to terminating consultation to seek to resolve issues concerning the undertaking and its effects on historic properties.

(b) *Comments without termination.* The Council may determine that it is appropriate to provide additional advisory comments upon an undertaking for which a memorandum of agreement will be executed. The Council shall provide them to the agency official when it executes the memorandum of agreement.

(c) *Comments by the Council.*

(1) *Preparation.* The Council shall provide an opportunity for the agency official, all consulting parties, and the public to provide their views within the time frame for developing its comments. Upon request of the Council, the agency official shall provide additional existing information concerning the undertaking and assist the Council in arranging an onsite inspection and an opportunity for public participation.

(2) *Timing.* The Council shall transmit its comments within 45 days of receipt of a request under paragraph (a)(1) or (a)(3) of this section or Sec. 800.8(c)(3), or termination by the Council under Sec. 800.6(b)(1) (v) or paragraph (a)(4) of this section, unless otherwise agreed to by the agency official.

(3) *Transmittal.* The Council shall provide its comments to the head of the agency requesting comment with copies to the agency official, the agency's Federal preservation officer, all consulting parties, and others as appropriate.

(4) *Response to Council comment.* The head of the agency shall take into account the Council's comments in reaching a final decision on the undertaking. Section 110(l) of the act directs that the head of the agency shall document this decision and may not delegate his or her responsibilities pursuant to section 106. Documenting the agency head's decision shall include:

(i) Preparing a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's comments and providing it to the Council prior to approval of the undertaking;

(ii) Providing a copy of the summary to all consulting parties; and

(iii) Notifying the public and making the record available for public inspection.

Sec. 800.8 Coordination With the National Environmental Policy Act.

(a) *General principles.*

(1) *Early coordination.* Federal agencies are encouraged to coordinate compliance with section 106 and the procedures in this part with any steps taken to meet the requirements of the National Environmental Policy Act (NEPA). Agencies should consider their section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner. The determination of whether an undertaking is a "major Federal action significantly affecting the quality of the human environment," and therefore requires preparation of an environmental impact statement (EIS) under NEPA, should include consideration of the undertaking's likely effects on historic properties. A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA.

(2) *Consulting party roles.* SHPO/THPOs, Indian tribes, and Native Hawaiian organizations, other consulting parties, and organizations and individuals who may be concerned with the possible effects of an agency action on historic properties should be prepared to consult with agencies early in the NEPA process, when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration.

(3) *Inclusion of historic preservation issues.* Agency officials should ensure that preparation of an environmental assessment (EA) and finding of no significant impact (FONSI) or an EIS and record of decision (ROD) includes appropriate scoping, identification of historic properties, assessment of effects upon them, and consultation leading to resolution of any adverse effects.

(b) *Actions categorically excluded under NEPA.* If a project, activity or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to Sec. 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart.

(c) *Use of the NEPA process for section 106 purposes.* An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with section 106 in lieu of the procedures set forth in Secs. 800.3 through 800.6 if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the following standards are met.

(1) *Standards for developing environmental documents to comply with Section 106.* During preparation of the EA or draft EIS (DEIS) the agency official shall:

(i) Identify consulting parties either pursuant to Sec. 800.3(f) or through the NEPA scoping process with results consistent with Sec. 800.3(f);

(ii) Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of Secs. 800.4 through 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;

(iii) Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes, and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

(iv) Involve the public in accordance with the agency's published NEPA procedures; and

(v) Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.

(2) Review of environmental documents.

(i) The agency official shall submit the EA, DEIS, or EIS to the SHPO/THPO, Indian tribes, and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.

(ii) Prior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe or Native Hawaiian organization, another consulting party or the Council may object to the agency official that preparation of the EA, DEIS, or EIS has not met the standards set forth in paragraph (c)(1) of this section or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS, or EIS is inadequate. If the agency official receives such an objection, the agency official shall refer the matter to the Council.

(3) *Resolution of objections.* Within 30 days of the agency official's referral of an objection under paragraph (c)(2)(ii) of this section, the Council shall notify the agency official either that it agrees with the objection, in which case the agency official shall enter into consultation in accordance with Sec. 800.6(b)(2) or seek Council comments in accordance with Sec. 800.7(a), or that it disagrees with the objection, in which case the agency official shall continue its compliance with this section. Failure of the Council to respond within the 30 day period shall be considered disagreement with the objection.

(4) *Approval of the undertaking.* If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop

measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects in accordance with paragraph (c)(1)(v) of this section. The agency official's responsibilities under section 106 and the procedures in this subpart shall then be satisfied when either:

(i) A binding commitment to such proposed measures is incorporated in:

(A) The ROD, if such measures were proposed in a DEIS or EIS; or

(B) An MOA drafted in compliance with Sec. 800.6(c); or

(ii) The Council has commented under Sec. 800.7 and received the agency's response to such comments.

(5) *Modification of the undertaking.* If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment adopted pursuant to paragraph (c)(4) of this section) are carried out, the agency official shall notify the Council and all consulting parties that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in Secs. 800.3 through 800.6 will be followed as necessary.

Sec. 800.9 Council review of section 106 compliance.

(a) *Assessment of agency official compliance for individual undertakings.* The Council may provide to the agency official its advisory opinion regarding the substance of any finding, determination or decision or regarding the adequacy of the agency official's compliance with the procedures under this part. The Council may provide such advice at any time at the request of any individual, agency or organization or on its own initiative. The agency official shall consider the views of the Council in reaching a decision on the matter in question.

(b) *Agency foreclosure of the Council's opportunity to comment.* Where an agency official has failed to complete the requirements of section 106 in accordance with the procedures in this part prior to the approval of an undertaking, the Council's opportunity to comment may be foreclosed. The Council may review a case to determine whether a foreclosure has occurred. The Council shall notify the agency official and the agency's Federal preservation officer and allow 30 days for the agency official to provide information as to whether foreclosure has occurred. If the Council determines foreclosure has occurred, the Council shall transmit the determination to the agency official and the head of the agency. The Council shall also make the determination available to the public and any parties known to be interested in the undertaking and its effects upon historic properties.

(c) *Intentional adverse effects by applicants.*

(1) **Agency responsibility.** Section 110(k) of the act prohibits a Federal agency from granting a loan, loan guarantee, permit, license or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. Guidance issued by the Secretary pursuant to section 110 of the act governs its implementation.

(2) *Consultation with the Council.* When an agency official determines, based on the actions of an applicant, that section 110(k) is applicable and that circumstances may justify granting the assistance, the agency official shall notify the Council and provide documentation specifying the circumstances under which the adverse effects to the historic property occurred and the degree of damage to the integrity of the property. This documentation shall include any views obtained from the applicant, SHPO/THPO, an Indian tribe if the undertaking occurs on or affects historic properties on tribal lands, and other parties known to be interested in the undertaking.

(i) Within thirty days of receiving the agency official's notification, unless otherwise agreed to by the agency official, the Council shall provide the agency official with its opinion as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects.

(ii) The agency official shall consider the Council's opinion in making a decision on whether to grant assistance to the applicant, and shall notify the Council, the SHPO/THPO, and other parties known to be interested in the undertaking prior to granting the assistance.

(3) *Compliance with Section 106.* If an agency official, after consulting with the Council, determines to grant the assistance, the agency official shall comply with Secs. 800.3 through 800.6 to take into account the effects of the undertaking on any historic properties.

(d) *Evaluation of Section 106 operations.* The Council may evaluate the operation of the section 106 process by periodic reviews of how participants have fulfilled their legal responsibilities and how effectively the outcomes reached advance the purposes of the act.

(1) *Information from participants.* Section 203 of the act authorizes the Council to obtain information from Federal agencies necessary to conduct evaluation of the section 106 process. The agency official shall make documentation of agency policies, operating procedures and actions taken to comply with section 106 available to the Council upon request. The Council may request available information and documentation from other participants in the section 106 process.

(2) *Improving the operation of section 106.* Based upon any evaluation of the section 106 process, the Council may make recommendations to participants, the heads of Federal agencies, and the

Secretary of actions to improve the efficiency and effectiveness of the process. Where the Council determines that an agency official or a SHPO/THPO has failed to properly carry out the responsibilities assigned under the process in this part, the Council may participate in individual case reviews conducted under such process in addition to the SHPO/THPO for such period that it determines is necessary to improve performance or correct deficiencies. If the Council finds a pattern of failure by a Federal agency in carrying out its responsibilities under section 106, the Council may review the policies and programs of the agency related to historic preservation pursuant to section 202(a)(6) of the act and recommend methods to improve the effectiveness, coordination, and consistency of those policies and programs with section 106.

Sec. 800.10 Special requirements for protecting National Historic Landmarks.

(a) *Statutory requirement.* Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When commenting on such undertakings, the Council shall use the process set forth in Secs. 800.6 through 800.7 and give special consideration to protecting National Historic Landmarks as specified in this section.

(b) *Resolution of adverse effects.* The agency official shall request the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under Sec. 800.6.

(c) *Involvement of the Secretary.* The agency official shall notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect. The Council may request a report from the Secretary under section 213 of the act to assist in the consultation.

(d) *Report of outcome.* When the Council participates in consultation under this section, it shall report the outcome of the section 106 process, providing its written comments or any memoranda of agreement to which it is a signatory, to the Secretary and the head of the agency responsible for the undertaking.

Sec. 800.11 Documentation standards.

(a) *Adequacy of documentation.* The agency official shall ensure that a determination, finding, or agreement under the procedures in this subpart is supported by sufficient documentation to enable any reviewing parties to understand its basis. The agency official shall provide such documentation to the extent permitted by law and within available funds. When an agency official is conducting phased identification or evaluation under this subpart, the documentation standards regarding description of historic properties may be applied

flexibly. If the Council, or the SHPO/THPO when the Council is not involved, determines the applicable documentation standards are not met, the Council or the SHPO/THPO, as appropriate, shall notify the agency official and specify the information needed to meet the standard. At the request of the agency official or any of the consulting parties, the Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.

(b) *Format.* The agency official may use documentation prepared to comply with other laws to fulfill the requirements of the procedures in this subpart, if that documentation meets the standards of this section.

(c) *Confidentiality.*

(1) *Authority to withhold information.* Section 304 of the act provides that the head of a Federal agency or other public official receiving grant assistance pursuant to the act, after consultation with the Secretary, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to these criteria, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purposes of carrying out the act.

(2) *Consultation with the Council.* When the information in question has been developed in the course of an agency's compliance with this part, the Secretary shall consult with the Council in reaching determinations on the withholding and release of information. The Federal agency shall provide the Council with available information, including views of the SHPO/THPO, Indian tribes and Native Hawaiian organizations, related to the confidentiality concern. The Council shall advise the Secretary and the Federal agency within 30 days of receipt of adequate documentation.

(3) *Other authorities affecting confidentiality.* Other Federal laws and program requirements may limit public access to information concerning an undertaking and its effects on historic properties. Where applicable, those authorities shall govern public access to information developed in the section 106 process and may authorize the agency official to protect the privacy of non-governmental applicants.

(d) *Finding of no historic properties affected.* Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;

(2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to Sec.

800.4(b); and

(3) The basis for determining that no historic properties are present or affected.

(e) Finding of no adverse effect or adverse effect. Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

(2) A description of the steps taken to identify historic properties;

(3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;

(4) A description of the undertaking's effects on historic properties;

(5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and

(6) Copies or summaries of any views provided by consulting parties and the public.

(f) *Memorandum of agreement.* When a memorandum of agreement is filed with the Council, the documentation shall include, any substantive revisions or additions to the documentation provided the Council pursuant to Sec. 800.6(a)(1), an evaluation of any measures considered to avoid or minimize the undertaking's adverse effects and a summary of the views of consulting parties and the public.

(g) *Requests for comment without a memorandum of agreement.* Documentation shall include:

(1) A description and evaluation of any alternatives or mitigation measures that the agency official proposes to resolve the undertaking's adverse effects;

(2) A description of any reasonable alternatives or mitigation measures that were considered but not chosen, and the reasons for their rejection;

(3) Copies or summaries of any views submitted to the agency official concerning the adverse effects of the undertaking on historic properties and alternatives to reduce or avoid those effects; and

(4) Any substantive revisions or additions to the documentation provided the Council pursuant to Sec. 800.6(a)(1).

Sec. 800.12 Emergency situations.

(a) *Agency procedures.* The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of Secs. 800.3 through 800.6.

(b) *Alternatives to agency procedures.* In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:

(1) Following a programmatic agreement developed pursuant to Sec. 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or

(2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.

(c) *Local governments responsible for section 106 compliance.* When a local government official serves as the agency official for section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with Secs. 800.3 through 800.6.

(d) *Applicability.* This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of section 106 and this part.

Sec. 800.13 Post-review discoveries.

(a) *Planning for subsequent discoveries.*

(1) Using a programmatic agreement. An agency official may develop a programmatic agreement pursuant to Sec. 800.14(b) to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking.

(2) *Using agreement documents.* When the agency official's identification efforts in accordance with Sec. 800.4 indicate that historic properties are likely to be discovered during implementation of an undertaking and no programmatic agreement has been developed pursuant to paragraph (a)(1) of this section, the agency official shall include in any finding of no adverse effect or memorandum of agreement a process to resolve any adverse effects upon such properties. Actions in conformance with the process satisfy the agency official's responsibilities under section 106 and this part.

(b) *Discoveries without prior planning.* If historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section, the agency official shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and:

(1) If the agency official has not approved the undertaking or if construction on an approved undertaking has not commenced, consult to resolve adverse effects pursuant to Sec. 800.6; or

(2) If the agency official, the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property agree that such property is of value solely for its scientific, prehistoric, historic or archeological data, the agency official may comply with the Archeological and Historic Preservation Act instead of the procedures in this part and provide the Council, the SHPO/THPO, and the Indian tribe or Native Hawaiian organization with a report on the actions within a reasonable time after they are completed; or

(3) If the agency official has approved the undertaking and construction has commenced, determine actions that the agency official can take to resolve adverse effects, and notify the SHPO/THPO, any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property, and the Council within 48 hours of the discovery. The notification shall describe the agency official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council shall respond within 48 hours of the notification. The agency official shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The agency official shall provide the SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council a report of the actions when they are completed.

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(c) *Eligibility of properties.* The agency official, in consultation with the SHPO/THPO, may assume a newly-discovered property to be eligible for the National Register for purposes of section 106. The agency official shall specify the National Register criteria used to assume the property's eligibility so that information can be used in the resolution of adverse effects.

(d) *Discoveries on tribal lands.* If historic properties are discovered on tribal lands, or there are unanticipated effects on historic properties found on tribal lands, after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section and construction has commenced, the agency official shall comply with applicable tribal regulations and procedures and obtain the concurrence of the Indian tribe on the proposed action.

Subpart C—Program Alternatives

Sec. 800.14 Federal agency program alternatives.

(a) *Alternate procedures.* An agency official may develop procedures to implement section 106 and substitute them for all or part of subpart B of this part if they are consistent with the Council's regulations pursuant to section 110(a)(2)(E) of the act.

(1) *Development of procedures.* The agency official shall consult with the Council, the National Conference of State Historic Preservation Officers, or individual SHPO/THPOs, as appropriate, and Indian tribes and Native Hawaiian organizations, as specified in paragraph (f) of this section, in the development of alternate procedures, publish notice of the availability of proposed alternate procedures in the *Federal Register* and take other appropriate steps to seek public input during the development of alternate procedures.

(2) *Council review.* The agency official shall submit the proposed alternate procedures to the Council for a 60-day review period. If the Council finds the procedures to be consistent with this part, it shall notify the agency official and the agency official may adopt them as final alternate procedures.

(3) *Notice.* The agency official shall notify the parties with which it has consulted and publish notice of final alternate procedures in the *Federal Register*.

(4) *Legal effect.* Alternate procedures adopted pursuant to this subpart substitute for the Council's regulations for the purposes of the agency's compliance with section 106, except that where an Indian tribe has entered into an agreement with the Council to substitute tribal historic preservation regulations for the Council's regulations under section 101 (d)(5) of the act, the agency shall follow those regulations in lieu of the agency's procedures regarding undertakings on tribal lands. Prior to the Council entering into such agreements, the Council will provide Federal agencies notice and opportunity to comment on the proposed substitute tribal regulations.

(b) *Programmatic agreements.* The Council and the agency official may negotiate a programmatic agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings.

(1) *Use of programmatic agreements.* A programmatic agreement may be used:

(i) When effects on historic properties are similar and repetitive or are multi-State or regional in scope;

(ii) When effects on historic properties cannot be fully determined prior to approval of an undertaking;

(iii) When nonfederal parties are delegated major decisionmaking responsibilities;

(iv) Where routine management activities are undertaken at Federal installations, facilities, or other land-management units; or

(v) Where other circumstances warrant a departure from the normal section 106 process.

(2) *Developing programmatic agreements for agency programs.*

(i) The consultation shall involve, as appropriate, SHPO/THPOs, the National Conference of State Historic Preservation Officers (NCSHPO), Indian tribes and Native Hawaiian organizations, other Federal agencies, and members of the public. If the programmatic agreement has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the agency official shall also follow paragraph (f) of this section.

(ii) *Public participation.* The agency official shall arrange for public participation appropriate to the subject matter and the scope of the program and in accordance with subpart A of this part. The agency official shall consider the nature of the program and its likely effects on historic properties and take steps to involve the individuals, organizations and entities likely to be interested.

(iii) *Effect.* The programmatic agreement shall take effect when executed by the Council, the agency official and the appropriate SHPOs/ THPOs when the programmatic agreement concerns a specific region or the president of NCSHPO when NCSHPO has participated in the consultation. A programmatic agreement shall take effect on tribal lands only when the THPO, Indian tribe, or a designated representative of the tribe is a signatory to the agreement. Compliance with the procedures established by an approved programmatic agreement satisfies the agency's section 106 responsibilities for all individual undertakings of the program covered by the agreement until it expires or is terminated by the agency, the president of NCSHPO when a signatory, or the Council. Termination by an individual SHPO/THPO shall only terminate the application of a regional programmatic

agreement within the jurisdiction of the SHPO/THPO. If a THPO assumes the responsibilities of a SHPO pursuant to section 101(d)(2) of the act and the SHPO is signatory to programmatic agreement, the THPO assumes the role of a signatory, including the right to terminate a regional programmatic agreement on lands under the jurisdiction of the tribe.

(iv) *Notice.* The agency official shall notify the parties with which it has consulted that a programmatic agreement has been executed under paragraph (b) of this section, provide appropriate public notice before it takes effect, and make any internal agency procedures implementing the agreement readily available to the Council, SHPO/ THPOs, and the public.

(v) If the Council determines that the terms of a programmatic agreement are not being carried out, or if such an agreement is terminated, the agency official shall comply with subpart B of this part with regard to individual undertakings of the program covered by the agreement.

(3) Developing programmatic agreements for complex or multiple undertakings. Consultation to develop a programmatic agreement for dealing with the potential adverse effects of complex projects or multiple undertakings shall follow Sec. 800.6. If consultation pertains to an activity involving multiple undertakings and the parties fail to reach agreement, then the agency official shall comply with the provisions of subpart B of this part for each individual undertaking.

(4) Prototype programmatic agreements. The Council may designate an agreement document as a prototype programmatic agreement that may be used for the same type of program or undertaking in more than one case or area. When an agency official uses such a prototype programmatic agreement, the agency official may develop and execute the agreement with the appropriate SHPO/THPO and the agreement shall become final without need for Council participation in consultation or Council signature.

(c) *Exempted categories.*

(1) *Criteria for establishing.* An agency official may propose a program or category of agency undertakings that may be exempted from review under the provisions of subpart B of this part, if the program or category meets the following criteria:

(i) The actions within the program or category would otherwise qualify as “undertakings” as defined in Sec. 800.16;

(ii) The potential effects of the undertakings within the program or category upon historic properties are foreseeable and likely to be minimal or not adverse; and

(iii) Exemption of the program or category is consistent with the purposes of the act.

(2) *Public participation.* The agency official shall arrange for public participation appropriate to the subject matter and the scope of the exemption and in accordance with the standards in subpart A of this part. The agency official shall consider the nature of the exemption and its likely effects on historic properties and take steps to involve individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs.* The agency official shall notify and consider the views of the SHPOs/THPOs on the exemption.

(4) *Consultation with Indian tribes and Native Hawaiian organizations.* If the exempted program or category of undertakings has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council review of proposed exemptions.* The Council shall review a request for an exemption that is supported by documentation describing the program or category for which the exemption is sought, demonstrating that the criteria of paragraph (c)(1) of this section have been met, describing the methods used to seek the views of the public, and summarizing any views submitted by the SHPO/THPOs, the public, and any others consulted. Unless it requests further information, the Council shall approve or reject the proposed exemption within 30 days of receipt, and thereafter notify the agency official and SHPO/THPOs of the decision. The decision shall be based on the consistency of the exemption with the purposes of the act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties in accordance with section 214 of the act.

(6) *Legal consequences.* Any undertaking that falls within an approved exempted program or category shall require no further review pursuant to subpart B of this part, unless the agency official or the Council determines that there are circumstances under which the normally excluded undertaking should be reviewed under subpart B of this part.

(7) *Termination.* The Council may terminate an exemption at the request of the agency official or when the Council determines that the exemption no longer meets the criteria of paragraph (c)(1) of this section. The Council shall notify the agency official 30 days before termination becomes effective.

(8) *Notice.* The agency official shall publish notice of any approved exemption in the *Federal Register*.

(d) *Standard treatments.*

(1) *Establishment.* The Council, on its own initiative or at the request of another party, may establish standard methods for the treatment of a category of historic properties, a category of undertakings, or a category

of effects on historic properties to assist Federal agencies in satisfying the requirements of subpart B of this part. The Council shall publish notice of standard treatments in the *Federal Register*.

(2) *Public participation.* The Council shall arrange for public participation appropriate to the subject matter and the scope of the standard treatment and consistent with subpart A of this part. The Council shall consider the nature of the standard treatment and its likely effects on historic properties and the individuals, organizations and entities likely to be interested. Where an agency official has proposed a standard treatment, the Council may request the agency official to arrange for public involvement.

(3) *Consultation with SHPOs/THPOs.* The Council shall notify and consider the views of SHPOs/THPOs on the proposed standard treatment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations.* If the proposed standard treatment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Termination.* The Council may terminate a standard treatment by publication of a notice in the *Federal Register* 30 days before the termination takes effect.

(e) *Program comments.* An agency official may request the Council to comment on a category of undertakings in lieu of conducting individual reviews under Secs. 800.4 through 800.6. The Council may provide program comments at its own initiative.

(1) *Agency request.* The agency official shall identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public.

(2) *Public participation.* The agency official shall arrange for public participation appropriate to the subject matter and the scope of the category and in accordance with the standards in subpart A of this part. The agency official shall consider the nature of the undertakings and their likely effects on historic properties and the individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs.* The Council shall notify and consider the views of SHPOs/THPOs on the proposed program comment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations.* If the program comment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization,

the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council action.* Unless the Council requests additional documentation, notifies the agency official that it will decline to comment, or obtains the consent of the agency official to extend the period for providing comment, the Council shall comment to the agency official within 45 days of the request.

(i) If the Council comments, the agency official shall take into account the comments of the Council in carrying out the undertakings within the category and publish notice in the *Federal Register* of the Council's comments and steps the agency will take to ensure that effects to historic properties are taken into account.

(ii) If the Council declines to comment, the agency official shall continue to comply with the requirements of Secs. 800.3 through 800.6 for the individual undertakings.

(6) *Withdrawal of comment.* If the Council determines that the consideration of historic properties is not being carried out in a manner consistent with the program comment, the Council may withdraw the comment and the agency official shall comply with the requirements of Secs. 800.3 through 800.6 for the individual undertakings.

(f) *Consultation with Indian tribes and Native Hawaiian organizations when developing program alternatives.* Whenever an agency official proposes a program alternative pursuant to paragraphs (a) through (e) of this section, the agency official shall ensure that development of the program alternative includes appropriate government- to-government consultation with affected Indian tribes and consultation with affected Native Hawaiian organizations.

(1) *Identifying affected Indian tribes and Native Hawaiian organizations.* If any undertaking covered by a proposed program alternative has the potential to affect historic properties on tribal lands, the agency official shall identify and consult with the Indian tribes having jurisdiction over such lands. If a proposed program alternative has the potential to affect historic properties of religious and cultural significance to an Indian tribe or a Native Hawaiian organization which are located off tribal lands, the agency official shall identify those Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to such properties and consult with them. When a proposed program alternative has nationwide applicability, the agency official shall identify an appropriate government to government consultation with Indian tribes and consult with Native Hawaiian organizations in accordance with existing Executive orders, Presidential memoranda, and applicable provisions of law.

(2) *Results of consultation.* The agency official shall provide summaries of the views, along with copies of any written comments, provided by affected Indian tribes and Native Hawaiian organizations to the Council as part of the documentation for the proposed program

alternative. The agency official and the Council shall take those views into account in reaching a final decision on the proposed program alternative.

Sec. 800.15 Tribal, State, and local program alternatives.
[Reserved]

Sec. 800.16 Definitions.

(a) *Act* means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470w-6.

(b) *Agency* means agency as defined in 5 U.S.C. 551.

(c) *Approval of the expenditure of funds* means any final agency decision authorizing or permitting the expenditure of Federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

(d) *Area of potential effects* means the geographic 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.

(e) *Comment* means the findings and recommendations of the Council formally provided in writing to the head of a Federal agency under section 106.

(f) *Consultation* means 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 Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

(g) *Council* means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(h) *Day or days* means calendar days.

(i) *Effect* means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

(j) *Foreclosure* means an action taken by an agency official that effectively precludes the Council from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking.

(k) *Head of the agency* means the chief official of the Federal agency

responsible for all aspects of the agency's actions. If a State, local, or tribal government has assumed or has been delegated responsibility for section 106 compliance, the head of that unit of government shall be considered the head of the agency.

(1)(1) *Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

(2) The term *eligible for inclusion in the National Register* includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

(m) *Indian tribe* means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(n) *Local government* means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.

(o) *Memorandum of agreement* means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

(p) *National Historic Landmark* means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

(q) *National Register* means the National Register of Historic Places maintained by the Secretary of the Interior.

(r) *National Register criteria* means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).

(s)(1) *Native Hawaiian organization* means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.

(2) *Native Hawaiian* means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(t) *Programmatic agreement* means a document that records 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 Sec. 800.14(b).

(u) *Secretary* means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(v) *State Historic Preservation Officer (SHPO)* means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

(w) *Tribal Historic Preservation Officer (THPO)* means the tribal official 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 act.

(x) *Tribal lands* means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

(y) *Undertaking* means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out 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.

Appendix A to Part 800—Criteria for Council Involvement in Reviewing Individual Section 106 Cases

(a) *Introduction.* This appendix sets forth the criteria that will be used by the Council to determine whether to enter an individual section 106 review that it normally would not be involved in.

(b) *General policy.* The Council may choose to exercise its authorities under the section 106 regulations to participate in an individual project pursuant to the following criteria. However, the Council will not always elect to participate even though one or more of the criteria may be met.

(c) *Specific criteria.* The Council is likely to enter the section 106 process at the steps specified in the regulations in this part when an undertaking:

(1) *Has substantial impacts on important historic properties.* This may include adverse effects on properties that possess a national level of significance or on properties that are of unusual or noteworthy importance or are a rare property type; or adverse effects to large

numbers of historic properties, such as impacts to multiple properties within a historic district.

(2) *Presents important questions of policy or interpretation.* This may include questions about how the Council's regulations are being applied or interpreted, including possible foreclosure or anticipatory demolition situations; situations where the outcome will set a precedent affecting Council policies or program goals; or the development of programmatic agreements that alter the way the section 106 process is applied to a group or type of undertakings.

(3) *Has the potential for presenting procedural problems.* This may include cases with substantial public controversy that is related to historic preservation issues; with disputes among or about consulting parties which the Council's involvement could help resolve; that are involved or likely to be involved in litigation on the basis of section 106; or carried out by a Federal agency, in a State or locality, or on tribal lands where the Council has previously identified problems with section 106 compliance pursuant to Sec. 800.9(d)(2).

(4) *Presents issues of concern to Indian tribes or Native Hawaiian organizations.* This may include cases where there have been concerns raised about the identification of, evaluation of or assessment of effects on historic properties to which an Indian tribe or Native Hawaiian organization attaches religious and cultural significance; where an Indian tribe or Native Hawaiian organization has requested Council involvement to assist in the resolution of adverse effects; or where there are questions relating to policy, interpretation or precedent under section 106 or its relation to other authorities, such as the Native American Graves Protection and Repatriation Act.

Dated: December 4th, 2000.

John M. Fowler,

Executive Director.

[FR Doc. 00-31253 Filed 12-11-00; 8:45 am]

Posted January 2001

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DEPARTMENT OF DEFENSE**Department of the Army****Availability of the Final Army Alternate Procedures for Protection of Army Historic Properties****AGENCY:** Department of the Army, DoD.**ACTION:** Notice of adoption.

SUMMARY: This notice announces the Department of the Army's adoption of and publishes the final Army Alternate Procedures (AAP) to 36 CFR Part 800: Protection of Army Historic Properties. The Advisory Council on Historic Preservation (Council) approved the AAP for adoption in a roll-call vote at their meeting on July 13, 2001. The AAP is an optional procedure that an installation may choose to adopt to satisfy compliance with Section 106 of the National Historic Preservation Act (NHPA) in lieu of the existing regulations set forth in the Council's regulations at 36 CFR Part 800. The Army and the Council have consulted extensively with State Historic Preservation Officers, Indian tribes and Native Hawaiian organizations, and the

National Trust for Historic Preservation throughout the development of the AAP. The AAP represents a plan-based approach to Section 106 compliance, in contrast to the project-by-project review approach defined in 36 CFR 800 subpart B.

ADDRESSES: To obtain additional copies of the AAP, contact the U.S. Army Environmental Center, ATTN: SFIM-AEC-PA (Mr. Robert DiMichele), Aberdeen Proving Ground, MD 21010-5401.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Foster, 703-693-0675.

SUPPLEMENTARY INFORMATION: The Department of the Army has adopted the final AAP for compliance with Section 106 of the NHPA and for comprehensive management of historic properties on lands owned or controlled by the Department of the Army. The AAP stands in place of the project-by-project review procedures set forth in 36 CFR Part 800. The AAP's leverage the internal policy requiring installations to prepare Integrated Cultural Resource Management Plans (ICRMP) in accordance with Army Regulation 200-4, Cultural Resources Management, as

implemented by more detailed guidance in Department of the Army Pamphlet, 200-4. The AAP authorizes Army Installation Commanders to develop a Historic Property Component (HPC) to the installation's ICRMP. Once certified by the Council, the HPC serves as the installation's Section 106 compliance agreement for a five (5) year period. The installation's Section 106 compliance responsibilities would be met through internal installation implementation of the HPC rather than case-by-case, formalized, external review of individual undertakings as presently required by 36 CFR Part 800. Installations choosing not to develop certified HPCs will continue to review undertakings in accordance with 36 CFR part 800.

Copies of the AAP can also be found on the Council's web site at www.achp.gov/army.html.

Dated: February 25, 2002.

Raymond J. Fatz,

*Deputy Assistant Secretary of the Army
(Environmental, Safety and Occupational
Health), OASA(I&E).*

BILLING CODE 3710-08-M

Appendix XI

Army Alternate Procedures to 36 CFR Part 800

ARMY ALTERNATE PROCEDURES TO 36 CFR PART 800

ADVISORY COUNCIL ON
HISTORIC PRESERVATION



**ARMY ALTERNATE PROCEDURES
TO 36 CFR Part 800**

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Section 1.0: Introduction**1.1 Purpose and Introduction**

(a) *Purpose.* Section 106 of the National Historic Preservation Act (Act) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment on such undertakings. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation between the Army, and consulting parties and the public. The purposes of these alternate procedures are to provide for more efficient, consistent and comprehensive Army compliance with the goals and mandates of section 106 of the Act, to encourage more thoughtful consideration and early planning for historic properties, and to better support the Army's ability to accomplish its national defense mission. These alternate procedures further these purposes by establishing a proactive planning and management approach that stands in place of the formal project-by-project review process prescribed by the Council's regulations at 36 CFR Part 800. The approach set forth in these alternate procedures relies on the Army's existing internal planning, funding and decision making processes.

(b) *Relation to other provisions of the Act.* Section 106 is related to other provisions of the Act designed to further the national policy on historic preservation. References to those related provisions are included in these procedures to identify circumstances where actions may be affected by the independent obligations of those other provisions.

(c) *Relation to internal Army Regulations.* Army Regulation 200-4 "Cultural Resources Management" (AR 200-4), an internal agency policy, sets forth the Army's requirements for complying with the Act, the Archeological Resources Protection Act (ARPA), the Native American Graves Protection and Repatriation Act (NAGPRA), the American Indian Religious Freedom Act (AIRFA), Indian Sacred Sites under Executive Order 13007 (Indian Sacred Sites), Executive Order 13175, (Consultation and Coordination with Indian Tribal Governments), and 36 CFR Part 79 (Curation of Federally-Owned and Administered Archaeological Collections). The cornerstone of AR 200-4 is the policy requirement for all installations (other than those receiving a variance) to prepare an Integrated Cultural Resource Management Plan (ICRMP). The ICRMP integrates the entirety of the installation cultural resources program with the ongoing military mission, allows identification of potential conflicts between the installation's mission and cultural resources, and identifies actions necessary to meet statutory and regulatory requirements.

(d) These procedures utilize to the maximum extent possible existing internal Army program requirements to meet section 106 requirements. Each ICRMP developed by an installation shall have a Historic Properties Component (HPC) to ensure compliance with section 106 of the Act on a programmatic, as opposed to project-by-project, basis. Individual installations shall coordinate with internal staff elements, consult with consulting parties, and, where appropriate, consider the views of the public, on development of the HPC to ensure that the HPC includes adequate procedures for identification, evaluation, and treatment of historic properties over the five-year ICRMP planning period. Installations shall substantially involve consulting parties on development of the HPC, not the entire ICRMP, since other components of the ICRMP involve management of cultural resources beyond the statutory and regulatory authority and jurisdiction of consulting parties. Neither these procedures nor a certified HPC relieves the Army of its responsibilities to comply with other cultural resources laws such as NAGPRA and ARPA.

(e) *Optional application.* These alternate procedures recognize that certain installations may be successfully operating under the current review procedures in 36 CFR Part 800. Therefore, application of these procedures is optional. Authority rests with the installation commander to elect to comply with section 106 of the Act through application of these alternate procedures in lieu of 36 CFR Part 800. Installation commanders choosing to continue compliance through 36 CFR Part 800 instead of through these alternate procedures are strongly encouraged to revisit that determination on a periodic basis, and may choose to apply these alternate procedures at any time, in accordance with Section 1.2, below. In

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addition, installation commanders operating under an HPC retain authority to revert to operation under 36 CFR Part 800 should they desire.

(f) *Role of consulting parties.* These alternate procedures promote early and effective participation of State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Federally recognized Indian Tribes, and Native Hawaiian organizations in Army planning and management of historic properties. These consulting parties play a regulatory role in development of and signature on the HPC. Once the HPC has been finalized, SHPOs, THPOs, Federally recognized Indian Tribes, and Native Hawaiian organizations will have continued opportunities to participate in implementation by reviewing and monitoring installation compliance and providing expertise concerning identification, evaluation, and management of historic properties. These alternate procedures establish minimum requirements for compliance. Installations are encouraged to tailor their planning documents to their particular needs, and, where appropriate, supplement these minimum requirements.

(g) *Role of the public.* The public includes national, regional, or local organizations and individuals with an interest in historic preservation, and local governments when not participating as consulting parties. Public views are important to a fully informed decision making process under these procedures. The process established by the National Environmental Policy Act (NEPA), as implemented by the regulations published by the Council on Environmental Quality and Army Regulation 200-2 "Environmental Effects of Army Actions" (AR 200-2) is designed to ensure meaningful public participation in Federal agency decision making. Installation commanders will use the NEPA process to the greatest extent practicable to provide for public participation under these procedures for installation activities.

(h) Nothing in these procedures changes any rights reserved to any Indian Tribe by treaty or otherwise granted to any Indian Tribe, Native Hawaiian organization, or to their members by Federal law, including Statute, regulation or Executive Order. These procedures are designed to ensure that the Army fully meets its responsibilities to consult with Federally recognized Indian Tribes and Native Hawaiian organizations when Army activities may affect historic properties of traditional religious and cultural importance to them.

1.2 Methods of Complying with Section 106 of the Act

(a) Each installation electing to comply with section 106 of the Act through these procedures in lieu of 36 CFR Part 800 will develop a Draft HPC, in consultation with consulting parties, and request certification of its HPC from the Council. Once certified, an installation shall comply with section 106 of the Act through implementation of its HPC for a five-year period.

(b) Prior to HPC certification, installations shall continue to comply with section 106 of the Act by reviewing undertakings pursuant to 36 CFR Part 800.

(c) Installations electing not to comply with section 106 of the Act through these procedures shall continue to comply with section 106 of the Act by following 36 CFR Part 800.

(d) Where the Army proposes to conduct any undertaking on Tribal land where a Federally recognized Indian Tribe has developed Tribal historic preservation regulations pursuant to section 101(d)(5) of the Act, and those regulations operate in place of review under 36 CFR Part 800, the Army shall follow those Tribal historic preservation regulations prior to approving and while conducting the undertaking.

1.3 Authority

(a) These procedures are promulgated pursuant to section 110(a)(2)(E) of the Act (16 U.S.C. 470h-2) which directs Federal agencies to develop procedures for implementing section 106 of the Act, and 36 CFR § 800.14(a) which authorizes Federal agencies, in consultation with the Council, to develop alternative procedures to implement the section 106 process, that, after Council concurrence, substitute

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for the regulations set forth in 36 CFR Part 800. The Council retains final authority to determine whether the Army's alternate procedures are consistent with 36 CFR Part 800.

1.4 Scope

(a) These procedures apply to all levels of the Active Army, the Army National Guard, the U.S. Army Reserve, including all installations and activities under the control of the Army by ownership, lease, license, public land withdrawal, or, any similar instrument, where the Agency Official elects to comply with these procedures in lieu of 36 CFR Part 800. All of the above shall be referred to in these procedures as the Army, unless otherwise noted.

(b) These procedures do not apply to the Civil Works functions of the U.S. Army Corps of Engineers.

(c) These procedures shall not apply to installations or activities where the installation commander has elected, pursuant to Section 2.1, to continue to comply with section 106 of the Act through the process set forth under 36 CFR Part 800.

1.5 Definitions

Act means the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).

Adverse effects are those effects of an undertaking that may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion on the National Register of Historic Places (National Register) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The criteria of adverse effect also require consideration of all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

Agency Official is the Army official with jurisdiction over an undertaking as set forth in Section 1.6(a).

Area of potential effects (APE) means the geographic area or areas within which an undertaking may directly or indirectly cause changes 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.

Army means Active Army, Army National Guard, U.S. Army Reserve, and all installations and activities as described in Section 1.4.

Comment, when used in relation to the Council, means the findings and recommendations of the Council formally provided in writing to the Secretary of the Army under section 106 of the Act.

Consulting parties are those parties that have a consultative role in the section 106 process; these parties are the SHPO, the THPO, Federally recognized Indian Tribes, Native Hawaiian organizations, representatives of local governments, and applicants for Federal permits, licenses, assistance or other forms of Federal approval. Members of the public may participate as consulting parties upon the invitation of the installation commander.

Consultation means the formal process of seeking, discussing, identifying and considering the views of consulting parties. For purposes of these procedures, consultation with Federally recognized Indian Tribes means consultation on a government-to-government basis as defined below.

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Coordination, for the purposes of these procedures, means the informal communication and exchange of information and ideas between consulting parties concerning historic preservation issues affecting the Army. Coordination is intended to be an informal process, on a staff-to-staff basis, for routine management issues as distinguished from the formal consultation and tribal consultation processes as defined by these procedures.

Council means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

Day or days means calendar days.

Effect means alteration to the characteristics of an historic property that qualify it for inclusion in or make it eligible for inclusion in the National Register.

Federally recognized Indian Tribe, for the purposes of these procedures, means: (i) an Indian or Alaska Native Tribe, band, nation, pueblo, village or community within the continental United States presently acknowledged by the Secretary of the Interior to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act, Public Law 103-454; and (ii) Regional Corporations or Village Corporations, as those terms are defined in Section 3 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1602), which are recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Government-to-government relations, for the purposes of these procedures, means relations formally established between the Army and Federally recognized Indian Tribes through their respective governmental structures. In recognition of a Federally recognized Indian Tribe's status as a sovereign nation, formal government-to-government relations are established and maintained directly between installation commanders and the heads of Tribal governments. In accordance with AR 200-4, installation commanders initiate government-to-government relations with Federally recognized Indian Tribes by means of formal, written communication to the heads of Tribal governments. Such letters should designate an installation official who is authorized to conduct follow-on consultations with the Tribe's designated representative. Installation commanders are encouraged to meet face-to-face with the heads of Tribal governments as part of the process to initiate government-to-government consultation. Any final decisions on installation HPCs that have been the subject of government-to-government consultation will be formally transmitted from the installation commander to the head of the Tribal government.

Historic preservation or preservation includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities.

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the Secretary of the Interior. The term includes artifacts, records, and remains that are related to and located within such properties. The term includes historic properties of traditional religious and cultural importance to a Federally recognized Indian Tribe or Native Hawaiian organization. The term "eligible for inclusion in the National Register" includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

Historic Properties Component (HPC) means, in accordance with these procedures, that portion of the ICRMP which relates directly to the implementation of section 106 of the Act. The HPC is a five-year plan that provides for installation identification, evaluation, assessment of effects, treatment, and management of historic properties, including those of traditional religious and cultural importance to a Federally recognized Indian Tribe or Native Hawaiian organization. The HPC is the basis upon which an installation's program is evaluated for certification for purposes of these procedures. While the HPC remains a component of the ICRMP, it stands alone as a legal compliance document under these procedures.

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Installation means a grouping of facilities located in the same vicinity, which are under control of the Army and used by Army organizations. This includes land and improvements. In addition to those used primarily by soldiers, the term "installation" applies to real properties such as depots, arsenals, ammunition plants (both contractor and government operated), hospitals, terminals, and other special mission installations. The term may also be applied to a state or a region in which the Army maintains facilities. For example, the Army National Guard may consider National Guard facilities within a state to be one installation and the U.S. Army Reserve may consider Regional Support Centers to be installations. Under these procedures, a subinstallation may be certified individually or as part of its support installation.

Integrated Cultural Resources Management Plan (ICRMP) is 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 Army.

National Historic Landmark (NHL) means a historic property that the Secretary of the Interior has designated a National Historic Landmark pursuant to the Historic Sites Act of 1935, Public Law 100-17.

National Register means the National Register of Historic Places maintained by the Secretary of the Interior.

National Register Criteria means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).

Native Hawaiian means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

Native Hawaiian organization means any organization which (1) serves and represents the interests of Native Hawaiians, (2) has as a primary and stated purpose the provision of services to Native Hawaiians, and (3) has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians. Such organizations include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna 'O Hawai'i Nei.

NEPA process means the decision making process established by the National Environmental Policy Act as implemented by the regulations published by the Council on Environmental Quality and AR 200-2. The NEPA process involves preparation of a NEPA document, either a Record of Environmental Consideration, an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), followed by a decision document. An EA results in either a Finding of No Significant Impact or Notice of Intent to prepare an EIS. An EIS results in a Record of Decision.

Professional standards means, for the purposes of these procedures, those standards set forth in the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716), which apply to individuals conducting technical work for the Army. Tribal members and Native Hawaiians are uniquely qualified to identify and assist in the evaluation, assessment of effect, and treatment of historic properties to which they attach traditional religious and cultural importance. When the Army requests assistance from Federally recognized Indian Tribes and Native Hawaiian organizations to aid in the identification, evaluation, assessment of effects and treatment of historic properties of traditional religious and cultural importance, such Tribal members and Native Hawaiians need not meet the Secretary of Interior's Professional Qualifications Standards (48 FR 44738-44739).

Review and monitoring means an informal process in which an installation shall coordinate with consulting parties to discuss proposed undertakings for the upcoming year, results of plan implementation during the previous year, the overall effectiveness of the installation's HPC, and the need for making amendments to it. At a minimum, this review and monitoring shall be conducted annually.

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Sovereign or sovereignty, with respect to Federally recognized Indian Tribes means the exercise of inherent sovereign powers over their members and territories.

State Historic Preservation Officer (SHPO) means the official appointed or designated pursuant to section 101(b)(1) of the Act to administer the state historic preservation program or a representative designated to act for the State Historic Preservation Officer.

Surface Danger Zone means the area designated on the ground of a training complex (to include associated safety areas) for the vertical and lateral containment of projectiles, fragments, debris, and components resulting from the firing or detonation of weapon systems to include exploded and unexploded ordnance.

Tribal consultation means seeking, discussing, identifying and considering Tribal views through good faith dialogue with Federally recognized Indian Tribes on a government-to-government basis in recognition of the unique relationship between Federal and Tribal governments and the status of Federally recognized Indian Tribes as sovereign nations (see government-to-government relations). The Tribal Historic Preservation Officer (THPO) serves as the Tribal official for government-to-government consultation for undertakings affecting historic properties off Tribal lands only where the Tribal government has designated the THPO as the Tribe's designated representative responsible for carrying out such functions.

Tribal Historic Preservation Officer (THPO) means the Tribal official, appointed by the head of the Tribal government or as 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 Act.

Tribal lands mean all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

Undertaking means a project, activity, or program that is funded in whole or in part under the direct or indirect jurisdiction of the Army, including those carried out by or on behalf of the Army, those carried out in whole or in part with Army funds, and those requiring Army approval.

1.6 Participants

(a) Army.

(1) The Army Agency Official with jurisdiction over an undertaking takes legal and financial responsibility for section 106 compliance either through implementing these alternate procedures or continuing operation under 36 CFR Part 800. For purposes of these procedures, the Army Agency Official with jurisdiction over an undertaking is the installation commander or official representative designated by the commander. The Army Agency Official shall ensure that professional standards, as defined in Section 1.5, are met in the conduct of identification, evaluation, assessment of effects, and treatment of historic properties.

(i) Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) (DASA (ESOH)) is the Army Federal Preservation Officer (FPO) responsible for policy, program direction and oversight of the Army's responsibilities under the Act. The DASA (ESOH) is responsible for ensuring the Army's implementation of these alternate procedures.

(ii) The ACSIM is the Army staff proponent for implementing the Act and Army-specific policy and guidelines set forth in AR 200-4. ACSIM functional responsibilities are carried out through the Director of Environmental Programs (DEP) and the Commander, U.S. Army Environmental Center as set forth in AR 200-4.
The ACSIM shall:

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- (A) Carry out the ACSIM's assigned staff functions in AR 200-4;
 - (B) Review HPCs and Installation historic preservation programs in accordance with the staffing procedures set forth in Section 4.1; and,
 - (C) Serve as the Agency Official on the Army Staff for purposes of consultation and coordination with consulting parties and the public on development of these alternate procedures, amendment and implementing guidance.
- (iii) Commanders of Major Commands; Commander, U.S. Army Reserve Command; and Director, Army National Guard (MACOM commanders) shall:
- (A) Carry out the MACOM's historic property management and compliance responsibilities set forth in AR 200-4;
 - (B) Review installation programs to ensure that historic preservation compliance responsibilities under these procedures are implemented across all installations electing to comply with these procedures within their MACOM;
 - (C) Review installation HPCs, amendments, and program elements for consistency with these procedures and the certification criteria;
 - (D) When requested, participate in consultation on HPC certification, amendment and recertification to resolve objections; and,
 - (E) Assist installation commanders in establishing funding priorities to meet the requirements of these procedures, and assist in resolution of issues and objections regarding installation performance under these procedures.
- (iv) Installation and Activity Commanders, Commanders of U.S. Army Reserve Regional Support Centers, and Adjutants General (installation commanders) shall:
- (A) Carry out their assigned historic property management and compliance responsibilities set forth in AR 200-4;
 - (B) As the Agency Officials responsible for installation undertakings, ensure that such undertakings are implemented in accordance with either these procedures or 36 CFR Part 800;
 - (C) Develop a historic preservation program, including an HPC, in accordance with Section 3.0 and AR 200-4;
 - (D) Serve as the Agency Official responsible for consulting on HPC and its implementation with SHPOs, THPOs, Native Hawaiian organizations, and Federally recognized Indian Tribes when required under these procedures. Tribal consultation shall occur with Federally recognized Indian Tribes on a government-to-government basis, as defined in Section 1.5; and,
 - (E) Ensure that such consultation provides a reasonable opportunity for the SHPO, THPO, Federally recognized Indian Tribes, and Native Hawaiian organizations to identify their concerns with the identification, evaluation, assessment of effect and treatment of historic properties, and after consideration, address such concerns.
 - (F) If electing to implement these procedures:
 - (1) Sign an HPC, and amendments thereto, recognizing that the HPC is the installation's procedure for complying with section 106 of the Act;

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- (2) Invite the SHPO, THPO, Federally recognized Indian Tribe or Native Hawaiian organization to consult in development of and sign the HPC;
- (3) Implement a signed HPC to comply with section 106 of the Act; and,
- (4) Prior to certification, comply with section 106 of the Act through review of undertakings under 36 CFR Part 800.

(b) *Advisory Council on Historic Preservation.*

(1) The Council issues regulations to implement section 106 of the Act; provides guidance and advice on the application of its regulations, 36 CFR Part 800; oversees the operation of the section 106 process; enters into agreements with Federally recognized Indian Tribes under section 101(d)(5) of the Act; and approves Federal agency procedures for substitution of the Council's regulations. Consulting parties and the public, may at any time seek advice, guidance, and assistance from the Council on the application of these procedures.

(2) For the purposes of these procedures, the Council reviews and evaluates HPCs and certifies that an installation is authorized to implement an approved HPC.

(c) *State Historic Preservation Officer.*

(1) The SHPO administers the national preservation program at the State level and is responsible for conducting comprehensive statewide surveys of historic properties and for maintaining inventories of these properties. Under section 101(b)(3)(E) of the Act, SHPOs are directly responsible for advising and assisting Federal agencies, such as the Army, in carrying out their historic preservation responsibilities. For purposes of these procedures, the SHPO advises and consults with individual installations in the development, implementation, recertification and Major Amendment of the HPC.

(2) The SHPO has access to expertise regarding historic properties within the State. The SHPO, throughout HPC implementation, may provide assistance to the installation commander and ensure access to and application of such expertise.

(3) When participating as a consulting party, the SHPO is invited to sign the HPC.

(d) *Federally Recognized Indian Tribes and Native Hawaiian Organizations.*

(1) Section 101(d)(6)(B) of the Act requires the Army to consult with any Federally recognized Indian Tribe and Native Hawaiian organization that attaches traditional religious and cultural importance to historic properties that may be affected by an undertaking. For Federally recognized Indian Tribes, this consultation may take place for historic properties located both on and off Tribal lands. Consultation with Federally recognized Indian Tribes shall be conducted as Tribal consultation and initiated on a government-to-government basis, and shall occur through the provisions of these procedures. While installation commanders must invite Federally recognized Indian Tribes to participate in government-to-government consultation, as sovereign nations, such Tribes may decline to participate.

(2) Where an installation's undertakings may affect historic properties of traditional religious and cultural importance to a Federally recognized Indian Tribe or Native Hawaiian organization, that Tribe or organization shall be invited to participate as a consulting party on the development, implementation, recertification and Major Amendment to the HPC.

(3) When participating as consulting parties, Federally recognized Indian Tribes and Native Hawaiian organizations shall be invited to sign the HPC.

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(e) Tribal Historic Preservation Officer.

(1) Where the Secretary of the Interior has authorized a Federally recognized Indian Tribe to carry out some or all of the SHPO responsibilities on Tribal lands pursuant to section 101(d)(2) of the Act, the THPO acts as a consulting party on the development, implementation, recertification and Major Amendment to the HPC. The THPO participates as a consulting party when:

- (i) An installation's undertakings occur on or affect historic properties on Tribal lands; or,
- (ii) An installation's undertakings may affect a historic property of traditional religious and cultural importance to the Tribe both on and off Tribal lands, and the THPO is the Tribe's designated representative for government-to-government consultation.

(2) When the THPO has participated as a consulting party, the Federally recognized Indian tribe which he or she represents is invited to sign the HPC.

(f) The Public.

(1) The installation commander shall seek and consider the views of the general public regarding the development, implementation, and recertification of the HPC in a manner consistent with Section 3.5 and Section 5.2 below.

Section 2.0: Applicability of Procedures**2.1 Installation Determination**

(a) Installation commanders electing to comply with these procedures in lieu of 36 CFR Part 800 shall document that determination in writing and provide notice to:

- (1) The ACSIM, through its MACOM;
- (2) The SHPO;
- (3) The Council;
- (4) The head of any Federally recognized Indian Tribe or Native Hawaiian organization that attaches traditional religious and cultural importance to any historic property on the installation or affected by installation activities; and,
- (5) The THPO for any Federally recognized Indian Tribe where historic properties on Tribal land will be affected by installation activities, including those properties of traditional religious and cultural importance to the Tribe.

(b) Installation commanders electing to continue compliance with section 106 of the Act through 36 CFR Part 800 as opposed to these procedures may revisit their decision at any time thereafter and elect to comply with these procedures by:

- (1) Filing the notice required by Section 2.1(a);
- (2) Establishing the necessary program elements set forth in Section 3.0; and,
- (3) Completing the certification process established by Section 4.0.

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(c) When an installation commander operating under a certified HPC decides that the HPC is no longer appropriate, the installation commander may terminate the HPC by taking the following actions:

- (1) Provide a notice of the installation commander's intent to terminate to all consulting parties 45 days prior to the effective date of termination. The notice of intent to terminate should provide a brief explanation for the decision to terminate;
- (2) Invite the Council, MACOM, ACSIM, and consulting parties to provide their views on the proposed termination during the 45-day notification period, and consider those views during the 45-day period. The installation commander will only furnish additional notice to consulting parties when a decision to continue operation under the HPC is made; and,
- (3) At the end of the 45-day period, revert to compliance with section 106 through 36 CFR Part 800.

(d) Installation commanders who have terminated their HPC may elect to implement these procedures at a later time through the certification process in Section 4.3.

Section 3.0: Program Elements for Installations Participating in the Alternate Procedures

3.1 Designation of Cultural Resource Manager (CRM) and Coordinator for Native American Affairs

(a) Each installation commander shall designate, consistent with AR 200-4, an installation CRM to coordinate the section 106 responsibilities required under these procedures. The installation commander will ensure that the CRM has appropriate knowledge, skills, and professional training and education to carry out installation cultural resources management responsibilities. The CRM shall ensure that all historic properties technical work, including identification and evaluation of historic properties, assessment and treatment of effects, and preparation of HPCs, is conducted by individuals who meet the applicable professional standards defined in Section 1.5.

(b) Each installation commander shall designate, consistent with AR 200-4, a Coordinator for Native American Affairs if there are Native American issues. The installation commander will ensure that the Coordinator for Native American Affairs has appropriate knowledge, skills, and professional training and education to conduct installation consultation responsibilities with Federally recognized Indian Tribes and Native Hawaiian organizations. The Coordinator for Native American Affairs is responsible for facilitating the government-to-government relationship and, when designated, carry out staff-to-staff consultation responsibilities with Federally recognized Indian Tribes. The Coordinator for Native American Affairs will have access to the installation command staff in order to facilitate direct government-to-government consultation.

(c) If the installation commander deems it appropriate, he or she will fill the Coordinator for Native American Affairs position with an individual other than the CRM.

3.2 Professional Standards for the Development of the HPC

(a) Prior to developing the HPC, the installation commander shall ensure that:

- (1) The CRM is either qualified under the standards set forth in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and/or has access to technical experts who meet these standards to identify, evaluate, assess effects to, and treat historic properties, and for certification purposes in Section 4.0 below; and,

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(2) When such expertise is provided by Federally recognized Indian Tribes and Native Hawaiian organizations regarding identification of properties of traditional religious and cultural importance, they need not meet the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation.

(b) The Army is responsible for all findings and determinations made by external parties. When an external party prepares a document or study, the Army is responsible for its content and ensuring that it meets applicable standards and guidelines.

3.3 Identification of Consulting Parties for HPC Development

(a) Prior to the development of the HPC, the installation commander shall:

- (1) Identify the SHPO(s) associated with the installation;
- (2) Identify the THPO(s) when installation activities may affect historic properties on Tribal lands;
- (3) Identify any Federally recognized Indian Tribes who may attach traditional religious and cultural importance to any historic properties on or off Tribal lands that may be affected by installation activities;
- (4) Identify any Native Hawaiian organization that may attach traditional religious and cultural importance to any historic properties that may be affected by installation activities;
- (5) In consultation with the SHPO(s), THPO(s), Federally recognized Indian Tribes, and Native Hawaiian organizations, identify other parties that are entitled, or should be invited to be consulting parties, including interested members of the public; and,
- (6) Invite consulting parties to participate in the development of the installation's HPC.

(b) Installation commanders should contact Federally recognized Indian Tribes early to establish a schedule and protocol for conducting consultation on a government-to-government basis for development of the HPC.

3.4 Consultation and Coordination for HPC Development

(a) Each installation commander shall develop a draft HPC in consultation with the parties identified in Section 3.3, above, and, in coordination with appropriate installation staff (including natural resource management; facilities/housing management; range management, testing, training, and operations; master planning; public affairs office; the CRM, the Coordinator for Native American Affairs, and the Staff Judge Advocate).

(b) The installation commander shall ensure that all parties participating in consultation are provided adequate documentation early in the process regarding the installation's mission and operations, historic properties under its control, and the installation command structure. The documentation should be provided to consulting parties at least 30 days in advance of the initial consultation meeting to allow for a full review prior to participation in HPC development.

(c) HPC development begins with an initial consultation meeting between installation staff and consulting parties to identify issues that should be addressed in the HPC. Consultation and coordination shall continue throughout HPC development to ensure adequate opportunity for these parties to fully participate in development of the HPC. Installations are encouraged to invite consulting parties to participate in workgroups for drafting the HPC, but, at a minimum, must, provide opportunities for periodic review, and comment on draft work products.

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3.5 HPC Development

The installation commander shall prepare an HPC to include the following:

(a) **Introduction:** This is a description of the installation's past and present mission(s) to include information that describes the types of activities associated with each mission that might have an effect on historic properties. The introduction shall also identify where the CRM position, and, when appropriate, the Coordinator for Native American Affairs position, is located within the installation's organizational structure.

(b) **Planning Level Survey (PLS):** The PLS, based on review of existing literature, records, and data, identifies the historic properties that are known, or may be expected to be present, on the installation. The PLS shall be updated as necessary to include additional information made available through the identification and evaluation of historic properties. The PLS shall, as appropriate:

(1) Provide locations of known historic properties, including historic properties having traditional religious and cultural importance to Federally recognized Indian Tribes or Native Hawaiian organizations, that have been listed in the National Register, or determined eligible for inclusion in the National Register, and those properties that require evaluation for determination of eligibility for the National Register;

(2) Be constructed in such a way that sensitive site information shall be excluded from the HPC, where distribution might jeopardize either the historic property or the confidentiality concerns of Federally recognized Indian Tribes and Native Hawaiian organizations;

(3) Establish an annual inventory schedule that identifies and prioritizes those areas of the installation that are programmed for undertakings in the next fiscal year to ensure that inventories and analyses of alternatives are completed early in the planning processes for these activities;

(4) Provide locations that have been previously inventoried where no historic properties have been identified;

(5) Provide information on current and projected future conditions of identified historic properties;

(6) Contain or provide reference to existing historic contexts, archeological sensitivity assessments, predictive models, and other relevant reports addressing historic properties on the installation;

(7) Provide a listing of any affiliated Federally recognized Indian Tribes or Native Hawaiian organizations, other consulting parties and members of the public having an interest in the historic properties associated with the installation.

(c) **Categorized Undertakings:** This section shall include:

(1) A summary of the categories of undertakings that the installation anticipates conducting over the five-year planning period and should serve as the basis for development of standardized treatments, under Section 3.5(e), where such activities have the potential to result in effects to historic properties. Categories of undertakings should include maintenance and repair, ground-disturbing activities, renovation, adaptive reuse, rehabilitation, substantial alteration, demolition, disposal through transfer, sale, or lease, and mothballing. This is not a list of individual undertakings;

(2) If available, a list of potential undertakings that the installation has programmed over the five-year planning period; and,

(3) Past and proposed undertakings that should be considered by consulting parties through the HPC's review and monitoring process required by Section 3.5(f)(2).

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(d) *Categorical Exclusions*: The HPC should include a list of undertakings that are categorically excluded from review. This list of categorical exclusions, developed in consultation with consulting parties, is supplemental to the Army-wide exempt undertakings listed in Section 4.5. Final approval of an HPC's categorical exclusions, as provided for in 36 CFR § 800.14(c), will be made by the Council as part of the certification process; however, the Council may terminate a categorical exclusion at the Army's request or when the Council determines that the exclusion no longer meets the criteria of 36 CFR § 800.14(c)(1). The Council shall notify the Army 30 days before termination becomes effective.

(e) *Management Goals and Practices*: The purpose of this section is to establish proactive consideration of preservation concerns carried out by management practices that are integrated into day-to-day installation activities to avoid adverse effects to historic properties. This section shall include:

- (1) A description of the installation's desired future condition for historic properties over the course of the planning period;
- (2) A description of goals for management and preservation of the installation's historic properties to be achieved over the course of the planning period; and,
- (3) A list of management practices that can be employed to best meet the desired future condition and stated management goals. These management practices should:
 - (i) Be comparable with preservation standards and guidelines included in DA PAM 200-4 and the relevant Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation;
 - (ii) Focus on the major activities of an installation, including those identified in the Categorized Undertakings section of the HPC; and,
 - (iii) Focus on standardizing effective historic preservation practices and procedures for installation properties that, at a minimum, include preservation, adaptive reuse, rehabilitation standards, and, as appropriate, interpretation for historic properties.

(f) *Standard Operating Procedures (SOPs)*: SOPs are critical to an installation's proper management of its undertakings and must be developed in close consultation with consulting parties, including SHPOs, THPOs, Federally recognized Indian Tribes, and Native Hawaiian organizations. SOPs shall be developed to provide consistent implementation of management goals, historic preservation standards, coordination, consultation, and mitigation procedures for historic properties that may be affected by installation undertakings. Where Federally recognized Indian Tribes attach traditional religious and cultural importance to historic properties, consultation with Tribes may take place for properties both on and off Tribal lands. These procedures shall be tailored for the particular conditions and specific requirements at an installation. At a minimum, HPCs shall include the following:

(1) *SOPs for Installation Decision Making Process*: These SOPs define the progressive steps which an installation shall take in its internal decision making process in order to manage its undertakings and their potential to affect historic properties. The goal of this SOP should be to avoid adverse effects in the first instance; to mitigate such effects where avoidance is not feasible; and to proceed with notification when adverse effects cannot be mitigated. In order to document this process, an installation commander should complete each step of the process before proceeding to the next.

(i) *Identifying Undertakings and Defining APEs*: This SOP shall provide for identifying undertakings and defining the APE for each undertaking.

(ii) *Identifying and Evaluating Historic Properties*: This SOP shall contain procedures for identifying historic properties within the APE, evaluating their eligibility for the National Register

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and assessing the effects on them, including those properties having traditional religious and cultural importance to Federally recognized Indian Tribes or Native Hawaiian organizations (recognizing that such properties may be eligible under any of the National Register criteria). This SOP should also contain a procedure for resolving any disputes over the eligibility of a property to the National Register. Any unresolved disputes concerning eligibility shall be forwarded to the Keeper of the National Register in accordance with 36 CFR Part 63.

(iii) *Applying Best Management Practices:* This SOP shall provide for the consideration and application of historic preservation management practices established pursuant to Section 3.5(e) to avoid adverse effects in the first instance and to meet identified HPC preservation goals. Avoidance of adverse effects would preclude the need to proceed with a more detailed alternatives review. Avoidance of adverse effects includes, for example, rehabilitating historic buildings following the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995), and modifying project plans to physically avoid and protect archeological sites and historic properties of traditional religious and cultural importance to a Federally recognized Indian Tribe or Native Hawaiian organization.

(iv) *Alternatives Review:* This SOP shall provide a process for the review of project alternatives for undertakings where application of best management practices is not feasible or would not avoid adverse effects. Prior to applying mitigation measures to minimize unavoidable adverse effects to historic properties, application of this SOP is required. This SOP will:

(A) Conduct a review of project alternatives, using the NEPA process, when practical, to consider whether other feasible alternatives to avoid or reduce impacts to a historic property can be implemented. Alternatives should include the relocation or modification of project features, or the rehabilitation, renovation, adaptive reuse, transfer, or mothballing of historic buildings; and,

(B) Conduct an economic analysis for historic buildings proposed for demolition that addresses and compares the economic costs associated with alternatives, including the life-cycle costs associated with rehabilitation and reuse; demolition and new construction; and mothballing and reuse.

(v) *Treatment of Adverse Effects:* This SOP shall provide for treating/mitigating adverse effects that cannot be avoided through the application of best management practices or implementation of a project alternative. This SOP should include HABS/HAER recordation, archeological data recovery, and mitigation procedures for transfer, sale or lease of historic properties out of Army ownership to a non-federal entity.

(vi) *Documenting Acceptable Loss:* This SOP shall provide for determinations to proceed with an undertaking having an adverse effect where the installation commander has determined that treatment/mitigation is not in the best public interest or is not financially or otherwise feasible. The installation commander's determination, including a discussion as to how the preceding steps in the decision making process were carried out and a rationale as to why mitigation measures will not be applied, shall be provided to consulting parties and the Council for a 30-day review, prior to implementing the undertaking. Upon receiving the written views of the Council, the installation commander must consider the Council's comments and provide written documentation of his or her decision to the Council and the consulting parties.

(2) *Review and Monitoring:* This SOP shall establish an annual review and monitoring coordination process among appropriate installation staff and consulting parties. Review and monitoring shall:

(i) Provide in advance, sufficient information to allow meaningful participation of consulting parties in the review and monitoring process;

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(ii) Include review of the installation's programmed undertakings for the upcoming fiscal year to provide consulting parties an advanced opportunity to express their views on specific methods for identification, evaluation, and treatment of historic properties affected by such undertakings;

(iii) Include evaluation of past undertakings for the concluded fiscal year and the results of historic preservation efforts related to those undertakings;

(iv) Include evaluation of the effectiveness of the installation's HPC and the need to make amendments to it; and,

(v) Rely to the greatest extent practicable, on information generated by existing Army auditing, programming, and reporting systems.

(3) **Obtaining Technical Assistance in HPC Implementation:** Recognizing the importance of consulting parties' expertise in the management of historic properties, this SOP may be used to establish a process for the continued involvement of consulting parties and qualified organizations with a demonstrated interest in management of the installation's historic properties during HPC implementation through use of reimbursable arrangements.

(i) This SOP should establish reimbursable arrangements, such as cooperative agreements and procurement contracts, to obtain technical assistance from SHPOs, THPOs, Federally Recognized Indian Tribes, Native Hawaiian organizations, and other qualified organizations with a demonstrated interest in management of the installation's historic properties.

(ii) This SOP will ensure that the installation obtains necessary technical assistance in identification, evaluation, assessment of effects, and treatment of historic properties, using, to the maximum extent practicable, reimbursable arrangements such as procurement contracts and cooperative agreements with consulting parties and qualified organizations with a demonstrated interest in management of the installation's historic properties.

(iii) This SOP will recognize that:

(A) Federally recognized Indian Tribes are uniquely qualified to identify, evaluate, and treat historic properties to which they attach traditional religious and cultural importance on and off Tribal lands;

(B) Native Hawaiian organizations are uniquely qualified to identify, evaluate, and treat historic properties to which they attach traditional religious and cultural importance; and,

(C) SHPOs and THPOs possess indispensable professional expertise for identification and evaluation of historic properties as well as assessment and treatment of effects.

(iv) This SOP shall ensure that all actions to implement the HPC will be taken by individuals who meet professional standards under regulations established by the Secretary of Interior in accordance with Section 112 (a)(1)(A) of the Act. The Army Agency Official shall ensure that professional standards, as defined in Section 1.5 of these procedures, are met in the conduct of identification, evaluation, and assessment of effects and treatment of historic properties. When the Army requests assistance from Federally recognized Indian Tribes and Native Hawaiian organizations in the identification, evaluation, assessment of effects and treatment of historic properties of traditional religious and cultural importance, they need not meet the Secretary of Interior's Professional Qualifications Standards.

(4) **Consultation for Inadvertent Discovery and for Emergency Actions:** This SOP shall establish an expeditious consultation process between the installation and the consulting parties for emergency actions and for the inadvertent discovery of historic properties, including those of traditional religious and cultural importance to Federally recognized Indian Tribes or Native Hawaiian organizations.

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Consultation with Federally recognized Indian Tribes shall take place for such properties both on and off Tribal lands.

(5) Categorical Exclusions: This SOP shall provide for a process to determine when an approved categorical exclusion is applicable to an undertaking.

(6) National Historic Landmarks: This SOP shall contain provisions to give special consideration to installation undertakings that may directly and adversely affect NHLs by taking such planning and actions, where feasible, to minimize harm to the NHL. This SOP shall afford the Council and the National Park Service a reasonable opportunity to comment on the NEPA document(s) prepared for or associated with the undertaking prior to its approval.

(7) Shared Public Data: This SOP shall provide for the sharing of data between the installation and consulting parties and the public. The procedure should, at a minimum, identify the categories of data to be shared, the format in which the data will be provided and the standards of data accuracy that will be met. To the greatest extent permitted by law, including section 304 of the Act and section 9 of ARPA, this SOP shall also ensure that shared data concerning the precise location and nature of historic properties, properties of traditional religious and cultural importance, and sacred sites identified pursuant to Executive Order 13007 are protected from public disclosure through NEPA or the Freedom of Information Act. Particular care should be taken to safeguard electronic data.

Section 4.0: Program Review and Certification

The installation commander shall develop a final HPC only after completing internal Army review and consultation with consulting parties and public participation in accordance with the procedures set forth in this section. The installation commander shall sign and implement the final HPC in recognition of its status as a section 106 legal compliance document. Should the command change during HPC implementation, the CRM or Native American Affairs Coordinator, shall advise the incoming installation commander of the HPC, its content, commitments and legal effect.

4.1 Army Program Review

(a) Installation commanders that have elected to comply with these procedures in lieu of 36 CFR Part 800 shall forward a Draft HPC, meeting the requirements set forth in Section 3.0, through the MACOM to Headquarters Department of the Army (HQDA) for review and comment through the following procedures.

(b) The installation commander shall forward the Draft HPC and supporting documentation to the MACOM for review. The review package shall include:

- (1) The Draft HPC addressing all program elements set forth in Section 3.0;
- (2) The Draft NEPA document, generally an EA, developed to consider the environmental impacts of adopting and developing the Draft HPC;
- (3) Confirmation that relevant installation level staff, including legal, operations and training, facilities and public works, have reviewed the Draft HPC;
- (4) Summary of consultation with consulting parties and the results of such consultation, including the written comments, if any; and,
- (5) An explanation of outstanding issues of concern when the Draft HPC does not reflect the mutual agreement of the installation and consulting parties.

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(c) The MACOM shall conduct appropriate technical and legal review of the Draft HPC and supporting documentation, and forward the review package with the MACOM's written comments to the ACSIM within 30 days.

(d) The ACSIM, or his/her designee, shall coordinate HQDA review of the Draft HPC and supporting documentation, and, within 30, days provide written comments to the MACOM and installation commander regarding the Draft HPC's consistency with technical, legal and policy practices.

(e) The installation commander shall release the Draft HPC and NEPA document for review by the public and consulting parties in accordance with the procedures set forth in Section 4.2 after giving consideration to MACOM and HQDA comments and integrating such comments where appropriate. The installation commander shall withhold sensitive site data to the greatest extent permitted by ARPA and the Act.

4.2 Consulting Party and Public Review

(a) Public Review. After consultation with consulting parties in accordance with Section 3.4, and internal Army program review pursuant to Section 4.1, the installation shall release the Draft HPC and NEPA document, including, if appropriate, a draft Finding of No Significant Impact to the public for 30-day review and comment. The installation shall publicize the availability of these documents using appropriate public notification procedures established by the Army's published NEPA regulations, 32 CFR Part 651. In addition, the installation shall forward copies of the Draft HPC and Draft NEPA document to any members of the public who have been identified as having an interest in the effects of Army activities on historic properties located on the installation or affected by installation activities, and local government officials.

(b) Tribal, Native Hawaiian organization, SHPO, THPO and Council Review.

(1) Concurrent with public review, the installation commander shall forward the Draft HPC and NEPA document to the following entities and invite their views:

(i) The Council;

(ii) The SHPO;

(iii) The THPO for any Federally recognized Indian Tribe where historic properties on Tribal lands will be affected by installation activities, including those properties of traditional religious and cultural importance to the Tribe;

(iv) The Tribal government and Native Hawaiian organization that attaches traditional religious and cultural importance to any historic property on the installation or affected by installation activities;

(v) any other consulting parties that have taken part in development of the HPC; and,

(2) Within 30 days of receipt of Draft HPC and NEPA document, consulting parties shall:

(i) Provide their written views to the installation;

(ii) Indicate whether or not they intend to be a signatory to the HPC; and,

(iii) Identify specific objections to the HPC.

(3) If any consulting party fails to provide written response within the 30-day review period, the installation commanders may presume there is no objection by that consulting party to the Draft HPC.

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(4) Installation commanders shall consider the comments from the public and the written views and recommendations of the Council, SHPO, THPO, Tribal government or Native Hawaiian organization, and make adjustments to the Draft HPC and NEPA document, if appropriate.

(5) Where a SHPO, THPO, Tribal government or Native Hawaiian organization has objected in writing to the Draft HPC and refused to be a signatory, installation commanders shall consult with the objecting party to resolve the objection, prior to forwarding the Draft HPC and supporting documentation to the Council for review and certification.

4.3 Council Review and Certification

(a) After considering, and where appropriate, addressing the views of other consulting parties and the public, and consulting to resolve objections, the installation commander shall finalize and sign the HPC, obtain the signature of consulting parties (other than those with outstanding objections), and forward the signed HPC to the Council with a request to review and certify the installation's HPC. The following supporting documentation will be included:

(1) Final NEPA documentation,

(2) Written views, if any, of consulting parties, including SHPO, THPO, Tribal governments or Native Hawaiian organizations,

(3) Summary of consultation with consulting parties, including SHPO, THPO, Tribal governments or Native Hawaiian organization(s),

(4) any views expressed by the public; and,

(5) Where a consulting party has declined to participate as a signatory to the HPC, a summary of the party's objections and the installation's efforts to resolve the objections.

(b) The Council shall review the HPC to determine whether it meets the following certification criteria:

(1) Establish the Program Elements set forth in Section 3.0;

(2) Include appropriate SOPs to ensure that the installation will effectively manage its historic properties, identify and consider the effects of its undertakings on historic properties, including those of traditional religious and cultural importance to a Federally recognized Indian Tribe or Native Hawaiian organization, apply appropriate treatment standards, and coordinate and consult with consulting parties;

(3) Demonstrate that it was developed in consultation with the SHPO, THPO, Tribal governments or Native Hawaiian organizations that attach traditional religious and cultural importance to historic properties on the installation or affected by installation activities;

(4) Demonstrate that the public participated in development and/or review;

(5) Establish procedures for coordination to facilitate review and monitoring;

(6) Establish procedures for obtaining Council and National Park Service comments through the NEPA process where an undertaking will have a direct and adverse effect on an NHL; and,

(7) For installations with identified NHLs, establish procedures, where feasible, for minimizing the effects of undertakings that may have a direct and adverse effect on an NHL.

(c) Within 30 days of its receipt of the HPC and supporting documentation, the Council shall apply the certification criteria set forth in Section 4.3(b)(1)-(7), and shall:

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- (1) Determine that the installation's HPC meets the criteria and sign the HPC, certifying the installation to comply with section 106 of the Act through implementation of the HPC. Within 30 days of receiving the Council's certification, the installation commander shall provide signed copies of the certified HPC to consulting parties; or,
- (2) Determine that the installation historic preservation program shall meet the certification criteria with minor adjustments; and,
 - (i) Provide views to the installation with suggested changes, and,
 - (ii) Sign the HPC, subject to the installation's incorporation of changes, certifying the installation to comply with section 106 of the Act through implementation of the HPC. Within 60 days of receipt of the Council's certification, the installation commander, unless an extension period is agreed to, shall make the recommended changes and shall provide copies of the revised HPC to the Council, and the consulting parties. If the Council does not receive the installation changes within 60 days or the extension period, the Council shall notify the installation commander and consulting parties that the HPC has failed to meet certification criteria, and the installation shall follow Section 4.3(d), below.
- (3) Determine that the installation has failed to meet one or more of the certification criteria set forth in Section 4.3(b)(1)-(7), and:
 - (i) Provide the installation with formal written views that identify the specific criterion and related deficiency; and,
 - (ii) Make specific recommendations to the installation for addressing the identified deficiency.
- (d) Where the Council has determined that the installation's HPC has failed to meet the certification criteria, the installation commander shall:
 - (1) Address the identified deficiency and resubmit the HPC and supporting documentation to the Council for certification in accordance with Section 4.3(a), in which case the Council shall conduct the review and provide a certification determination pursuant to Section 4.3(b)-(c); or,
 - (2) Object, in writing, to the Council's recommendations and consult with the Council to resolve the objections.
 - (i) If, after good faith consultation, the Council and installation commander agree that the objection(s) cannot be resolved, the installation shall notify its MACOM.
 - (ii) If, 30 days after MACOM notification, objections remain unresolved, consultation under these procedures shall terminate and the installation commander will notify consulting parties and continue to operate under 36 CFR Part 800.
 - (3) The installation commander may resubmit his request for certification and reinstate consultation at any time after termination.

4.4 Effect of Certification

- (a) Installations with a certified HPC shall operate under the procedures set forth herein as implemented by that HPC. The provisions of the certified HPC shall substitute for the requirements of 36 CFR Part 800 for a period of five years from the date of certification.
- (b) Installations electing to apply these procedures that have not met certification requirements shall review undertakings in accordance with the procedures set forth in 36 CFR Part 800.

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(c) Installations shall implement treatment and mitigation commitments made in existing project-specific Memoranda of Agreement (MOAs) and Programmatic Agreements (PAs). Upon completion of pre-existing mitigation and treatment requirements, such agreements shall terminate. Requirements of other installation level Programmatic Agreements shall terminate upon certification. However, successful procedures in such agreements for the identification, evaluation, assessment of effects and treatment of historic properties should be considered during consultation, and if appropriate, integrated in the SOPs.

4.5 Exempt Undertakings

(a) The following categories of undertakings are exempt from further review by an installation operating under a certified HPC:

- (1) Undertakings addressed through a fully executed nationwide Programmatic Agreement or other Program Alternative executed in accordance with 36 CFR Part 800.14.
- (2) Undertakings categorically excluded by an installation's HPC pursuant to Section 3.5(a)(4).
- (3) Undertakings where there is an imminent threat to human health and safety. Such actions include:
 - (i) In-place disposal of unexploded ordnance;
 - (ii) Disposal of ordnance in existing open burning/open detonation units;
 - (iii) Emergency response to releases of hazardous substances, pollutants and contaminants; and,
 - (iv) Military activities in existing designated surface danger zones.

(b) Where a Federally recognized Indian Tribe has entered into an agreement with the Council to substitute Tribal historic preservation regulations for the Council's regulations under section 101(d)(5) of the Act, the Army shall follow those Tribal historic preservation regulations for undertakings occurring on or affecting historic properties on Tribal lands.

(c) In instances where another Federal agency is involved with the Army in an undertaking, the Army and the other agency may mutually agree that the other agency be designated as lead Federal agency. In such cases, undertakings will be reviewed in accordance with 36 CFR Part 800.

Section 5.0: Amendment and Recertification

5.1 Plan Amendment

(a) At any time after obtaining Council certification, a consulting party may identify changed circumstances and propose an HPC amendment to the installation commander.

(b) If an installation commander determines that an amendment to an HPC may be necessary, the installation shall continue to review undertakings and treat adverse effects in accordance with the established HPC, unless he/she determines that the HPC is insufficient to meet its responsibilities under section 106 of the Act. If the installation commander determines that the HPC is no longer sufficient to meet those responsibilities, it shall review its undertakings in accordance with 36 CFR Part 800 until the proposed HPC amendment is completed.

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(c) Where an installation commander determines that an amendment proposed by a consulting party is not necessary, and agreement cannot be reached between the installation commander and the consulting party to amend the HPC, the consulting party may request Council review under Section 7.2.

(d) **Major Amendments:** Any proposal to alter, delete, or add to an HPC's list of categorical exclusions, best management practices, or established standard operating procedures shall be considered a Major Amendment to the HPC.

(1) The installation commander shall:

- (i) Forward the proposed amendment to consulting parties;
- (ii) Consult with such parties and invite them to be signatories on the HPC Major Amendment; and,
- (iii) Seek and consider views of the public through the NEPA process, if applicable.

(2) Within 45 days of its receipt of the proposed HPC Major Amendment, each consulting party shall:

- (i) Provide written comments to the installation;
- (ii) Indicate whether it intends to be a signatory to the proposed HPC Major Amendment; and, if not,
- (iii) Provide written objections to both the installation commander and the Council.

(3) When a consulting party fails to provide written response within the 45-day review period, the installation commander may presume that there is no objection to the proposed HPC Major Amendment by that consulting party.

(4) If all consulting parties and the installation commander concur with the proposed HPC Major Amendment, the installation commander shall obtain the consulting parties signatures, sign the final HPC Major Amendment, and forward it to the Council for review, approval, and signature. If the Council does not respond within 30 days of its receipt of the amendment, then the amendment shall be considered final. The installation commander shall send copies of the final signed HPC Major Amendment to consulting parties and its MACOM.

(5) If all consulting parties do not concur with the proposed HPC Major Amendment and/or the Council objects within 30 days of the proposed amendment, the Council shall provide its written views and recommendations on the proposed HPC Major Amendment to the installation commander;

(i) If the installation commander considers the Council's views and implements the Council's recommendations, then the HPC Major Amendment shall be considered final.

(ii) If the installation commander objects to the Council's recommendations, the installation commander shall consult with the Council to resolve the objections.

(A) If the Council and the installation commander agree that the objection cannot be resolved, installation shall notify its MACOM.

(B) If, 30 days after MACOM notification, objections remain unresolved, consultation shall terminate and the installation shall either continue implementation of its certified HPC without the amendment or, where that is not feasible, comply with 36 CFR Part 800. The installation commander shall notify consulting parties of his or her final decision.

(iii) The installation commander may reinstate consultation on the proposed amendment to the HPC any time after termination.

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(e) **Minor Amendments:** When circumstances at an installation change, requiring Minor Amendment(s) to an administrative provision in the installation's HPC, such as identification of the CRM, Coordinator for Native American Affairs, changes to the planning level survey, changes to the list of categorized undertakings, and technical editorial changes, the installation commander shall:

- (1) Amend the HPC without further consultation or coordination; and,
- (2) Provide a Notice of Change to consulting parties and the Council.

5.2 Recertification

(a) No later than six months prior to expiration of the five-year term of certification, the installation commander shall initiate the process for obtaining renewed certification through the procedures set forth in Sections 3.0 and 4.0 of these procedures.

(b) The installation shall continue to operate under its certified HPC during the recertification process unless the five-year term of the HPC has expired. Where the five-year term of the HPC has expired, the installation commander shall:

- (1) Continue to operate under the certified HPC for a period of time to be determined by the Council, in consultation with the installation commander; and,
- (2) Inform consulting parties of the time extension, and work with them towards completing the recertification process; or,
- (3) Inform consulting parties and review individual undertakings in accordance with 36 CFR Part 800 until recertification of the HPC is completed.

Section 6.0: Administrative Remedies**6.1 Evaluation of Council Determinations**

(a) Within 30 days of the Council's final determination to certify or recertify an installation to operate under its HPC, or approve a Major Amendment, a consulting party may object in writing to the Council's determination. The objection must:

- (1) Be forwarded to the Council, the installation commander and the MACOM;
- (2) Be specifically related to a deficiency in:
 - (i) Consultation with the consulting party; and/or,
 - (ii) Consideration of historic properties of importance to that objecting party.

(b) The Council shall review the objection, obtain the installation's views, and within 30 days provide the Council's written determination to both the objecting party and the installation commander.

(c) The Council's written determination shall either:

- (1) Validate the Council's previous determination to certify or recertify the HPC, or to approve a Major Amendment;

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- (2) Allow the installation to continue implementation while resolving objections; or,
- (3) Revoke the previous determination and require the installation to review its undertakings in accordance with 36 CFR Part 800.

6.2 Evaluation of HPC Implementation

- (a) Any time subsequent to Council certification or recertification, if a consulting party believes that an installation has failed to implement its HPC, the consulting party shall first notify the installation commander, in writing, of its objection. The consulting party must provide information and documentation sufficient to set forth the basis for its objection. The installation commander and consulting party shall attempt to resolve the objection informally before proceeding with the formal procedures set forth below.
- (b) If a consulting party has raised an objection with the installation commander and the objection has not been resolved informally, the objecting party may elevate its objection to the Council, in writing. The written objection must:
 - (1) Be forwarded to the Council and the installation commander;
 - (2) Be specifically related to an installation's failure to implement an identified SOP in the HPC; and,
 - (3) Describe the objecting party's efforts to resolve the objection informally at the installation level.
- (c) Where the consulting party has objected to a specific undertaking, the installation commander shall, during the 15-day Council review period set forth below, defer that discrete portion of the undertaking which may cause adverse effects to historic properties. This deferral provision will not apply where the activity at issue is an exempt undertaking under Section 4.5 or where the adverse effects have been documented as acceptable loss under an installation's HPC implementing Section 3.5(f)(1)(vi) of these procedures.
- (d) The Council, within 15 days of receiving the written objection of a consulting party, shall provide a written response to the consulting party and the installation commander, expressing its views, and, if appropriate, making specific recommendations for resolution of the consulting party's objections.
- (e) If the Council does not provide its written views within the 15-day review period, the installation commander shall assume that there is no Council objection and proceed with the undertaking.
- (f) If the Council does provide its written views within the 15 day review period, the installation commander shall document his or her consideration of the Council's views, provide copies of the documentation to the Council and the objecting consulting party, and proceed with the undertaking.
- (g) The Council may also object to an installation's implementation of its HPC, in which case the Council will provide its written views and specific recommendations for resolution to the installation commander for his or her consideration. The installation commander shall document his or her consideration of the Council's views and provide copies of the documentation to the Council and the consulting parties.

Section 7.0: Council Review of Army Section 106 Compliance**7.1 Council Review of Army Alternate Procedures**

- (a) The Council may periodically evaluate the effectiveness of these procedures in meeting the mandates, goals and objectives of section 106 of the Act and make recommendations to the Army to improve the efficiency and effectiveness of its compliance with section 106, under these procedures.

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(b) As required by section 203 of the Act, the Army shall assist the Council in their evaluation by providing requested documentation on Army policies, procedures, and actions taken to comply with section 106 of the Act.

(c) The Council shall make the results of any evaluation conducted under this section available for public inspection.

7.2 Council Review of Installation Compliance

(a) The Council may review an installation's compliance with its HPC only where a documented pattern of failure to implement the installation's HPC is evident. The Council's review may be undertaken on its own initiative or at the request of a consulting party based in part on the objections rising from evaluation under Section 6.2. Based on its review, the Council shall:

- (1) Determine that the installation is substantially complying with the HPC and make recommendations for program improvements; or,
- (2) Initiate consultation with the installation commander and MACOM, if appropriate, and recommend a course of action to ensure installation implementation of its HPC.
- (3) Provide a copy of any written recommendations to consulting parties.

(b) The installation commander, after receiving Council recommendations, shall either:

- (1) Conclude consultation and implement its HPC in accordance with Council recommendations; or,
- (2) Make a determination to revert to operation under 36 CFR Part 800 and provide notice to consulting parties, the Council, and the ACSIM through its MACOM.

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Appendix A: Acronyms

ACRONYMS USED IN
PROPOSED ARMY ALTERNATE PROCEDURES TO
36 CFR PART 800

AAP	Army Alternate Procedures
ACSIM	Assistant Chief of Staff for Installation Management
AR 200-2	Army Regulation 200-2: Environmental Effects of Army Actions
AR 200-4	Army Regulation 200-4: Cultural Resources Management
Act	The National Historic Preservation Act
APE	Area of Potential Effects
ARPA	The Archeological Resources Protection Act
CRM	Cultural Resources Manager
DA PAM 200-4	Department of the Army Pamphlet 200-4: Cultural Resources Management
DEP	Director of Environmental Programs
EA	Environmental Assessment
EIS	Environmental Impact Statement
FPO	Federal Preservation Officer
HPC	Historic Properties Component (the section 106 portion of an ICRMP)
HQDA	Headquarters, Department of the Army
ICRMP	Integrated Cultural Resources Management Plan
MACOM	Major Command
MOA	Memorandum of Agreement
NAGPRA	The Native American Graves Protection and Repatriation Act
NEPA	The National Environmental Policy Act
NHL	National Historic Landmark
NHPA	The National Historic Preservation Act
PA	Programmatic Agreement
PLS	Planning Level Survey
SHPO	State Historic Preservation Officer
SOP	Standard Operating Procedure
THPO	Tribal Historic Preservation Officer

Appendix XII

Summary of Completed Inventories/Management Plans

1. Presidio of Monterey Historic Building Survey, March 2001, Harding Lawson Associates and Garavaglia
2. "Results of the Physical Inventory of Human Remains and Associated Funerary Objects in Archaeological Collections; Presidio of Monterey, California" (NAGPRA Section 5 Inventory; St. Louis District, Army Corps. Of Engineers; Aug. 1997) A listing of Archaeological Sites / Collections may be found at Appendix V.
3. Collection Summary for Presidio of Monterey, December 1995, NAGPRA Compliance Project St. Louis District, Corps of Engineers
4. "Inventory of Archaeological Collections From the Presidio of Monterey; Monterey, California". Prepared by: Toni Snyder and Nancy Farrell, Cultural Resources Management Services (CRMS), Paso Robles, California 93446 with Sacramento District Corps of Engineers, October 15, 1994
5. Archaeological Investigation of Five Sites Located at the Presidio of Monterey, Monterey County, California, October 1985, Far Western Anthropological Research Group
6. "Intensive Cultural Resources Survey Report, Presidio of Monterey". Prepared by Louis Roberts and Jack Zahniser, June 1980
7. Preliminary Archaeological Investigation at El Castillo, Presidio of Monterey, California, March 1968, prepared by Central California Archeological Foundation

APPENDIX XIII

Curation Guidelines

Purpose and Authority

The Presidio of Monterey is responsible for preservation of all archeological collections and associated documents and photographs recovered on the POM. To comply with Federal and Army regulation (36CFR Part 79 and AR 200-4 and PAM 200-4), and to ensure availability for researchers and the public, archeological collections and records should be retrieved, processed, stored and handled in ways that will contribute to their long-term preservation.

The Cultural Resource Management Program, Environmental and Natural Resources Division in the Directorate of Public Works Business, has stewardship responsibility for archeological materials owned and maintained by POM. Collections in the artifact curation facility (ACF) are the result of contracted and in-house compliance activity and accidental discovery on post.

This document outlines guidelines and instructions to be followed by private consulting firms for the preservation of archeological materials and associated documents, maps and photographs. These guidelines and instructions are consistent with the Standards and Guidelines for Curation of Federally-owned and Administered Archeological Collections (36 CFR 79) promulgated by the National Park Service.

Guidelines for Curation of Artifacts

The Presidio of Monterey Cultural Resources Program requires that materials submitted for curation meet certain general conditions prior to acceptance.

Cleaning

For material collected on POM, a plain water rinse with a little soft brushing as necessary has been found to be most appropriate. The installation's soils often fall free from the artifacts as they dry in the collection bag so that little, if any, cleaning is required. Pottery sherds should be treated with particular care during brushing to prevent any abrasion of the surface by the brush. In addition, sherds should not be cleaned at all if any soot-like material remains on the exterior or interior surfaces. Metal artifacts should not be washed but merely dry-brushed as needed.

All artifacts should be cleaned and stabilized prior to shipment to the POM contracted curation facility, except in instances where an uncleaned condition may facilitate a particular form of analysis (i.e. Charcoal for C14). In such cases appropriate documentation of the artifact's condition and the proposed analysis should be included in the artifact inventory and lab methods section of the final report. Items requiring specialized conservation measures should be stabilized on a case-by-case basis and further documented in the artifact inventory and lab methods section. Artifacts requiring special treatment must be packaged separately and clearly labeled.

Sorting and Cataloging

The collections are to be sorted by site number, provenience and artifact category (e.g., lithic, prehistoric ceramic, historic ceramic, metal, glass, other historic, ethnobotanical, faunal). Analytical categories will be further subdivided within each general category (e.g., flake/tool type, raw material, decoration, color etc...). Any material discarded in the lab must be described and noted in the lab methods section, site description or artifact inventory section. The attributes used to identify each artifact analytical category (e.g., artifact type and raw material type) must be clearly and concisely defined in the lab methods section of the cultural resource management report. Each artifact analytical category will be assigned an accession number with a specimen alphanumeric suffix (see *accession numbers* below) and all data must be entered into a spreadsheet or database format (Excel preferred; QuattroPro, Access acceptable). Analytical categories used are to be defined by the investigator as deemed appropriate, but must be up to acceptable professional standards and, again, clearly defined.

Accession Numbers

All artifacts must be marked with accession numbers (e.g., 99230), and a specimen number (e.g., m100) assigned by the cataloger. A new accession number is obtained for each collection" (project) or site visit to that site. The specimen number consists of an alphabetic symbol – a (artifact), p (pot sherd), b (bone), eb (ethnobotanical), Hb (human bone), m (miscellaneous)- and an arbitrary sequential number for each analytical category or artifact grouping. The sequential numbers begin with "1" for any given site collection and continue through the entire collection. A new intersite provenience or artifact grouping does not mean you start again with the number "1." **Artifact (a)** includes all prehistoric tools and most historic material; **pot sherd (p)** includes both prehistoric and historic sherds; **bone (b)** includes all faunal material; **ethnobotanical (eb)** includes all carbon samples, nuts and seeds; **miscellaneous (m)** includes lithic debitage, raw material, fire-cracked rock, brick and mortar.

Labeling

All artifacts must be labeled in a permanent yet reversible manner. The accession number should be placed on the artifact in a discrete place without losing legibility. The central-ventral surface of flakes; interior surface of sherds, away from the rim; non-photogenic side of projectile points, away from the edge; ventral side of scrapers/tools; are all examples of preferred label locations. A basecoat of archival-friendly sealer (polyvinyl acetate [PVA] in acetone or pure grain alcohol or B72 in acetone) is followed by a waterproof black India ink. The numbers are then sealed with an additional coating of sealer. Artifacts that are too small to directly mark must be placed in ziplocs with a tag marked with the accession number. Tyvek, Mylar or acid-free paper with permanent ink labeling is appropriate. In large artifact groupings with the same accession/specimen number (e.g. 259 biface thinning flakes) a 20% sample of the material is directly labeled then bagged with the rest of the grouping and an accession number tag. The labels for all projectile points, prehistoric tools and any other unique or diagnostics artifacts are to have the site number as well as the accession number. If the artifact is too small or otherwise unacceptable for this additional labeling the site number may be excluded at the discretion of the lab supervisor. A discussion of all labeling materials and techniques should be included in the lab methods section of the report.

Treatment Measures

A statement indicating chemical materials and methods used in artifact labeling, and whether or not specialized conservation treatment was performed, should accompany collections. If specialized treatment has occurred, a list of the objects and the treatment received is required. If conservation has not been completed, provide an itemized list of objects that need additional treatment.

Prehistoric Pottery

Pottery should not be washed if any soot material is observed on a surface. An attempt to remove and catalog a sample (treat as radiocarbon sample [see below]) of the soot should be made. If this is not possible, then the sherd should be wrapped in aluminum foil and the presence of soot should be noted on the bag and in the inventory. If casts of sherds are part of the laboratory procedure, be aware that both Plasticine and Sculpy are petrochemicals and will, therefore, add carbon to the surface of the sherd. This will adversely affect any potential accelerated mass spectrometry (AMS) dates on surface soot material.

Soil, Phytolith and Pollen Samples

Soil samples should be assigned an accession number and inventoried in the same manner as artifacts. The maximum amount of soil per sample should not exceed a 1-gallon size ziploc. The sample should be completely air-dried, and packaged in a 4 mil plastic bag, or double bagged in 2 mil plastic bags with a zipper closure. Use a permanent marker to label bags with the provenience information and accession number. Soil samples should be boxed separately from the rest of the site material. Storage boxes containing soil samples must not exceed 40 lbs. total weight, regardless of box size. Be sure the exterior box label includes the site number(s) and is also further marked as containing soil samples.

Radiocarbon, Faunal and Floral Samples

Accession numbers are to be assigned to all C-14 samples and these numbers are to be included in the site inventory. All samples should be packaged in aluminum foil and bagged in plastic ziploc bags. Label each package with the provenience information and accession number. Clearly mark each package as containing C-14 samples.

Microscope Slides

Slides made as a result of pollen or phytolith analysis, or thin sectioning of stone, bone, etc. is to be stored in plastic or metal microscope slide storage boxes (available from Fisher Scientific or other laboratory supply catalogues). Slide numbers must be legible and correlated with an inventory list including provenience information, description, purpose, name of person performing the work, and/or other pertinent information.

Human Remains

If suspected human remains are encountered during the course of excavation or survey all work should stop until the POM Cultural Resource Manager is contacted. All contractors working on the POM are required to comply with SOP #4 which provides procedures for dealing with human remains.

Provenience and Site Bags

Artifacts must be bagged by provenience within a 4-mil thick "site" bag. The site number should be placed on the upper-left and the accession number (excluding the individual specimen suffix) in the upper-right corner of the site bag but far enough below the closure so opening and closing the bag will not rub off the information. Interior provenience bags may be of a thinner plastic as appropriate for the material collected. Other appropriate provenience designations, such as test unit, shovel test, and level, should be marked on the lower-center portion of the interior bags, or included as tag labels within the bags. Paper bags although appropriate for fieldwork, are not acceptable long-term packaging material. A portion of the field paper bag, containing the original provenience information is acceptable as an enclosed tag. If the material from any one site is too large for a single "site bag," then several bags may be used. Multiple bags should be marked with sequential bag numbers (e.g., Bag 1/2, Bag 2/2, etc.).

Special Packaging

Particularly delicate items, such as ethnobotanical and faunal samples, should be wrapped in aluminum foil and placed in a solid-side container such as a small acid-free box or plastic film canister before packaging with the rest of the site collection. Oversized artifacts must be securely tagged with appropriate information on acid-free poster board, Mylar or Tyvek tags. Soil samples should be completely dry before sealing in a 4 mil thick bag and packed separately from the site collection.

Boxes

Site bags will be placed in numeric order in a standard, acid-free storage box (10" high, 12.5" wide, and 15" long). Box labels must be placed on the "width" end (below handle hole) of each sealed box. Labels include the site numbers and/or other relevant additional information. Labels should be typed, or hand written in large font, bold letters for easy reading. Box labels must be self-adhesive or securely attached to boxes with adhesive tape. The minimum label size for the standard storage box is 3" x 5". Multiple boxes for each site or project collection should be marked on the label with sequential box numbers (e.g., Box 1/4, Box 2/4, etc.). Such numbers must be applied to all boxes, containers, or other packaged artifacts, samples, documents, records, etc., and cross-referenced to packing lists or similar inventory control documents.

Packing Lists

All shipments to the ACF must be accompanied by a packing list, which provides the project name, artifact inventory (to include site number(s), accession numbers, and brief artifact description/count) and number of containers. A packing list for each box addressing the materials included therein is preferred.

Shipping

To pack artifacts for shipping, place Styrofoam peanuts at the bottom of the box to act as a buffer and reduce excess volume. Do not use newspaper. Place materials in position, then fill the remaining volume with Styrofoam peanuts to keep the materials in an upright or stable position within the exterior storage box. The weight of boxed collections should be distributed as evenly as possible. Standard acid-free storage boxes are suitable for shipping if the interior contents are appropriately packed.

Guidelines for Curation of Documents, Maps, Photographs

Documents

At least one photocopy, on stable, acid-free paper, of all original field documentation must accompany each collection submitted for curation. This may include field notes, shovel test forms, transect forms, topographic field maps, site sketches etc. Original field notes and other documentation must be submitted for permanent storage with the artifact collections. All documents are to be organized in acid-free, letter-size manila folders and clearly labeled. Over-sized material (e.g.: maps, etc.) may be submitted in mailing-tubes or large envelopes. Field notebooks or other bound records should be labeled on the exterior cover with a permanent marker.

Maps, Large Drawings and Charts

Maps and drawings on paper should be either rolled or folded with an acid-free outer label. Labels should include the provenience, name of the person who prepared the map, and the subject of map. Maps or drawings prepared on plastic drafting film ("Mylar") should be wrapped in acid-free tissue paper. Cotton string may be used to secure map rolls. Folded maps are to be stored in acid-free file folders. Fasten maps or drawings with moderate tension so that there is no stress on the medium itself. Do not use cellophane or plastic tape on maps (such adhesive materials lose qualities over time and discolor maps). Do not staple maps. Cardboard or plastic chart storage tubes may be used for shipping purposes.

Photographs, Negatives, Slides

A representative set of photographic slides and black & white photographs documenting each site will accompany each archeological site collection. Color slides should be Kodachrome process. Black and white "T-Max" print film is also recommended. Digital photography is encouraged. Minimally, at least 3 images per site should include an overall site view, a referencing landmark, and selected excavation units and/or soil profiles. Photos of features from first identification through the excavation process should also be included if applicable.

All photos, negatives and slides are to be curated in polypropylene sheets of the appropriate size. Photographic slides must be individually marked and identified. Sleeves are to be clearly labeled in permanent ink. A catalog (photo log) of all photographic documentation, to include the frame number, date, photographer, subject (provenience information), image descriptions etc., will be submitted with the images and coordinated with the labeling information. Sleeves may be in a standard 3-ring binder (labeled) or in labeled, acid-free file folders.

Computer Diskettes, Compact Disks, Videotapes and Audiotapes

Storage media for computerized data can take several forms, but all mediums should be carefully labeled and protected from physical damage. Diskettes or magnetic tapes should be directly labeled (permanent ink marker) and placed in archival quality storage sleeves in acid-free file folders. Labeling should include provenience information, subject, name of the person who supervised the data in/output, identification of the computer software, and the operating systems used.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COMMANDER, 7TH INFANTRY DIVISION AND FORT ORD
AND
THE NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSOCIATION

The commander, 7th Infantry Division and Fort Ord, hereinafter referred to as "Fort Ord", and the National Board of Young Men's Christian Association, hereinafter referred to as "YMCA", hereby enter into the following Memorandum of Understanding (MOU).

1. References: a. Army Regulation 405-80, Granting Use of Real Estate, 1 February 1979.

b. Department of Army Lease No. DACA05-1-82-505, granting the YMCA the use of the Army owned building and facilities at the Monterey Recreation Site, Monterey, California, located at 600 Camino El Estero.

2. Purpose: This memorandum between Fort Ord and the YMCA is for the purpose of establishing certain procedures and designating responsibilities of each party for the completion of exterior repairs to the leased building and accomplishment of other construction and landscaping on the lease premises.

3. Agreements: a. That the YMCA in coordination with Fort Ord staff members will target YMCA activities and events at the Monterey YMCA facility to the use of Department of Defense personnel and their family members and expand YMCA programs to provide an enhanced community support environment to the dependents of Service Members, especially those of lower graded Service Personnel.

b. That Fort Ord recognizes that certain exterior building maintenance repair and remodeling of the leased building is desirable along with other improvements and landscaping. In consideration of the valuable services provided to DOD personnel by the YMCA at the leased facility, Fort Ord will under Condition 4 of the lease reference 1b above invest, subject to the availability of funds, in the upgrading of the leased building and grounds.

c. That the YMCA will make all necessary arrangements with contractor and others to accomplish work agreed to by Fort Ord.

(1) The YMCA will submit all project plans/specifications and total cost and expenses to the Directorate of Engineering and Housing (DEH), Fort Ord, CA 93941-5777, for review and approval sixty days prior to start of construction. No work will be accomplished prior to Fort Ord approval of the project.

MEMORANDUM OF UNDERSTANDING BETWEEN FORT ORD AND YMCA

(2) The YMCA and its contractors shall keep accurate and complete records of their costs for the projects. Fort Ord shall have the right to audit the records for the accuracy, reasonableness and allowability for costs claimed for said work.

(3) Upon completion of a project to Fort Ord's satisfaction, the YMCA will present to Fort Ord the amount of the actual cost incurred by the YMCA, Fort Ord will reimburse the YMCA for those approved and completed projects in the amount of the total costs or the previously submitted cost for the project, whichever is the lowest figure.

(4) Changes: Changes or additions to this memorandum may be proposed by either Fort Ord or the YMCA, and will be implemented upon approval, in writing, by both parties to this memorandum.

DATE

17 Apr 85

Richard C. Cloy

RICHARD C. CLOY

Colonel, IN

Deputy Installation Commander

DATE

March 7, 1985

Frank Lynch

BOARD PRESIDENT 1985-86

YMCA