

Integrated Cultural Resource Management Plan (ICRMP)

Wallops Flight Facility,
Accomack County, Virginia

prepared for



**National Aeronautics and
Space Administration**

Goddard Space Flight Center
Wallops Flight Facility
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EXECUTIVE SUMMARY

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The National Aeronautics and Space Administration (NASA) Wallops Flight Facility (WFF) is an approximately 6,200-acre facility located in Accomack County on the Eastern Shore of Virginia. NASA's Goddard Space Flight Center owns and operates the facility. WFF is responsible for the care of historic properties located within its boundaries. Federal laws and regulations, principally Sections 106 and 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, specify those cultural resources responsibilities. The NHPA requires all Federal agencies to identify, inventory, evaluate and protect properties listed, or eligible for listing, in the National Register of Historic Places. In addition, NASA regulations require each installation to manage its cultural resources in compliance with cultural resources statutes, executive orders, presidential memoranda, regulations and other requirements.

This Integrated Cultural Resource Management Plan (ICRMP) for WFF is an internal management and compliance plan designed to assist the installation in meeting its obligations under Sections 106 and 110 of the NHPA. The ICRMP outlines how the installation will manage its cultural resources as an integral part of the existing framework of its operations and mission. It is designed to provide a program that will facilitate cultural resources coordination, planning and compliance activities. The WFF ICRMP provides procedures and recommendations for cultural resource management that are specific to WFF. It identifies current administrative, operations, planning, and maintenance decision-making processes that may affect cultural resources at WFF. It recommends strategies for maintaining those resources and complying with Federal, State and NASA regulations. The ICRMP is intended to be a dynamic tool that is reviewed and updated as conditions, goals, and objectives change over time. It may be updated as agency-level guidance, now in preparation by NASA's Federal Preservation Officer, becomes available.

WFF's current operations and resources profile indicate the following recommended actions:

- Preconstruction archaeological review should be undertaken in a timely fashion for WFF ground disturbing operations, with special attention to areas not yet subject to archaeological survey. Review will be conducted according to the terms of the Archaeological Programmatic Agreement (Appendix IV) and WFF Archaeological Sensitivity Model (URS/EG&G 2003), both of which have been approved by the Virginia Department of Historic Resources (VDHR [State Historic Preservation Office]). Depending on review findings, this process could lead to evaluation of identified archaeological resources, and mitigation measures for significant resources.
- National Register eligibility review will be conducted every five years in consultation with VDHR for WFF structures that reach the 50-year age threshold;

EXECUTIVE SUMMARY

eligible properties should be maintained according to historic treatment standards indicated in Appendix VII.

- Regarding the sole National Register eligible historic property, the Lifesaving Station and associated observation tower, present plans for alternatives, which include potential donation and removal, should be executed under the terms of a Memorandum of Agreement with consulting parties to include VDHR, the Advisory Council on Historic Preservation and other appropriate organizations (sample MOA in Appendix V).

These requirements along with WFF current standard operating procedures (Chapter 4), address NHPA requirements for WFF.

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1.0 INTRODUCTION

1.1 NATIONAL HISTORIC PRESERVATION PROGRAM

Historic properties in the United States are identified and protected by Federal laws enacted by Congress. The principal Federal regulatory tool governing historic properties is the National Historic Preservation Act of 1966, as amended (NHPA). This Act established a national historic preservation program to provide for the identification and protection of historic properties. The NHPA also established the National Register of Historic Places (NRHP), which is a listing of buildings, structures, districts, sites, and objects of significance in American history, architecture, archaeology, engineering, and culture.

Section 106 of the NHPA and its implementing regulations (16 USC 470 et seq.) require Federal agencies to identify historic properties that may be affected by any undertaking. An undertaking is defined as any project, activity or program under the direct or indirect jurisdiction of a Federal agency, or licensed, permitted, or assisted by a Federal agency that may result in changes to the character or use of a historic property. The agency must then consult with various concerned parties and consider ways to avoid or mitigate adverse effects to historic properties. Historic properties include buildings, archaeological sites, objects, and historic districts listed on and eligible for inclusion in the National Register. All Federal agencies planning a project must identify potential historic properties and evaluate them for their eligibility for listing in the National Register. An agency may already have an inventory of historic properties under their control compiled during survey work conducted in accordance with Section 110 of the NHPA.

Sections 110 and 111 of the NHPA prescribe additional Federal agency responsibilities, including the ongoing identification, management, maintenance, and use of historic properties. Section 106 of the NHPA requires the National Aeronautics and Space Administration (NASA) to consider the effects of any action it undertakes that may have an impact on historic or cultural resources listed or eligible for listing in the NRHP. This responsibility extends beyond the boundaries of installations to include all historic resources in proximity to the facility that may be affected, either directly or indirectly, by those actions.

1.2 NASA HISTORIC PRESERVATION PROGRAM

NASA maintains an Environmental Management Division that serves as the agency lead in ensuring NASA “meets its Federal stewardship responsibilities and achieves sustainability while carrying out its primary mission of understanding and protecting our home planet, exploring the Universe and searching for life, and inspiring the next generation of explorers” (NASA 2004). The Environmental Management Division is a unit of the Office of Infrastructure and Management, which reports to the Office of the Assistant Administrator for Institutional and Corporate Management.

Conservation of cultural resources is an important component of NASA's environmental management program. The Environmental Management Division includes NASA's Federal Preservation Officer (FPO), who works closely with NASA Center and Facility Historic Preservation Officers (FHPO), archaeology leads, and the NASA Senior Historian. The FPO also serves as a liaison to the Advisory Council on Historic Preservation (ACHP), the National Park Service (NPS), other Federal, State, and Tribal Preservation Officers, the NASA Tribal Government Consultation Officer, and NASA program officers. The NASA FPO is:

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1.3 WALLOPS FLIGHT FACILITY CULTURAL RESOURCE MANAGEMENT PROGRAM

The Facilities Management Branch, under the Management Operations Director, manages the cultural resources program at the Wallops Flight Facility (WFF). An Environmental Specialist carries out the day-to-day responsibilities in concert with the WFF's FHPO. The Environmental Office and other Facilities Management Branch staff will use this ICRMP to protect and manage the cultural resources at WFF.

The Goddard Procedural Requirements (GPR 8500.7), included as Appendix VIII, establish responsible parties and procedures that must be followed for protection of natural, cultural, and historic resources at its facilities, including WFF. The GPR is applicable to all personnel, facilities, and activities, including tenants, contractors, grantees, clubs, and other parties operating under the auspices of WFF. It is critical that WFF use the ICRMP in an ongoing and coordinated manner to ensure that both short- and long-term facility-planning activities take into account cultural resources protection.

1.4 ORGANIZATION OF WFF'S ICRMP

WFF is responsible for the stewardship of the cultural and historical resources located within its boundaries. This ICRMP provides the necessary information to WFF staff to ensure compliance with cultural resource management laws and polices. The ICRMP is designed to:

- Provide WFF-specific procedures and recommendations for cultural resource management;
- Integrate Federal cultural resources laws and regulations and NASA-specific procedures into the existing framework of WFF's operations and mission;

- Develop a cultural resources program to facilitate project planning, coordination, design, and compliance activities; and
- Provide the basis for new Programmatic Agreements (PA) between the NASA and WFF, the Virginia Department of Historic Resources (VDHR), the Advisory Council on Historic Preservation (ACHP), and other interested parties.

WFF's ICRMP is organized into five sections. Section One presents an overview of historic preservation programs relevant to WFF and describes the intent and structure of the ICRMP. Section Two describes the historic and archaeological resources located at WFF and their significance to the cultural life of the installation, the local community, and to the nation as a whole. Section Three assembles cultural resources planning regulations, procedures, and recommendations. Section Four provides standard operating procedures with which to address cultural resources issues at WFF. Specific preservation and conservation guidance for WFF archaeological and historic resources is included in Section Five. Section Six is a list of references, followed by technical appendices that can serve as a reference guide for cultural resources personnel and WFF's administration.

1.5 HIGHLIGHTS OF OPERATIONAL GUIDANCE

WFF's current operations and resources profile indicate the following recommended actions:

- Preconstruction archaeological review should be undertaken in a timely fashion for WFF ground disturbing operations, with special attention to areas not yet subject to archaeological survey. Review will be conducted according to the terms of the Archaeological Programmatic Agreement (Appendix IV) and WFF Archaeological Sensitivity Model (URS/EG&G 2003), both of which have been approved by the Virginia Department of Historic Resources (VDHR [State Historic Preservation Office]). Depending on review findings, this process could lead to evaluation of identified archaeological resources, and mitigation measures for significant resources.
- WFF structures that reach the 50-year age threshold should be evaluated for National Register eligibility in consultation with VDHR; eligible properties should be maintained according to historic treatment standards indicated in Appendix VII.
- Regarding the sole National Register eligible historic property, the Lifesaving Station and associated observation tower, present plans for donation and removal, or alternative plans, should be executed under the terms of a Memorandum of Agreement with consulting parties to include VDHR, the Advisory Council on Historic Preservation and other appropriate organizations (sample MOA in Appendix V).

These requirements along with WFF current standard operating procedures (Chapter 4), address NHPA requirements for WFF. The following sections provide detail useful for the understanding and implementation of these requirements.

2.0 OVERVIEW OF THE HISTORY AND RESOURCES AT WFF

2.1 INTRODUCTION

In order to manage the cultural resources at WFF, it is necessary to understand the resources themselves as well as the regulatory framework through which they were identified as significant and worthy of special treatment. This section describes WFF's facility, its mission, and natural setting. It also provides an overview and assessment of the archaeological and architectural resources currently identified at WFF, including those listed in or eligible for listing in the National Register. The section includes the findings of previous cultural resources investigations.

2.2 DESCRIPTION OF THE FACILITY AND MISSION STATEMENT

WFF is an approximately 6,200-acre facility located in Accomack County, on Virginia's Eastern Shore (Figures 2-1 and 2-2). The facility consists of three areas: 1) Wallops Main Base (1,900 acres); 2) Wallops Mainland (100 acres); and, 3) Wallops Island (4,200 acres). The Main Base is north and west of Simoneaston Bay, Little Simoneaston Creek, and Jenny's Gut. Wallops Island is made up of 1,000 acres of land and 3,200 acres of tidal marsh area on the landward side of the island and extends south along the Atlantic coast from the Chincoteague Inlet. Wallops Mainland is immediately inland across Cat's Creek from Wallop's Island, and is connected to the island by a causeway.

Main Base facilities include offices, laboratories, maintenance and service facilities, a NASA-owned airport, air traffic control facilities, hangars, runways, and aircraft maintenance and ground support buildings. In addition, there are water and sewage treatment plants, rocket motor storage magazines, U.S. Navy administration buildings and housing as well as USCG housing, and other miscellaneous structures. Wallops Mainland facilities include long-range radar, communications, and optical tracking installations. Wallops Island facilities includes launch and testing facilities, blockhouses, rocket storage buildings, assembly shops, dynamic balancing facilities, tracking facilities, U.S. Navy facilities, and other related support structures.

2.2.1 Mission Statement

During its early history, the mission of the National Aeronautics and Space Administration (NASA) Goddard Space Flight Center (GSFC) Wallops Flight Facility (WFF) was primarily to serve as a test site for aerospace technology experiments. Over the last several decades, the WFF mission has evolved toward a focus of supporting scientific research through carrier systems (i.e., airplanes, balloons, rockets, and uninhabited aerial vehicles) and mission services. Under Wallops Mission 2005, WFF plans to rebalance its mission, continuing its strong operation and technology support for the science community, while renewing its emphasis on support to NASA's aerospace transportation goals (NASA 2002b). This rebalancing will provide for a more effective utilization of WFF capabilities, lead to lower program costs, and provide support for currently underutilized resources. The WFF Mission 2005 "was developed with the goals

of leveraging the unique capabilities of WFF and providing high value to NASA's enterprises, while ensuring stability and a bright future for the facility and its workforce" (NASA 2002b:3).

The strategic vision for WFF – "Wallops Flight Facility will be a national resource for enabling low-cost aerospace-based science and technology research" – has three primary mission themes that align with and support NASA's goals at WFF (NASA 2002b:3). These mission themes, listed below, continue to expand existing WFF activities.

Mission Theme 1 – Enable Scientific Research

This mission theme supports the Earth and Space Science Programs by providing low-cost, highly capable suborbital and orbital carriers, mission management, and mission services to enable and conduct Earth and space science research.

Mission Theme 2 – Enable Aerospace Technology and Facilitate the Commercial Development of Space

This mission theme supports the Aerospace Technology and Human Exploration and Development of Space Programs by providing advanced aerospace technology development, testing, operational support, and facilitation of the commercial launch industry to enable frequent, safe, and low-cost access to space.

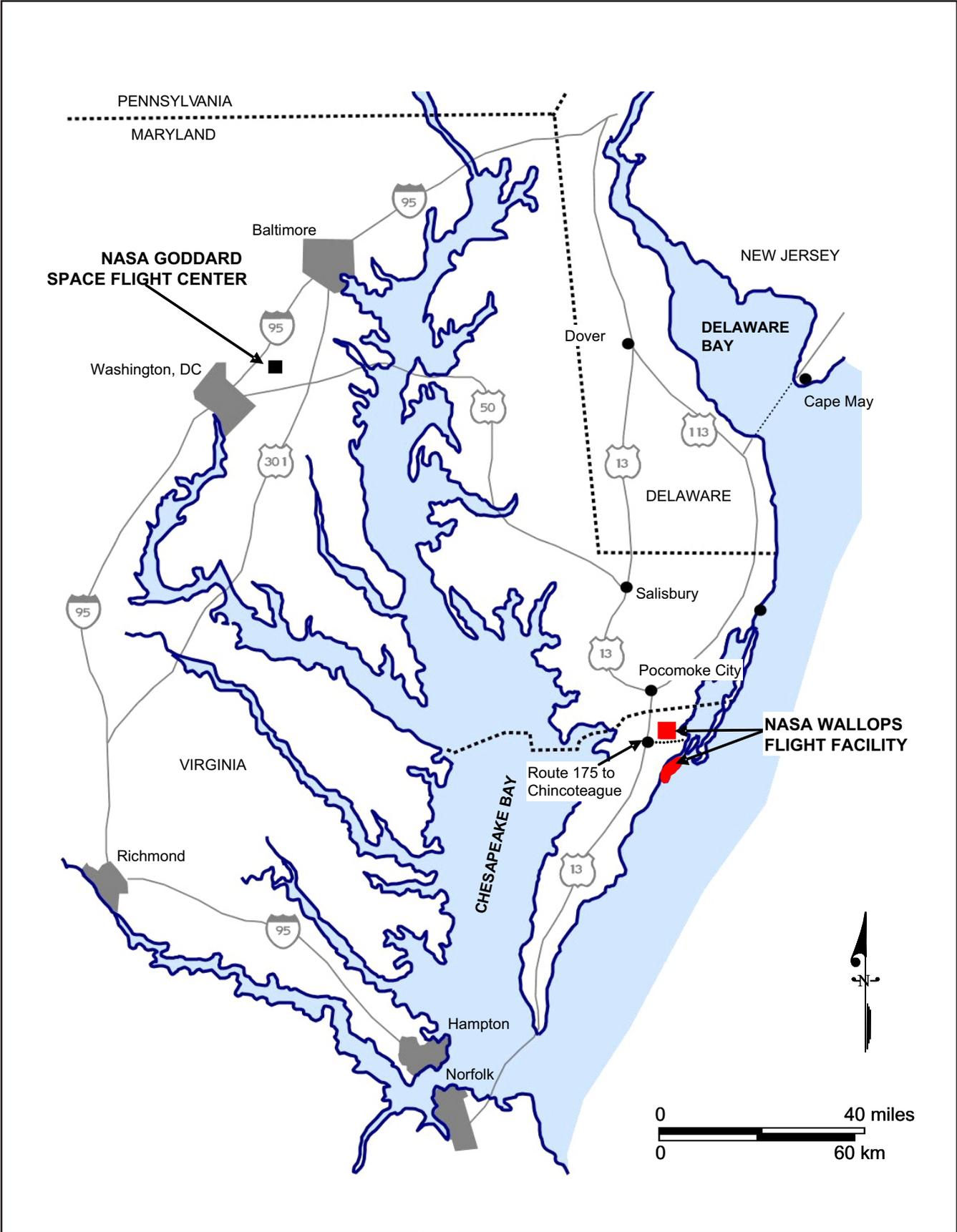
Mission Theme 3 – Enable Education, Outreach, and Innovative Partnerships

This mission theme supports other NASA goals and objectives by providing science and technology education and outreach programs, including innovative partnerships with academia, other government agencies, and industry.

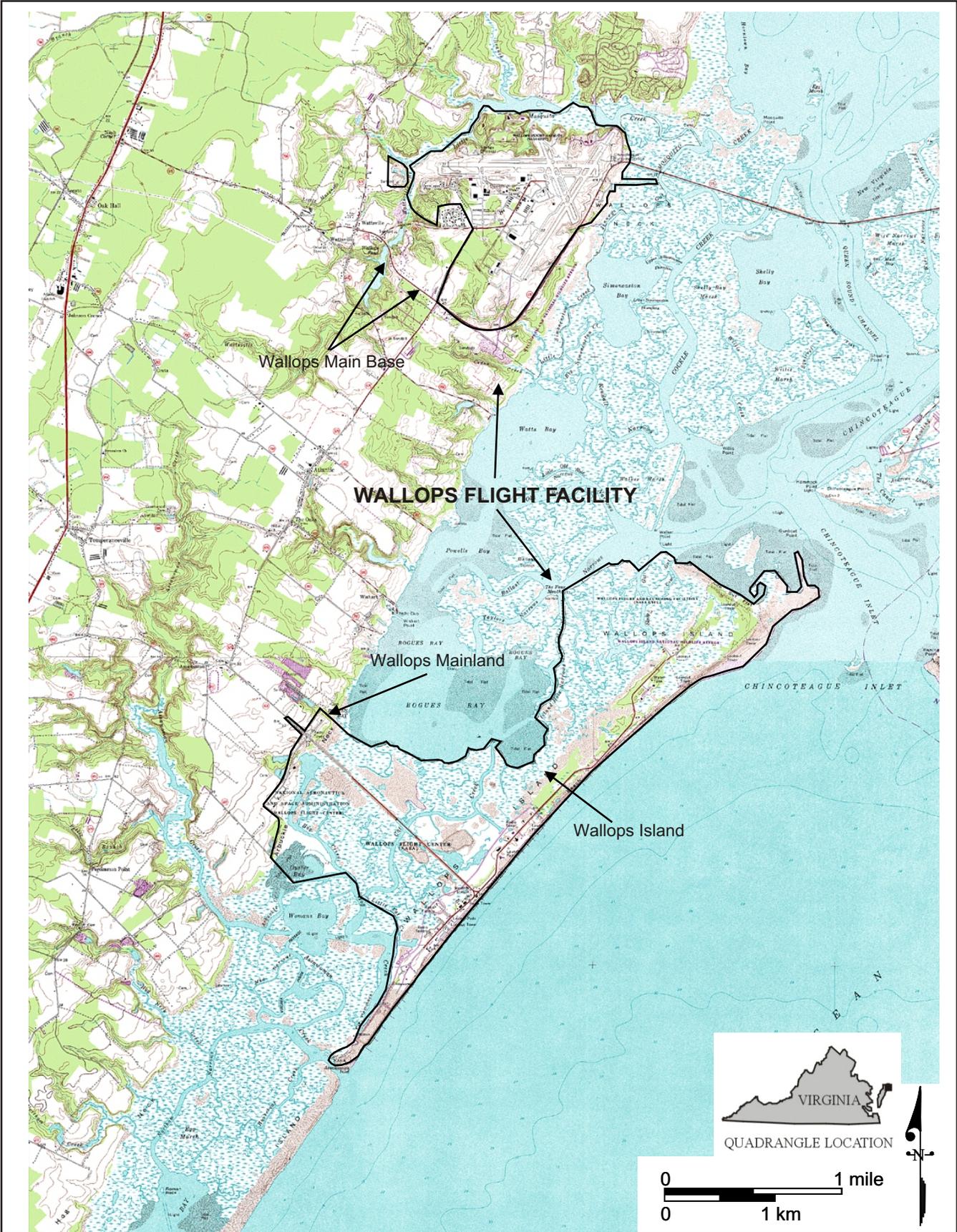
2.3 NATURAL SETTING

2.3.1 Vegetation and Wildlife

Vegetation for the area varies with landform association. On the Wallops Main Base and Wallops Mainland (mainland landform) areas are found: loblolly pine, black cherry, red maple, black willow, sassafras, and wax myrtle (NASA 1999; URS/EG&G 2005). Wallops Island (barrier island landform) vegetation includes seabeach orach, common saltwort, sea rocket, American beachgrass, seaside goldenrod, northern bayberry, wax myrtle, groundsel-tree, phragmites, poison ivy, greenbrier, loblolly pine, cherry, and duckweed (NASA 1999). The tidal marsh areas between Wallops Island and the mainland are dominated by saltmarsh cordgrass and salt meadow cordgrass (NASA 1999; URS/EG&G 2005). Areas of marsh are also located along Mosquito Creek on the northern fringe of the Main Base area (NASA 1999; URS/EG&G 2005). Areas of lawn are maintained in all three areas of the WFF.



PROJECT	NASA Wallops Flight Facility ICRMP	Location of Wallops Flight Facility	
SCALE	1 inch = 42 km (26 miles)		
SOURCE	NASA	URS	Project Number 15297459
			Figure Number 2-1



PROJECT	NASA Wallops Flight Facility ICRMP
SCALE	1 inch = 1.2 km (0.77 miles)
SOURCE	USGS 7.5' Quadrangle Maps: Bloxom, 1968, photorevised 1979; Chincoteague West, 1965, photorevised 1986; Wallops Island, 1965, photorevised 1980

Wallops Flight Facility	
URS	Project Number 15297459
	Figure Number 2-2

Both terrestrial and aquatic faunal species are found throughout the WFF (NASA 1999; URS/EG&G 2005). Invertebrate species include a variety of insects, snails, and crabs. In addition, sand shrimp, moon jelly, and squid are also found. Fish species include sandshark, smooth dogfish, smooth butterfly ray, bluefish, pipefish, spot, croaker, sea trout, and flounder. Amphibian and reptile species include Fowler's toad, green tree frog, black rat snake, hognose snake, box turtle, and northern fence lizard. Several species of sea turtle and whales are also found in the waters of the area. Bird species include several species of sparrows and gulls, red-winged blackbird, boat-tailed grackle, fish crow, gray catbird, mourning dove, swallows, mockingbirds, robins, and starlings. Migratory birds include numerous species of ducks, geese, shorebirds, and songbirds. Predatory birds (raptors) include the osprey, bald eagle, and peregrine falcon. Mammalian species include white-tailed deer, raccoon, red fox, white-footed mouse, meadow vole, opossum, gray squirrels, and cottontail rabbit (NASA 1999; URS/EG&G 2005).

2.3.2 Climate

WFF is located in the climatic region known as the humid continental warm summer climate zone. Large temperature variations during the course of a single year and lesser variations in average monthly temperatures typify the region. The climate is tempered by the proximity of the Atlantic Ocean to the east and the Chesapeake Bay to the west. Also affecting the climate is an air current, known as the Labrador Current, which originates in the polar latitudes and moves southward along the Delmarva coastline. The current creates a wedge between the warm Gulf Stream offshore and the Atlantic coast. The climate of the region is dominated in winter by polar continental air masses and in summer by tropical maritime air masses. Clashes between these two air masses create frontal systems, resulting in thunderstorms, high winds, and precipitation.

Temperature and precipitation in this climate zone vary seasonally. Four distinct seasons each demonstrate characteristic temperatures. In winter, sustained snowfall events are rare. Spring is wet with increasing temperatures. Summer is hot and humid with precipitation occurring primarily from thunderstorm activity. Autumn is characterized by slightly decreasing temperatures and strong frontal systems with rain and sustained winds.

2.3.3 Topography

The topography at WFF is typical of the Mid-Atlantic coastal region, and is mostly flat without unusual features. Wallops Island is separated from the Main Base and Wallops Mainland by numerous inlets, marshes, bays, creeks, and tidal estuaries. During storms, flood water from the Atlantic Ocean moves through these inlets and across the marshes to low-lying areas along the coast.

The WFF lies within the Tidewater region of the Embayed section of the Atlantic Coastal Plain Physiographic Province (USDA, SCS 1994). The three major landforms found at the WFF are mainland, tidal marsh, and barrier island. The mainland includes low and

high terraces separated by a discontinuous escarpment at 25 feet above mean sea level (amsl). Low terraces are found east of Route 13 and on the extreme eastern edge of Wallops Mainland. The low terrace consists of broad to narrow flats bordered by tidal marshes to the east and the discontinuous escarpment to the west (USDA, SCS 1994). The high terrace ranges in elevation from 25 to 50 feet amsl. The high terrace topography is more complex than the low terrace, and is generally characterized by broad, nearly level terraces that are broken by narrow elliptical ridges (Carolina Bay features), gentle escarpments, tidal creek, and drainageways (USDA, SCS 1994). Extensive tidal marshes are located between the mainland and barrier islands. The marshes flood regularly with the tides, are drained by an extensive system of meandering creeks, and have immature soils. Barrier islands are approximately parallel to the mainland and are generally less than 10 feet amsl. Topography varies from nearly level to steep (USDA, SCS 1994).

The majority of the WFF Main Base is located on a high terrace landform with the northern and eastern portions located on low terraces and tidal marsh. The Wallops Mainland is primarily located on low terrace and tidal marsh, and Wallops Island is a barrier island with extensive tidal marshes between the island and the Wallops Mainland. Presently, the highest elevation on Wallops Island is approximately 15 feet amsl. However, topography on barrier islands changes due to the dynamics of ocean currents, wind erosion, and severe weather conditions.

The Main Base has both natural drainage patterns and stormwater swales and drains to intercept and divert flow. The natural drainage pattern on the northern portion of the Main Base drains to Mosquito Creek and eventually flows to the Atlantic Ocean. The eastern and southeastern portions of the Main Base have a natural drainage pattern that flows to Simoneaston Bay, then into Cackle Creek, Shelly Bay, and Chincoteague Bay, before draining to the Atlantic Ocean. The natural drainage pattern on the western and southwestern portion of the Main Base is toward Wattsville Branch, and then to Mosquito Creek, and on to the Atlantic Ocean. Stormwater drains on the Main Base intercept natural drainage ditches and divert the flow to numerous discharge locations. Stormwater drains are located throughout the developed portion of the Main Base; the majority of stormwater discharges into the surrounding waterways, and eventually to the Atlantic Ocean.

On Wallops Mainland, the eastern sloping grade forms a natural drainage pattern that flows toward Hog Creek, and then to Oyster Bay, Assawoman Creek, and finally the Atlantic Ocean. Surface water on Wallops Island flows east through numerous tidal tributaries and subsequently flows to the Atlantic Ocean. Additionally, Wallops Island has storm drains that divert the water flow to several individual discharge locations.

2.3.4 Geology and Soils

The WFF is underlain by approximately 7,000 feet of sediment. The sediment lies atop crystalline basement rock. The sedimentary section, ranging in age from Cretaceous to Quaternary (135 million years ago to present), consists of a thick sequence of terrestrial,

continental deposits overlain by a much thinner sequence of marine sediments. These sediments are generally unconsolidated and consist of clay, silt, sand, and gravel that date to the Quaternary Period (ca. two million years ago to present; Bailey 1999; United States Geological Survey 1973).

The regional dip of the geological units is to the east toward the ocean. The two uppermost stratigraphic units at WFF are the Yorktown Formation and the Columbia Group, which is not subdivided into formations. The Yorktown Formation is the uppermost unit in the Chesapeake Group and was deposited during the Pliocene epoch (approximately 2 to 7 million years ago). The Yorktown Formation generally consists of fine to coarse, glauconite quartz sand, which is greenish gray, clayey, silty, and in part, shelly. The Yorktown Formation occurs at depths of 60 to 140 feet in Accomack County (NASA 2002a).

Soils in Accomack County were formed from parent material consisting of transported sediments moved and deposited by marine and stream action (USDA, SCS 1994). Within the area, soils mapped for the terraces include Bojac, Nimmo, Molena, and Polowana series. These soils are sands and sandy loams that vary from fine to coarse in texture. Soils mapped for the tidal marshes within the area include Chincoteague and Magotha series. Chincoteague soils are gleyed silt loams. Magotha soils are also gleyed silt loams, but are located in higher elevations within the marshes and have a mature soil profile. These areas were former uplands before they were transformed to tidal marsh by rising sea levels. Soils mapped for the barrier island in the area (i.e., Wallops Island) include beaches, the Camocca series and the Fisherman-Assateague complex. Beaches are unconsolidated sands with no soil development. The Camocca series and Fisherman-Assateague complex soils formed from sandy sediments and are immature soils.

2.4 HISTORICAL OVERVIEW

Comprehensive prehistoric and historic contexts for WFF are presented in the *Cultural Resources Assessment of NASA Wallops Flight Facility, Accomack County, Virginia* (URS/EG&G 2003) and in the *Historic Resources Survey and Eligibility Report for Wallops Flight Facility, Accomack County, Virginia* (URS/EG&G 2004b) respectively. Both documents were submitted to and approved by the VDHR. Summaries of those contexts are included below.

2.4.1 Prehistoric Context

Based on survey and planning work conducted in the Commonwealth, as well as research conducted in the region, the VDHR has defined three major time periods of prehistory: Paleoindian (10,000 – 8000 BC), Archaic (8000 – 1000 BC), and Woodland (1000 BC – AD 1600) Periods (Table 2-1). The Archaic and Woodland Periods are further subdivided into Early, Middle, and Late Periods, which are characterized by changes in material culture (e.g., stone tools or pottery styles), environmental adaptation, subsistence strategies (e.g., hunting or growing crops), settlement patterns, technology, and socio-political configurations.

Table 2-1. Prehistoric Culture Chronology

Culture Period	Sub-Period	Date Ranges
Paleoindian	n/a	10,000 – 8000 BC
Archaic	Early	8000 – 6500 BC
	Middle	6500 – 3000 BC
	Late	3000 – 1000 BC
Woodland	Early	1000 BC – AD 300
	Middle	AD 300 – AD 1000
	Late	AD 1000 – AD 1600
Contact	n/a	ca. AD 1600

The first habitation of the region began approximately 12,000 years ago with the influx of people who practiced a hunting and foraging lifestyle. These people, the Paleoindians, were heavily dependent on game for their subsistence, and supplemented their diet with fish and plants. They lived in camps on a seasonal or short-term basis, following animal herds as they migrated. Paleoindian stone tools reflect the emphasis on the processing of animal products, with large fluted spear points for hunting, a variety of scrapers for preparing hides, as well as multi-functional perforators and knives. Occasional forays would be made to acquire materials for these stone tools, and these forays are reflected in smaller sites, apart from the base camps. These sites include quarries, quarry reduction stations, where rock was reduced to a more portable size, and camp sites associated with these activities. Evidence of the Paleoindians is scarce on the Virginia Coastal Plain, and occurrences of Paleoindian artifacts on the Delmarva Peninsula are limited to isolated finds of projectile points (spear or dart points). One theory explaining the lack of documented Paleoindian sites is that they are located on the Continental Shelf of the Atlantic Ocean in areas that would have been dry land during the Paleoindian Period, but were gradually inundated as temperatures rose, melting glaciers and causing the water level to rise (e.g., Dent 1995; Lowery 2001, 2003).

The highly mobile society of the Paleoindian Period was to gradually shift, during the Archaic Period, to an increasingly sedentary society that focused more on the local natural resources available along large rivers and major tributaries. Both Gardner (1974) and Custer (1980) have hypothesized that during the Early Archaic Period, people banded together into macro-base camps, or groups of families, in the spring and summer, and dispersed into smaller micro-base camps in the fall and winter months. A greater variety of animals and plants became the subsistence of these people, and the diversification and specialization of stone tools that were developed during this time reflect the multiple products that they were processing. These tools included: grinding slabs, milling stones, and nutting stones for the processing of plant foods; gouges, axes, and adzes for manufacturing items of wood; and smaller and more diverse projectile points, frequently featuring stems and notches at the base. By the Late Archaic Period, structures such as fish weirs become apparent, indicating the exploitation of migrating fish and therefore the increase of fish in the diet. Such diverse resources for foods resulted in surpluses and the need to store and preserve them. This need was met by the innovation of subterranean

storage pits and soapstone containers. Numerous sites dating to the Archaic Period are found throughout the Delmarva Peninsula.

During the Woodland Period people continued to become more sedentary, although groups retained some mobility to take advantage of seasonally available resources, such as migrating fish in the spring and early summer, and shellfish in the autumn and early winter. Subsistence patterns are similar to the Late Archaic Period, although with an increasing reliance on marine resources and cultivated plants (Dent 1995; Lowery 2001, 2003). The same types of tools were available, although adapted into different styles, and bone tools, such as awls and needles, are added to their tool kits. The food surpluses that were available resulted in a population increase, and settlements become increasingly larger, leading to the development of a hierarchical type of political organization in the form of chiefdoms. The major innovation which differentiates the Woodland from the Archaic Period is pottery, which was easier to produce and more portable than stone containers. This period is also marked by the intensification of burial ceremonialism involving elaborate cremation burials with funerary offerings. By the Late Woodland Period, cultivated crops come to play an important role in subsistence for most of North America. Some researchers (e.g., Lowery 2001, 2003) suggest, however, that agriculture did not play a big role on the Delmarva Peninsula. Hunting, gathering, and fishing, rather than agriculture, were the basis of the subsistence economy. Sites dating to the Woodland Period are found throughout the Delmarva Peninsula.

The Contact Period was marked by the entrance of Europeans into the region, around AD 1600. Native American populations, however, remained much the same, following settlement and subsistence patterns consistent with the Woodland Period. Although records of European interactions with the native populations exist, little information is available on Eastern Shore groups during that time because of the delay in settling that area. Contact Period Sites are rare on the Delmarva Peninsula, although a handful of sites have been documented in the Delaware and Maryland portions of the peninsula (Lowery 2001, 2003). It is possible that the absence of Contact Period archaeological sites reflects the drastic reduction in Native American populations in the area due to disease (e.g., smallpox) or conflict with European populations.

2.4.2 Historic Context

Based on survey and planning work conducted in the state, as well, as research conducted in the region, the DHR has defined a sequence of time periods for understanding cultural developments during the historic period in Virginia (DHR 2003). These periods are summarized in Table 3-2 for reference. The discussion that follows is a brief summary of the historic context in URS/EG&G (2004b).

The first European settlement of area of the present Wallops Flight Facility occurred in the seventeenth century (Miller 1991), some 300 years prior to 1942, the year that the U.S. government established the aviation facility on the former farming area now known as Wallops Main Base. In 1664, King Charles II had granted a 1,000-acre parcel of land

on the nearby Eastern Shore mainland to John Wallop. Two years later, Wallop's patent was

Table 2-2. Historic Culture Chronology

Culture Period	Date Ranges
Settlement to Society	AD 1607 – 1750
Colony to Nation	AD 1750 – 1789
Early National Period	AD 1789 – 1830
Antebellum Period	AD 1830 – 1860
Civil War Period	AD 1860 – 1865
Reconstruction and Growth	AD 1865 – 1917
World War I to World War II	AD 1917 – 1945
The New Dominion	AD 1945 – present

reissued with an additional 700 acres. Wallop continued to add to his land holdings during the last decades of the seventeenth century, both by land grant from the English monarchy and by purchase. Wallop was also appointed the Surveyor-General for the Eastern Shore and thus many of the maps from the period show land marked as Wallop's Neck, Wallop's Creek, and Wallop's Island, which was previously known as Kekotank or Accocomson Island. In his capacity as surveyor, Wallop laid out the town of Port Scarborough, (now Onancock) and a north-south road through the Eastern Shore, which U.S. Route 13 approximately follows today. Wallop's plantations were used to grow tobacco and corn, to raise pigs and cattle, and for their lumber resources (Miller 1991). Wallop used the Island for grazing cattle, a common practice on many of the small, barrier islands that lay a good distance from the more densely settled and commercially active "bay side" of the peninsula (Krieger 1976; Turman 1964). Wallops also exported his products to the West Indies. Before his death, Wallops divided his land among his two children and also may have sold off several portions. In any event, Wallops Island remained in the hands of Wallop's descendants through the eighteenth and most of the nineteenth centuries (Turman 1964).

During the Revolutionary War, a small fort was established on the north end of the island (Miller 1991). The Eastern Shore, with its many inlets, tributaries, marshes, creeks and streams, provided a variety of waterways that could potentially be invaded by the English. At least two cannons were placed in the small fort of Wallops, to protect the opening between Wallops Island and Chincoteague Island (Krieger 1976).

In 1889, Wesley K. Woodbury of Wrightsville, PA purchased 2,000 acres of land on Wallops Island as a trustee of the Wallops Island Association (Reidenbaugh 1978). The Wallops Island Association was formed by a group of sportsmen who used Wallops Island for hunting, fishing and swimming. In 1933, the Association became the Wallops Island Club whose members erected a large club house on the northern portion of the island for their seasonal forays (Turman 1964).

Government association with Wallops Island began in 1883, with the establishment of a Lifesaving Station on the north end (Turman 1964). The Lifesaving Service became the U.S. Coast Guard in 1915. In 1933, a series of hurricanes caused significant damage to the station, which was replaced by a new facility in 1936 (Turman 1964).

In 1942, the U.S. Navy established the Naval Auxiliary Air Station on what is now the Main Base (NASA 1994; Turman 1964). New runways and support buildings were added the following year and the station was renamed the Chincoteague Naval Auxiliary Air Station. The facility was used for training naval aviation units for the war effort.

In 1945, the National Advisory Committee on Aeronautics' (NACA) Langley Field Research Center established a base on Wallops Island and that June launched its first rocket from the facility. Eighty five acres were purchased for NACA use on the southern end of the island, while an additional 1,000 acres were leased from the Wallops Island Club (NASA 1994; Turman 1964). Temporary facilities were constructed, including several Quonset huts, which served as housing for those stationed at research facility (NASA 1994). That same year, the U.S. Government purchased an 8,809-acre parcel of land on nearby Assateague Island to form the Chincoteague National Wildlife Refuge. After World War II, NACA began constructing permanent facilities to support its operations on Wallops Island. The earliest surviving structure from this period is the General Services Building (1946), which served as a headquarters and general administration building. That same year, the U.S. Navy expanded the mission of the Chincoteague Naval Air Auxiliary Station by establishing the Naval Aviation Ordnance Test Station.

By 1949, the U.S. government had purchased the remainder of Wallops Island, which was used by both the Navy and NACA in the north and southern halves of the island respectively (NASA 1994; Turman 1964). Construction of permanent facilities relating to NACA's expanding missions of rocket and model testing continued throughout the late 1940s and early 1950s.

The race between the United States and the Soviet Union to launch the first orbital vehicle intensified in the 1950s. A pivotal event in that race occurred in the fall of 1957 when the U.S.S.R. launched Sputnik I and II. In response, the United States formed the National Aeronautics and Space Administration through the National Aeronautics and Space Act of 1958. NACA's missions were superseded by the new agency, and missions throughout its facilities were augmented. In July of 1959, NASA officially assumed control of the Chincoteague Naval Auxiliary Air Station through an agreement with the Navy. The land transfer was officially approved in 1961. NASA also purchased 100 acres on the Wallops Mainland. The entire facility was renamed Wallops Station at that time. In December of that year, a rocket carrying "Sam," a live rhesus monkey, was launched and successfully recovered from Wallops Station. The rocket was a test of the Mercury capsule, the first orbiting space vehicle (NASA 1994).

Other components of the manned space vehicle such as pressurization studies and recovery methods were tested at Wallops as well. Wallops also continued its earlier missions of aircraft model and rocket launching, and testing of other suborbital vehicles.

In 1974, the name of the installation was changed to the Wallops Flight Center. While the facility continued to conduct research-based missions on model launching, it also expanded to include studies relating to Earth and ocean science. Research at the main base focused largely on noise reduction for military and commercial aircraft as well as runway surfacing techniques. In 1981, the Wallops Flight Center officially consolidated with the Goddard Space Flight Center and became NASA's primary launch facility for suborbital research and the study of the upper atmosphere. Missions at Wallops Flight Facility today include the launching of sounding rockets, balloons and other aircraft (NASA 1994).

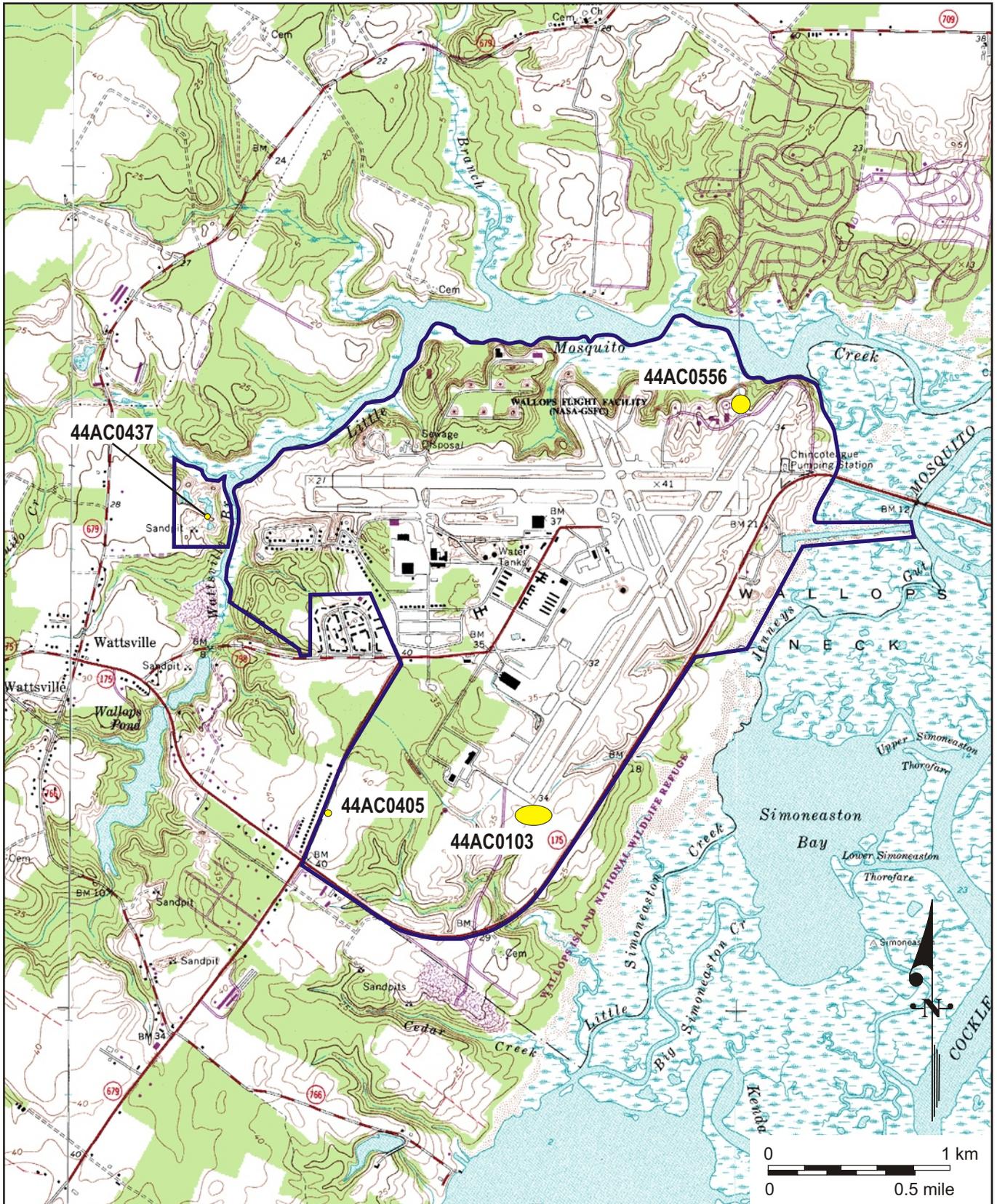
2.4.3 Architectural Context

Over 500 buildings and structures are located throughout the three areas of the WFF. The range of buildings and structures includes research facilities, administration buildings, aviation-related structures, antennas, radars, residential, recreational, and service buildings. The 2004 Historic Resources Survey and Eligibility Report (URS/EG&G 2004b) confirmed that 124 of these predate 1956. However, the built environment today primarily represents the use of the site by NASA during the past 20 years or less, due to individual building alterations, building replacement, and demolition. Site analysis and historic research on the development of the site revealed that continual change and alteration most accurately reflects the use of the site over time. The nature of testing and research in the context of the aviation and aeronautic fields is one of constant change and evolution of technologies and research equipment. That change is clearly reflected in the resultant physical environment at Wallops.

2.5 PREVIOUS CULTURAL RESOURCES INVESTIGATIONS

2.5.1 Archaeological Investigations

Eight archaeological sites have been identified on the Wallops Flight Facility (Appendix XI; Table 2-3; Figures 2-3 and 2-4). These sites are discussed in more detail in URS/EG&G (2003). Three of the sites (44AC0089, 44AC0103, and 44AC0159) were identified by J. Mark Wittkofski in 1980 as part of a survey of Northampton and Accomack Counties. Four sites (44AC0405, 44AC0437, 44AC0459, and 44AC0556) were investigated as part of Section 106 compliance surveys; one of these, site 44AC0556, was an unanticipated find discovered during construction by NOAA. The eighth site (44AC0558) was partially excavated by the Eastern Shore Archaeological Society in 1996 (Greenley 1997).



PROJECT WFF ICRMP	Archaeological Sites Located on the WFF Main Base	
SCALE 1 inch = 0.8 km (0.5 mile)	<div style="text-align: center;">  </div>	
SOURCE USGS 7.5' Quadrangle Maps: Chincoteague West, 1965, photorevised 1979; Hallwood, 1968, revised 1992		



PROJECT WFF ICRMP		Archaeological Sites Located on the WFF Mainland and Wallops Island	
SCALE 1 inch = 1.2 km (0.8 mile)		URS	PROJECT NO. 15297459
SOURCE USGS 7.5' Quadrangle Maps: Bloxom, 1968, photorevised 1979; Chincoteague West, 1965, photorevised 1986; Wallops Island, 1965, photorevised 1980			FIGURE NO. 2-4

Sites 44AC0405, 44AC0437, and 44AC0459 have been recommended as ineligible for listing on the NRHP. The three sites identified by Wittkofski in 1980, as well as site 44AC0558, have not been the subject of further archaeological inquiry; these sites are located in protected areas not planned for development. The report for site 44AC0556 is in preparation; recommendations for NRHP eligibility are forthcoming.

Table 2-3. Known Archaeological Sites Located on Wallops Flight Facility

Site Number	Site Type	Culture Period	Location
44AC0089	Military Earthworks	Revolutionary or Civil War	Wallops Island
44AC0103	Matthews House and associated grave/cemetery	18 th Century (ca. 1788)	Main Base
44AC0159	Shell Pile	Unknown Historic	Wallops Island
44AC0405	Artifact Scatter	19 th century	Main Base
44AC0437	Artifact Scatter	18 th and 19 th centuries	Main Base
44AC0459	Trash scatter associated with U.S. Coast Guard Station	Late 19 th and 20 th centuries	Wallops Island
44AC0556	Trash pit	Late Woodland	Main Base
	Funerary, single grave	19 th century	
44AC0558	Temporary Camp	Possible Middle Archaic; Woodland; possible Historic	Mainland

Several cultural resources studies have been conducted on the Virginia Eastern Shore. Studies conducted in the vicinity of the facility are detailed in the Cultural Resources Assessment (URS/EG&G 2003). Summaries of projects conducted on the WFF are included below. Table 2-2 contains a prehistoric chronology for the region.

One archaeological site (44AC103) associated with a ca. 1788 house is located in the southeastern portion of the Main Base. The house was associated with the Matthews family and was inventoried as VDHR ID# 01-0155. The structure was demolished in the 1950s during expansion of the runway. It is unclear if subsurface portions of the site have been destroyed, or if portions remain intact.

In 1980, Mark Wittkofski conducted a Phase I reconnaissance for a proposed parking lot on Wallops Island for the U.S. Navy. He determined the facility had low sensitivity for archaeological resources since it had been previously disturbed and graded with modern fill (Wittkofski 1980).

Greenhorne & O'Mara, Inc. (Dinnell and Collier 1990) conducted a study of the southwestern portion of the Main Base for the Naval Facilities Engineering Command. One 19th century historic trash scatter (44AC405) was identified.

Telemarc, Inc. conducted an archaeological survey adjacent to the WFF in 1991. This study was conducted as part of a property acquisition west of runway 10/28 (Otter 1991). No cultural resources were identified.

In 1991, 3D/Environmental Services, Inc. (Miller 1991) completed a cultural resources inventory, including architectural and archaeological resources, for the WFF. This study was intended to produce a predictive model and sensitivity assessment for archaeological resources, as well as function as a planning document for future development of the WFF. A study conducted by URS/EG&G in 2003, discussed in more detail below, served as an expansion and update of the 1991 study.

In 2003, URS/EG&G conducted an assessment-level investigation of the entire WFF, which resulted in the *Cultural Resources Assessment of NASA Wallops Flight Facility, Accomack County, Virginia* (URS/EG&G 2003). The project included background research and field reconnaissance involving assessing land forms for their archaeological potential. The study superseded the earlier cultural resources assessment prepared by 3D/Environmental Services, Inc. in 1991. The overall purpose of the reconnaissance effort was to comply with direction received from the VDHR in response to previous studies prepared for WFF property, and to provide a basis for managing cultural resources at the WFF in compliance with all requirements of Sections 106 and 110 of the NHPA.

The study established a predictive model for understanding the archaeological potential at WFF, with areas of high, moderate, and low potential. Areas that contain moderate and high archaeological sensitivity are located, for the most part, along the fringes of the WFF. These areas are not likely to be disturbed or developed due to their location next to wetlands and ecological buffer zones. Prior ground disturbances limit the archaeological potential of many parts of WFF. Causes of these disturbances include past erosion by the wind and sea on Wallops Island, as well as construction, demolition, and landscaping from mission-driven improvements in all parts of the facility. The report recommended that unsurveyed areas should be considered in future planning and inventory studies, and that future intensive archaeological survey (Phase I survey) should be conducted in areas of high archaeological sensitivity. Because of the planned maintenance of undisturbed buffer and wetland fringes (which encompass all areas of high archaeological potential), a project-driven (Section 106) archaeological survey would, in most cases consist of less intensive, Phase IA survey (record review and brief field reconnaissance), of any future projects' proposed Area of Potential Effects (APE). An important part of such survey would involve desk review and field confirmation of prior construction/demolition disturbance, which has been extensive as a result of frequent mission-driven changes in WFF's built environment since the facility's initial aeronautic use by the Navy in 1942. Undisturbed areas would, of course, be subject to more intensive field study in conformance with VDHR's archaeological survey standards (VDHR 2003).

The high, moderate, and low archaeological sensitivity zones and known archaeological sites identified by the study have been incorporated into cultural resources GIS layers used for planning purposes by the facility. The model is used to help identify potential archaeological impacts of WFF projects and is used in WFF's NHPA Section 106 consultation with the VDHR (Virginia SHPO).

As fiscal resources are available, WFF will be cataloging the location and nature of ground disturbances from past construction and demolition that are documented in its

archive of historic architectural and engineering records. An additional resource for documenting areas of disturbance is an earlier Army Corps of Engineers investigation of Wallops Main base (USACE 2000). That study used historic aerial photographic data and terrain mapping methods to identify areas of concern including: structures, trenches, pits, disturbed ground, mounds of material, and other features. It should be noted that although past ground disturbance has the potential to have “erased” sub-surface features from the archaeological record, this is not always the case. The accidental discovery of a previously disturbed historic human burial during utility trenching in an area of “moderate archaeological sensitivity” in 2005 at WFF is a case in point.

In March 2004, URS/EG&G (2004a) conducted a Phase I archaeological survey for a proposed wetlands mitigation project located immediately northeast of the Wallops Coast Guard Station (VDHR ID# 001-0027-010) on Wallops Island. According to the Cultural Resources Assessment, the facility was located in an area of moderate to high sensitivity for historic archaeological resources, and low sensitivity for prehistoric archaeological resources. As a result of the Phase I survey, a late 19th through 20th century site was identified (site 44AC459). In addition, one 18th century artifact (scratch blue, white salt-glazed stoneware) was recovered during the Phase I survey. This artifact, however, was considered an isolated find and not representative of an 18th century component on the site. Site 44AC459 represents late 19th and early 20th century trash disposal associated with the former Coast Guard Station, as well as mid- to late-20th century activities associated with later use of the property by the U.S. Navy and NASA.

Site 44AC459 was considered to represent the northern fringe of a larger site that included the former Coast Guard Station (located approximately 600 feet to the southwest of the current facility). The site, as defined by the 2004 study, was considered unlikely to yield significant information concerning the history of the former Coast Guard Station. The mixed context of the artifacts (mid-18th through 20th centuries) and recent disturbances limited the research potential of the site. It was determined that the proposed wetlands construction would not impact significant archaeological resources, and no further archaeological work was recommended.

In June 2005, salvage archaeology on a human grave and subsequent Phase I survey was conducted by Tim Thompson of the U.S. Army Corps of Engineers, Norfolk District (USACE) in association with a parking lot and sewer line construction on the NOAA facility. Based on the Cultural Resources Assessment, the facility was considered to have moderate sensitivity for both prehistoric and historic archaeological resources. The report on this project is forthcoming, however. The human remains are being examined by a forensic anthropologist at the VDHR in Richmond. The Phase I testing for the parking lot resulted in the identification of two prehistoric pit features, one of which appears to date to the Late Woodland Period (ca. AD 1000 – 1600).

2.5.2 Architectural and Historical Investigations

In 2004, URS/EG&G (2004b) conducted a comprehensive architectural survey and National Register-eligibility evaluation of the WFF on behalf of NASA. The purpose of

the historic resources survey was to identify, record, and evaluate the significance of historic standing structures at the WFF. URS conducted site file and archival research at the VDHR. Background research determined that there were no historic resources listed on or determined eligible for the National Register on WFF nor were there previously surveyed architectural resources within the area prior to the 2004 survey.

The study consisted of a reconnaissance-level architectural survey of 124 buildings, structures, and objects at WFF built before 1955, as well as a historic context. Of the 124 buildings and structures surveyed, 36 are major base buildings and 88 are ancillary structures. The project included an historic context (concentrating on the period from 1936 to 1955) specific to extant structures built during this period by the U.S. Coast Guard, U.S. Navy, and NACA. The context focuses on the development of the base and its structures and their relation to the Space Race (1957 – 1969) and Cold War (1945 – 1989) eras. The study included evaluation of National Register and Virginia Landmarks Register eligibility for individual structures and for a potential historic district related to the context. As such, each surveyed resource was documented following VDHR standards and was evaluated according to the National Register criteria and standards for integrity. The project resulted in the *Historic Resources Survey and Eligibility Report for Wallops Flight Facility, Accomack County, Virginia* which recommended one historic resource (described below in Section 2.5.3) as eligible for the National Register.

2.5.3 WFF's Historic Resources

The 2004 *Historic Resources Survey and Eligibility Report* determined that one resource, consisting of the Wallops Coast Guard Lifesaving Station (VDHR #001-0027-0100; WFF# V-065) and its associated contributing Coast Guard Observation Tower (VDHR #001-0027-0101; WFF# V-070) is eligible for listing in the National Register and Virginia Landmarks Register. The tower is not significant individually, but as a contributing structure to the Lifesaving Station.

The remaining 122 surveyed resources are not eligible for the National Register because they lack historical significance and/or integrity necessary to convey significance. Similarly, no National Register-eligible historic districts were found on the three areas of the WFF facility. Many of the inventoried buildings and structures have been modified through additions and other alterations to original building fabric. In other instances, the settings and landscapes in which the surveyed resources are located lack integrity. The Real Property Index will be used to plan five-year increment structures surveys and eligibility reviews for all structures on the WFF that reach the 50-year age threshold.

3.0 CULTURAL RESOURCE PLANNING

3.1 INTRODUCTION

Effective cultural resource management requires installation managers and planners to understand the regulatory framework guiding their actions. It is also helpful for the unique historic and archaeological resources located at the site to be placed into a system of classification to guide the planning and management activities that will affect those resources. While it is not always possible to save and maintain every historic or archaeological resource because of mission requirements, national security, and/or cost, it is useful to have a plan in place for mitigating the impact when it is necessary to make decisions that potentially impact the qualities that make the resources eligible for listing in the National Register. Though at the time of this management plan's development there was only one National Register eligible property found at WFF, both historic and archaeological resources may emerge during the five year duration of this ICRMP, making a discussion of these regulations all the more pertinent. New eligible structures would result from additional resources reaching the 50-year threshold. New eligible archaeological sites could be identified by future project driven archaeology under Section 106 of the NHPA.

Section 3.2 provides a brief review of applicable cultural resource management legislation, standards, executive orders, and regulations that define the statutory basis for protecting and maintaining any future historic and archaeological resources at WFF. Section 3.3 describes the existing WFF organizational framework and integrates cultural resource management activities within those programs. Cultural resource categories and treatment procedures to guide future management activities at WFF are recommended in Sections 3.4 and 3.5. Finally, Section 3.6 provides planning and mitigation strategies for cultural resource management over the next five years.

3.2 APPLICABLE LEGISLATION, STANDARDS, EXECUTIVE ORDERS, AND REGULATIONS

Federal legislation provides the statutory basis for identifying, evaluating, and protecting historic properties managed by Federal agencies and delineates agency responsibilities during the planning and review stages of Federal actions. These laws and their implementing regulations define the responsibilities of NASA to protect the cultural resources of WFF, while ensuring that the interests of the nation are served in identifying and protecting cultural resources located on public lands. More detailed information regarding Federal legislation is located in Appendix VI. In addition, the National Park Service (NPS) maintains a webpage with .pdf versions of applicable laws, regulations, and standards. These can be downloaded at:

<http://www.cr.nps.gov/linklaws.htm>.

3.2.1 Legislation

3.2.1.1 American Antiquities Act of 1906

The American Antiquities Act of 1906, as amended (16 USC 431-433) protects all historic and prehistoric sites on Federal lands and prohibits excavation or destruction of such antiquities without the permission of the Secretary of the department with jurisdiction over those lands.

3.2.1.2 Archaeological and Historic Preservation Act of 1974

The Archaeological and Historic Preservation Act (AHPA) of 1974, as amended (16 USC 469-469c-2) requires Federal agencies to arrange for the “preservation of historical and archaeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of...any Federal construction project or federally licensed activity or program.”

3.2.1.3 Archaeological Resource Protection Act of 1979

The Archaeological Resource Protection Act (ARPA) of 1979, as amended (16 USC 470aa-mm), imposes Federal felony penalties on persons convicted of the “unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources” located on public or Indian lands, or selling, purchasing, or transferring artifacts obtained in violation of the law. ARPA requires permits to be issued prior to the initiation of archaeological investigations on Federal property or property under Federal control.

3.2.1.4 Historic Sites Act of 1935

The Historic Sites Act of 1935, as amended (16 USC 461-467), makes it a national policy “to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.” The act also authorizes the NPS to carry on a continuing program of recording, documenting, acquiring, and managing places important in the interpretation and commemoration of the history of the U.S.

3.2.1.5 National Environmental Policy Act of 1969

The National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321 and 4331 – 4335), requires Federal agencies to consider the environmental effects of their proposed undertakings prior to initiation and to involve the public in the decision-making process. Although NEPA compliance documents must contain an assessment of the impacts of a proposed action or activity on both natural and cultural resources, compliance with NEPA cannot itself substitute for Section 106 consultation. However, data and findings obtained through compliance with other cultural resources statutes and regulations (i.e., Section 106) may be integrated into the concurrent NEPA compliance process and documents.

3.2.1.6 National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470 et seq.), is the cornerstone of Federal Cultural Resource Management law. This Act established a national program of historic preservation and requires Federal agencies to consider the effect of their proposed activities on historic properties. Additionally, the NHPA:

- Created a National Register of Historic Places (NRHP), which lists “districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture,” and authorized the Secretary of the Interior to maintain, expand, and establish nominating procedures for the National Register (16 USC 470a[1][a]);
- Instituted a system of State Historic Preservation Offices (SHPO) for all states and territories to administer each state’s historic preservation program (16 USC 470a[b][1]);
- Established the Section 106 review process which mandates that any undertaking involving Federal funds must “take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register” (16 USC 470f); and
- Established the Advisory Council on Historic Preservation (ACHP) as an independent agency to advise the President, Congress, and other Federal agencies on historic preservation matters; to disseminate information on historic preservation; and to encourage public interest in historic preservation (16 USC 470i- 470j).

Sections 106 and 110 are the two primary elements of the NHPA related to Federal management of historic properties. Section 110 of the NHPA defines the broad historic preservation responsibilities of Federal agencies and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all Federal agencies. Under the law, the heads of Federal agencies must do several things. First, they must assume responsibility for the preservation of historic properties owned or controlled by the agency. Each Federal agency must also establish a preservation program for the identification, evaluation, nomination, and protection of historic properties. Additionally, Federal agencies must consult with the Secretary of the Interior (acting through the Director of the NPS) in establishing their individual preservation programs. Each Federal agency must, to the maximum extent feasible, use available historic resources to carry out its responsibilities.

Section 106 requires Federal agencies to take into account the effects of their proposed undertakings on properties included, or eligible for inclusion, in the NRHP (36 CFR Part 800.1). In its regulations on the Section 106 process, the ACHP defined an undertaking as “any project, activity, or program that can result in changes in the character or use of historic properties.” Federal undertakings include all direct actions; federally assisted

actions, such as those involving Federal funding; and federally licensed activities, such as those requiring permits from Federal agencies (36 CFR Part 800.2). Section 106 review ensures that Federal agencies consider historic properties in the early stages of planning proposed undertakings, along with other factors such as environmental concerns, cost, design, and agency mission.

The Federal agency responsible for the proposed undertaking must initiate and complete the Section 106 review process. First, using the National Register Criteria for Evaluation, all known and potential cultural resources must be identified and evaluated for their eligibility (36 CFR Part 60.4[a-d]). The potential effects, both direct and indirect, on significant identified resources must be determined. If found that a proposed project will have an effect on a National Register listed or eligible resource, steps must be taken to mitigate the anticipated effect. The SHPO and ACHP may serve as active participants in the Section 106 review process. Further, the ACHP must be afforded a reasonable amount of time to comment on a proposed project that will have a significant effect on historic properties.

3.2.1.7 Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, as amended (25 USC 3001 et seq.) governs the repatriation and protection of Native American (American Indian, Inuit, and Hawaiian Native) human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony recovered from lands controlled or owned by the United States or held in the collections of Federal agencies or federally funded museums.

3.2.2 Historic Preservation Standards and Guidelines

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

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR Part 68) provide guidelines for the treatment of historic properties and include standards for preservation, rehabilitation, restoration, and reconstruction projects.

3.2.2.2 The Secretary of the Interior's Professional Qualification Standards

The *Secretary of the Interior's Professional Qualification Standards* (48 FR Part 44716) provides guidelines that define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities in the fields of History, Archaeology, Architectural History, Architecture, and Historic Preservation. In some cases, additional areas or levels of expertise may be necessary, depending on the complexity of the task and the nature of the historic properties involved. Federal agencies use these standards to guide hiring of their own cultural resource management (CRM) professionals, and CRM professionals retained on a contractual basis. These standards are found in Appendix VII.

3.2.3 Executive Orders

3.2.3.1 EO13287: Preserve America

This order, signed in 2003, requires Federal agencies to advance the protection, enhancement, and contemporary use of historic resources under their ownership or management. As part of the order, the ACHP provided recommendations on strategies and techniques to stimulate initiative, creativity, and efficiency in the stewardship of federally owned historic and cultural resources. Additionally, Federal agencies are encouraged to develop partnerships with other governmental bodies and agencies, at the State, tribal, and local levels, and with the private sector, in order to promote preservation and heritage tourism as a means of economic development. This EO can be viewed at: http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=PLAE&contentId=16910&contentType=GSA_BASIC

3.2.3.2 EO11593: Protection and Enhancement of the Cultural Environment

This 1971 order requires agencies of the executive branch of the Federal government to: administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people; and, in consultation with the ACHP, institute procedures to ensure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance.

3.3 FRAMEWORK FOR CULTURAL RESOURCE MANAGEMENT AT WFF

3.3.1 Facility Historic Preservation Officer

The Facilities Management Branch manages the cultural resources program at the Wallops Flight Facility (WFF). The Environmental Office and Facilities Management Branch staff will use this ICRMP to protect and manage the cultural resources at WFF. An Environmental Specialist carries out the day-to-day responsibilities in concert with the WFF's Facility Historic Preservation Officer (FHPO). The FHPO is responsible for both cultural resources (Sections 106 and 110) and environmental (NEPA) compliance.

The FHPO job includes coordinating WFF's cultural resources responsibilities with employees and tenant organizations at WFF. These duties are included in the Goddard Procedural Requirements (GPR 8500.7), which describe responsible parties and procedures that must be followed for protection of natural, cultural, and historic resources at its facilities, including WFF. The GPR is applicable to all personnel, facilities, and activities, including tenants, contractors, grantees, clubs, and other parties operating under the auspices of WFF. The GPR is included as Appendix VIII. It is critical that

WFF use the ICRMP in an ongoing and coordinated way to ensure that both short- and long-term facility-planning activities take into account cultural resources protection.

The duties that ideally should fall under the responsibility of the FHPO are:

- Integrating cultural resource management goals and procedures into other components of WFF's administrative structure;
- Overseeing compliance with NHPA and all relevant Federal regulations;
- Ensuring that NASA cultural resource responsibilities are understood and carried out;
- Maintaining a current inventory of cultural resources;
- Educating WFF staff about ways to minimize potential adverse effects on National Register listed or eligible resources; and
- Coordinating communication between WFF personnel and outside agencies and the public who have an interest in cultural resources at WFF.

As WFF develops its cultural resources program, the FHPO must take part in ongoing cultural resource management training in order to perform the job with the necessary knowledge and confidence to serve as the primary point of contact for historic preservation at WFF. Section 3.6.6 of this ICRMP makes several recommendations for such training.

3.3.2 The Role of External Agencies in WFF Cultural Resource Management

3.3.2.1 Advisory Council on Historic Preservation (ACHP)

The ACHP is an independent Federal agency that provides a forum for influencing Federal activities, programs, and policies as they affect historic resources. The goal of NHPA, which established the ACHP in 1966, is for Federal agencies to act as responsible stewards of cultural resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to balance historic preservation concerns with Federal project requirements.

As directed by NHPA, the ACHP:

- Advocates full consideration of historic values in Federal decision making;
- Reviews Federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies; and
- Recommends administrative and legislative improvements for protecting our nation's heritage with due recognition of other national needs and priorities.

The ACHP may participate in resolving adverse affects to historic properties, comment on proposals, and may participate in the review of Memoranda of Agreement (MOA) under Section 106.

3.3.2.2 Virginia Department of Historic Resources (VDHR)

The VDHR is the Commonwealth of Virginia’s designated historic preservation agency, and its executive director is designated the State Historic Preservation Officer (SHPO). The mission of the department is to “foster, encourage, and support the stewardship and use of Virginia’s significant architectural, archaeological, and cultural resources” (VDHR 2001). The department staff administers all official Federal and state historic preservation activities in Virginia. In addition to its specific programs, the VDHR maintains a research center with both paper and electronic archives for its inventory of more than 137,000 historic properties (including more than 32,000 archaeological sites), and a library that is open to the public. The VDHR curates more than six million objects in the Commonwealth’s archaeological collections and makes these collections available to researchers and to the public through loans to museums across the state.

Most of the direct services of the VDHR are delivered to communities through its four regional offices. These regional centers provide the first point of contact for agency programs, and can also provide information about regional and local preservation organizations.

The VDHR participates in Section 106 review initially by concurring or not concurring in WFF’s identification of historic properties affected by its projects and its determination of whether a specific project will, or will not, have an effect on historic properties. The VDHR has the ability to enter into an MOA with WFF regarding historic properties.

3.4 PROPOSED PROJECTS AND SECTION 106 COMPLIANCE

WFF undertakes a variety of projects (classified as “undertakings” in the Section 106 process) in support of its mission, including maintenance, repair, and construction projects. Some projects may affect historic or archaeological resources that are potentially eligible or eligible for listing in the National Register. Activities that include ground disturbance in the vicinity of archaeological resources, extensive building repairs, rehabilitation, and/or new construction may directly or indirectly affect cultural resources. Careful planning, early coordination, and communication within the Section 106 consultation process will streamline the review and consultation process. Section 4 provides a step-by-step standard operating procedure for the Section 106 consultation process at WFF.

Some projects, including general maintenance and repair, may be determined (after consultation with VDHR) to have “no effect” (an “effect” results in changes to the character or use of the historic property) if:

- The work being performed does not affect an historic building or archaeological site (no cultural resources are located in the project area);
- The work being performed does not change those characteristics that qualify the building or archaeological site for listing in the National Register; or

- The work is being performed on a part of a structure that has been substantially altered (such as a contemporary addition), or on a previously disturbed portion of an archaeological site, has been judged by consultation to be unimportant to the historic significance of the property.

It is only through the Section 106 consultation process or the creation and execution of a Programmatic Agreement (PA) between NASA, VDHR, and the ACHP that these determinations can be made. WFF personnel are not authorized to make independent determinations about the potential effects of projects on cultural resources without such consultation.

3.4.1 Examples of Undertakings Subject to NHPA

An undertaking is defined as “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” (36 CFR Part 800.16[y]). The term encompasses a broad range of activities, such as demolition, construction, repair, and maintenance. In general, when WFF carries out an undertaking that may affect historic properties, the installation must conduct a review and consultation under Section 106.

3.4.1.1 Building Maintenance/Minor Repair

Installation maintenance tasks typically include routine and minor repairs (i.e., roof repairs, painting, equipment maintenance, upgrades, or electrical repairs). Building maintenance generally does not have an adverse effect on eligible or listed properties. If neglect of a historic property leads to deterioration or destroys the historic features that qualify it for the NRHP, such neglect is considered an adverse effect. Generally, maintenance and minor repair work on the interior of the building will have no effect on archaeological resources. However, grounds maintenance, utility installation, or replacement activities that involve disturbing or excavating soils around the perimeter of a building may affect archaeological resources in the vicinity.

Rehabilitation/Major Repair

Rehabilitations and major repairs generally include repair, replacement of materials, and/or construction. Although rehabilitation and/or major repair projects will have an affect on historic buildings, the effect is not always adverse. All work on buildings and structures eligible for or listed in the NRHP should be completed according to the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*. Otherwise, the SHPO may find that the project has an adverse effect during the Section 106 consultation process. Rehabilitation and major repair projects confined to the building’s interior generally do not have an impact on archaeological resources. However, rehabilitation projects that involve excavation or ground disturbing activities (i.e.,

enlarging the building footprint, excavating basements, or installing drainage systems) may have potential effects on adjacent archaeological resources.

New Construction

New construction generally includes extensive subsurface disturbance and landscape modification. As a result, such projects may adversely affect unidentified archaeological resources. Construction of a new building may also introduce visual, audible, or atmospheric elements that are out of character with a property or alter its historic setting and in so doing impact surrounding historic resources. Since the potential for adverse effects may extend to historic properties outside of WFF's boundaries, it may be necessary to include such properties within the Area of Potential Effect (APE) of an undertaking.

Building Demolition

Demolition of a historic structure is always an adverse effect to the resource. Demolition may also adversely affect subsurface archaeological features and deposits when obsolete utility lines or underground storage tanks are removed and heavy machinery traffic crosses historic building sites.

Accessibility Projects

Accessibility projects must seek to balance the needs of the disabled with the needs of the historic structure. Projects that alter the character-defining features of a building may have an adverse effect. For more information refer to Jester and Park (1993).

Closure or Transfer of Buildings

The closure or transfer of buildings poses a risk of adverse effects as a result of neglect. If the building is not properly mothballed and provided with adequate ventilation, security protection, monitoring, and stabilization of the exterior, permanent damage can result and lead to increased deterioration of the structure and ultimately the destruction of the property. If the property is transferred by NASA to another party that does not have a cultural resource management plan, or has a plan that conflicts with WFF's plan, the building could potentially be neglected or undertakings could occur that would adversely affect the historic resource.

Ground Disturbance

Ground disturbance (i.e., grading, digging, trenching, or plowing) poses a risk of potential effects to archaeological resources. Disturbance of a National Register-eligible archaeological site during an undertaking constitutes an adverse effect. Ground disturbance will generally not have an adverse effect on architectural resources. However, if the project affects important landscapes or settings, ground disturbance may have an adverse effect on the resource. For any ground-disturbing activities, the PA

should be consulted for the appropriate steps to take to identify and treat archaeological resources. The PA is included as Appendix IV.

3.5 TREATMENT OF HISTORIC PROPERTIES

3.5.1 Treatment of Archaeological Resources

The FHPO is responsible for developing appropriate treatment measures for all National Register eligible archaeological resources. Undertakings involving new ground disturbance (e.g., not occurring within previously disturbed ground) should be reviewed by the FHPO for the potential to adversely affect archaeological resources, both known and unknown. The existing documentation of archaeological resources at WFF (URS/EG&G 2003) provides useful planning information related to the potential locations of archaeological sites. The treatment of known archaeological resources at WFF should involve, where practical, the avoidance of those sites identified as eligible or potentially eligible for listing in the NRHP. The implementation of avoidance strategies requires early planning and project coordination, given that the most serious damage to significant archaeological resources is the inadvertent disturbance of sites during ground disturbing activities.

Avoidance strategies may include:

- Ensuring that no ground disturbance occurs within boundaries of National Register listed or eligible archaeological sites;
- Clearly delineating site boundaries on the ground and in planning, design, and construction documents;
- Including strict avoidance clauses in contract specifications;
- Monitoring of construction activities by FHPO or other qualified professional; and
- Developing a plan for unanticipated discoveries, as is normally implemented in a PA or MOA.

Other treatment methods include preservation in situ of significant or potentially significant archaeological sites. The use of specialized protective techniques, such as placing geotextile fabric across a site, will minimize, or altogether prevent, an undertaking's adverse effects to the archaeological resource. In addition, site stabilization is a way in which significant archaeological resources can be treated to ensure long-term preservation. Stabilization may involve placing fill over a site or shoring eroding sites. Treatment strategies must be developed by WFF through consultation with the VDHR and other consulting parties.

The benefits of avoidance and in situ preservation/stabilization of both significant and potentially significant archaeological resources include lower project costs and fewer schedule delays. In addition, because of the irreplaceable nature of archaeological sites, these methods are perhaps the most effective treatment for such resources.

If a site cannot be avoided and preservation in situ is not a feasible alternative, excavation of an archaeological resource can proceed after an ARPA permit has been issued and/or as mitigation measures under an MOA, which should address all necessary levels of archaeological study. Investigation of sites already identified by field study generally takes the form of a Phase II evaluation, the purpose of which is to evaluate the significance of an identified site, i.e. whether or not it is National Register Eligible and merits further preservation measures. Phase III investigation, also referred to as data recovery, is practiced as a mitigation measure, in cases where a National Register Eligible resource cannot be avoided by project activities (VDHR 2003).

3.5.2 Treatment and Protocols for Historic Buildings

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (United States Department of the Interior [USDI] 1995) recommends four treatment options for historic buildings:

- **Restoration** returns a property to a particular period(s) of time. This treatment option may include the removal of later additions or changes, the repair of deteriorated elements, or the replacement of missing features.
- **Preservation** is the maintenance and repair of a property's existing historic materials and design as it evolved over time.
- **Rehabilitation** is the process of returning a property to a useful state. This encompasses adapting a property to meet continuing or changing uses while retaining the property's character defining features.
- **Reconstruction** recreates missing portions of a property for interpretive purposes.

Although these treatment options do not provide specific technical guidance on which architectural features to retain, they do provide a framework for decision making.

The NHPA recognizes that the preservation of historic properties, while the preferred option, may not be feasible. Therefore, responsible management of built resources requires the development of treatment strategies based upon a variety of factors, including:

- Significance of the historic property and its relative importance in history;
- Physical condition of the building;

- Proposed use of the building;
- Mandatory code requirements; and
- Public interest.

A visual inspection of the building and a baseline assessment of the building's current condition and architectural integrity should be conducted to determine the most appropriate preservation strategy. It is essential to consider the need for examining archaeological resources when pursuing a preservation strategy for historic buildings, especially when new ground disturbance is planned as a part of preserving buildings. Archaeological investigation may be warranted for each of the above strategies, and, more importantly, may contribute important information to help guide the rehabilitation or reconstruction of historic properties. The level of intervention necessary to preserve the building is based on the results of these investigations. It should be noted that the above guidance has already been implemented for the one National Register eligible property at WFF, the Coast Guard Lifesaving Station. Current conditions and further preservation suggestions for the NRHP eligible Coast Guard Lifesaving Station and Observation Tower are found in Section 5.

3.6 RECOMMENDED CULTURAL RESOURCE MANAGEMENT STRATEGIES AND ACTIONS

This section discusses general and specific cultural resource management procedures at WFF and makes recommendations to enhance the base's treatment of cultural resources and ensure compliance with regulatory responsibilities. Each recommendation includes a discussion of findings describing the area of need that has been identified, followed by specific recommended actions. While the recommendations are typical of suggestions for use at other bases with historic resources, each one has been carefully assessed for its applicability to the cultural resources of WFF.

3.6.1 General Cultural Resource Goals at WFF

To maintain and strengthen the Cultural Resource Management program, it is recommended that WFF:

- Integrate the ICRMP into future WFF Master Plan Updates;
- Integrate cultural resource management into all future planning documents as they are revised (housing, engineering, etc.);
- Adhere to federal and state standards for archaeological reporting and artifact curation;
- Preserve and maintain cultural resources in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (USDI 1995).

3.6.2 Internal Administration

All WFF divisions and tenant organizations should be aware of the historic significance of the base and the specific regulatory obligations that come with being located in or near National Register-eligible properties. The Facilities Management Division should maintain communication with other WFF divisions and tenants about cultural resources through its FHPO to integrate cultural resources information into the overall planning process at the installation. The following actions are recommended:

- Distribute copies of the ICRMP or summaries of its guidance to all divisions and tenants at WFF, and to all personnel or agencies that undertake planning or initiate actions that could affect cultural resources;
- Ensure that project planners, designers, engineers, and managers consult with the FHPO in the earliest stages of project planning to determine if cultural resources may be affected;
- Inform tenant organizations that occupy historic buildings, and designate the FHPO as liaison to tenant organizations to review all maintenance and repair activities that may affect cultural resources. The FHPO will determine whether action constitutes an undertaking that requires formal external consultation with VDHR under Section 106;
- Include a pre-qualification clause in all project specifications for undertakings that affect cultural resources. Work should only be done by personnel who meet the Professional Qualification Standards contained in *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (USDI 1983);
- Implement the Standard Operating Procedures contained in Section 4 of this ICRMP; and
- Ensure that all correspondence and other information about cultural resources compliance projects is complete.

3.6.3 Negotiation of a Programmatic Agreement for Archaeological Resources

In the past, each individual undertaking at WFF had to be evaluated separately, an often time consuming and potentially impractical procedure. As part of the current cultural resource management efforts, WFF has developed a draft PA between NASA, WFF, VDHR, and the ACHP to reduce the necessity for reviewing repetitive projects that involve ground-disturbing activities. The PA is included as Appendix IV.

3.6.4 Negotiation of a Memorandum of Agreement for the Removal or Demolition of the Wallops Coast Guard Lifesaving Station

Pursuant to 36 CFR Part 800.6 (b)(iv), an MOA must be executed if an undertaking is determined to have an adverse effect on historic resources. The MOA must specify the mitigation strategies proposed for resolving the adverse effects to historic resources. As part of the current cultural resource management efforts, WFF has developed a draft MOA between NASA, WFF, VDHR, and the ACHP for a possible transfer or demolition of the Wallops Coast Guard Lifesaving Station and Observation Tower as these types of undertakings would result in an adverse effect this identified historic property.

3.6.5 Periodic Reevaluation of the Historic Properties at WFF

This ICRMP is intended to be a document that responds to changing mission priorities and planning goals at WFF and also provides guidance on a wide range of FHPO issues and situations for the coming years. In order for the document to continue to be a practical and serviceable tool, the ICRMP should be revised every five years. Further, as time passes, a periodic reevaluation of architectural resources and an analysis of the potential eligibility of resources should be undertaken, along with an evaluation of the effectiveness of cultural resources planning strategies. Buildings at WFF as they reach the 50-year National Register age criterion should be evaluated to determine their potential eligibility for listing in the National Register. All identification and evaluation survey should be undertaken by personnel who meet the Professional Qualification Standards contained in *The Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation* (USDI 1983).

3.6.6 Training for Cultural Resource Management Personnel

As WFF develops its cultural resources program, it will be necessary for the FHPO and other personnel involved in planning and engineering to take part in cultural resource management training. Training should provide familiarity with historic preservation legislation, procedures, and general requirements for compliance. Table 3-1 provides a listing of courses and training opportunities offered by the National Preservation Institute.

Table 3-1. Courses and Training Opportunities

Course Title and Duration	Description	Participants
National Preservation Institute- http://www.npi.org/		
An Introduction to Historic Building Materials 1 Day	This seminar will focus on identification, care, and maintenance of historic materials and assemblies. Discuss the nature of these materials, how they age, and how they fail. Learn about the intrinsic nature of wood and masonry structures—from the foundation to the roof, and everything in between.	Preservation architects; managers of historic properties, facilities, and house museums; maintenance supervisors.
Cultural Resource	Discuss how to survive and thrive	Managers in agencies, tribes, and

Course Title and Duration	Description	Participants
National Preservation Institute- http://www.npi.org/		
Management Compliance for Non-Specialists 3 Days	wearing the "second hat" of cultural resources manager when you've been assigned as an agency's cultural resources manager or historic preservation officer. Learn how to deal with legal responsibilities under Section 106 of the National Historic Preservation Act and other cultural resources authorities and examine how these relate to laws such as NEPA, CERCLA, and the Endangered Species Act.	citizens' groups with backgrounds in disciplines such as biology, contracting, engineering, facilities management, geology, law, real estate, and soils science.
Integrating Cultural Resources in NEPA Compliance 2 Days	Learn about environmental assessment, cultural resource management, and historic preservation responsibilities and their implementation. Assess practical applications for effectively combining the analyses required by the National Environmental Policy Act, related environmental regulations, and the National Historic Preservation Act.	Managers responsible for compliance requirements; historic preservation, archaeological, and environmental consultants and planners.
Section 106: An Introduction 3 Days	Learn the basics of project review under Section 106 of the National Historic Preservation Act. This seminar emphasizes practicalities—how to avoid pitfalls and victimization by myths. Discuss recent changes in regulations and procedures, with an emphasis on coordination with the National Environmental Policy Act and other laws.	Cultural resources and environmental consultants; Federal, state, local, and tribal officials and planners.

3.6.7 Management Strategies for Archaeological Resources

Management of archaeological resources at WFF may present unique planning considerations. Because the most serious threat to potentially significant archaeological resources is the inadvertent disturbance of such resources, those projects involving ground disturbance should be carefully examined for their potential to adversely affect archaeological sites. For archaeological resources at WFF that may be eligible for the National Register, the effective management of such resources will involve clear communication and early involvement in the planning process by the FHPO. Specific options for addressing these management issues, such as avoidance or preservaton in place versus data recovery are described in Section 3.7.2.

Clearly delineating the boundaries of known archaeological sites and/or areas of archaeological sensitivity on preliminary design plans or other construction documents will inform all parties of the need to consider such resources in project planning. Doing so will enable effective management of known and unknown archaeological resources at WFF. Specific measures should be included in contract specifications that require

contractors to avoid known archaeological sites. Periodic monitoring of contractors working in archaeologically sensitive areas should be conducted by the FHPO to ensure compliance with contractual specifications. Archaeological investigations, in accordance with an MOA, PA, or Section 106 of the NHPA, should be conducted where potential adverse effects may occur. If a site cannot be avoided and preservation in situ is not a feasible alternative, excavation of an archaeological resource should only proceed when an ARPA permit has been issued and/or as mitigation measures under an MOA, which should address all necessary levels of archaeological study. Further, it should be noted that once archaeological excavations are undertaken pursuant to the NHPA and its implementing guidance, that same guidance includes required procedures for archaeological reporting (36 CFR 800).

Ensuring compliance with 36 CFR Part 79, *Curation of Federally-Owned and Administered Archaeological Collections*, will also be a necessary component of effective management of archaeological resources. The FHPO should review the status of current archaeological collections originating from WFF property, and should enact procedures to ensure future archaeological collections are handled accordingly.

3.7 MITIGATION STRATEGIES

3.7.1 Historic Buildings

When restoration, reconstruction, preservation, or rehabilitation of a structure is not feasible, mitigation measures may be negotiated as part of the Section 106 consultation process. There are eight standard techniques that can be used to mitigate adverse project effects on built resources.

3.7.1.1 Recordation

Recordation of historic buildings has traditionally been a frequent mitigation option for projects that necessitate adverse effects to historic properties. The level and type of recordation generally is negotiated on a case-by-case basis with the SHPO and agreed to under an MOA as appropriate under the Section 106 process.

3.7.1.2 Design Review

Projects involving new construction that will have an adverse effect on historic properties frequently require compliance with 36 CFR Part 67, the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. These standards require new construction design to be compatible with the affected property in size, scale, color, material, and architectural character. This does not mean that the new construction must, or should be, an exact replica of the affected property.

3.7.1.3 Rehabilitation

Rehabilitation is the preferred option for mitigating project effects on built resources. Rehabilitation is the process of returning a building to useful service while retaining significant design features.

3.7.1.4 Covenants/ Easements

Preservation covenants, or deeds of easements, are frequently required when significant properties are transferred from Federal to private ownership. Covenants and easements ensure ongoing preservation and maintenance of significant historic, architectural, or cultural values, in compliance with 36 CFR Part 67, the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

3.7.1.5 Moving Historic Properties

Moving a historic property may be the best preservation approach when faced with an otherwise unavoidable adverse impact and the destruction of the property. The recommendations set forth in the Heritage Preservation Services, Department of the Interior publication *Moving Historic Buildings* (Curtis 1991), should be followed in executing the move of an historic property.

3.7.1.6 Landscape Features

Landscaping may be used to mitigate the effects of new construction and/or site relocation. Appropriate landscaping provides a visual and noise screen for historic properties, while appropriate period landscape design can enhance the architectural and historic values of an historic building or design.

3.7.1.7 Architectural Salvage

Salvage of significant building “fabric” such as historic lighting fixtures or decorative details is a mitigation strategy employed in projects in which the demolition of historic properties cannot be avoided. In such cases, project effects are mitigated through the reuse or curation of significant features. The execution of salvage stipulations requires the identification, removal, and storage of salvageable material.

3.7.1.8 Public Interpretation

As part of large-scale mitigation efforts, public interpretation of the resource may be recommended. Public interpretation programs are useful for communicating project information to special interest groups and to the public at large. These efforts can be used effectively by WFF to promote public support for its cultural resource programs and to mitigate negative public sentiment due to misinformation, or due to the perceived destruction of historical sites or properties.

3.7.2 Archaeological Resources

As discussed in previous sections, the most effective treatment of significant archaeological resources is avoidance. In terms of mitigation, however, the agency and FHPO must still consider whether the project will have the potential to affect other archaeological resources. When avoidance of a National Register-eligible archaeological site is not possible, mitigation strategies must be developed to reduce or eliminate the adverse effects of an undertaking. The mitigation of archaeological resources may require consideration of the unique characteristics of the site, the scope of the undertaking itself, and other limiting factors. Both the natural features of the site, and the cultural features for which it is eligible for listing in the National Register must be factored into a mitigation strategy. For example, some archaeological resources are found buried at depths that become both unsafe and costly to excavate. Therefore, the FHPO, in consultation with the VDHR and other interested parties, should carefully review the effects of the undertaking itself to determine how mitigation should be carried out.

3.7.2.1 Data Recovery Investigations

Conditions permitting, mitigation may involve extensive excavation, also called Phase III Data Recovery Investigations, of an archaeological site where adverse effects to the site cannot be avoided. Depending on the nature of impacts, the significance of the site, and the importance of particular archaeological resources to the general public or Native American tribes, mitigation may include either the total recovery of data or a sampling of data. Mitigation through data recovery can be expensive due to the labor-intensive nature of such investigations. Given that archaeology is by its very nature a destructive process, data recovery should only be conducted after thorough consultation with all parties included in the MOA, and should be undertaken by qualified professionals.

Destructive methods (i.e., excavation) should not be applied to portions or elements of the property if nondestructive methods (e.g., remote sensing) are practical and can document the resources appropriately. If portions or elements of the property being documented are to be preserved in place, the archaeological investigation should employ methods that will leave the property as undisturbed as possible. However, in cases where the property will be destroyed by, for example, construction following the investigation, it may be most practical to gather the needed data in the most direct manner.

Archaeological investigations seldom are able to collect and record all possible data. It is essential to determine the point at which further data recovery and documentation fail to improve the usefulness of the archaeological information being recovered. One purpose of the research design is to estimate those limits in advance and to suggest at what point information becomes redundant. Investigation strategies should be selected based on these general principles, considering the following factors, as outlined in *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (USDI 1983):

- Specific data needs;
- Time and funds available to secure the data; and
- Relative cost efficiency of various strategies.

Depending upon the type of archaeological resource, data recovery may involve extensive background research, development of a historic or prehistoric context, field investigation, artifact processing and analyses, specialized analyses such as radiocarbon dating, faunal and floral analyses, geomorphological investigation, or landscape reconstructions.

Perhaps the most important aspect of a data recovery effort is the development of a research design that should outline both broad and site-specific questions for which the site can address and add to an understanding of history or prehistory. The research design facilitates an orderly, goal-directed and economical project. However, the research design must be flexible enough to allow for examination of unanticipated but important research opportunities that arise during the investigation.

The research design, in addition to providing for appropriate ethnographic research and consultation, should consider concerns voiced in previous phases of work. In the absence of previous efforts to coordinate with local or other interested groups, the research design should anticipate the need to initiate appropriate contacts and provide a mechanism for responding to sensitive issues, such as the possible uncovering of human remains or discovery of sacred areas.

If a site cannot be avoided, and preservation *in situ* is not a feasible alternative, excavation of an archaeological resource should only proceed when an Archaeological Resource Protection Act (ARPA) permit has been issued and/or as mitigation measures under an MOA, which should address all necessary levels of archaeological study (Section 4.4 contains more detailed information about ARPA compliance).

3.7.2.2 Public Outreach and Education

In addition to investigative measures, an archaeological mitigation plan should include a public outreach component to disseminate information to the general public. Exhibits of materials recovered from archaeological investigation may be used to promote the preservation efforts of the installation and inform the general public of the significance of such resources. Pamphlets and brochures explaining the archaeological process, site information, and project sponsors are also effective outreach tools.

3.7.2.3 Geographic Information Systems (GIS)

As part of mitigation efforts, the management of data, or information, collected from a data recovery effort may involve the use of GIS to store and analyze such information. The installation FHPO should consider the development or use of GIS for WFF to effectively manage all preservation aspects of both archaeological and historic structures.

4.0 STANDARD OPERATING PROCEDURES

4.1 PROCEDURE 1: SECTION 106 COMPLIANCE

The FHPO is designated as the point of contact for the Section 106 review process undertaken at WFF, including projects proposed by tenant organizations that are subject to the Section 106 process. Section 106 of the NHPA, as amended, requires Federal agencies to consider the effects of their undertakings on historic properties and to provide the ACHP a reasonable opportunity to comment on such undertakings. The Section 106 process must be completed for undertakings that affect historic properties at WFF prior to starting work. Initiating the Section 106 process in the early planning stages of a project allows the most complete range of options to minimize or mitigate adverse effects on historic properties.

A historic property is defined as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the NRHP (36 CFR Part 800.16[y]). Historic built resources currently identified at WFF include the Coast Guard Lifesaving Station and Observation Tower. This building and tower were evaluated in 2004 and found eligible for listing in the NRHP. Seven archaeological sites have been identified on the WFF, three of which have been determined ineligible for inclusion in the NRHP. The remaining four archaeological sites have not been evaluated for their eligibility (refer to URS/EG&G 2003 and 2004a for details).

WFF is responsible for initiating the Section 106 process (36 CFR Part 800.2[a]). Consultation is undertaken among the agency official (in this case, an official at WFF with approval authority), the SHPO, and consulting parties (see Procedure 3). Consulting parties include those individuals or organizations with an interest in the effects of the undertaking on the historic properties (36 CFR Part 800.2[c]). The ACHP may also participate in the process if the criteria defined in 36 CFR Part 800, Appendix A, are met. Under the regulations, SHPOs are assigned key roles in the Section 106 consultation. Consultation for undertakings at WFF is to be conducted with the VDHR, which is the Virginia SHPO. This State agency maintains a full-time staff to assist agencies in consultation. The SHPO is required to respond to requests for project review within 30 days of receiving appropriate documentation.

The procedure set forth below defines how WFF meets these statutory requirements based on standard regulations. The Section 106 process consists of five primary steps:

1. Initiate the Section 106 Process;
2. Identify Historic Properties;
3. Assess Adverse Effects;
4. Resolve Adverse Effects; and
5. Proceed.

4.1.1 Step 1. Initiate the Section 106 Process

1. *Establish undertaking.* The FHPO determines whether the proposed action or activity meets the definition of an undertaking and, if so, whether it is a type of activity with the potential to affect historic properties. An undertaking is defined as

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 (36 CFR Part 800.16[y]).

Tenant organizations and agents must consult with the FHPO to determine whether a proposed action constitutes an undertaking. An undertaking will have an effect on a historic property when the action has the potential to result in changes to the character or use of the historic property within the Area of Potential Effects (APE). The APE is defined as “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” (36 CFR Part 800.16[d]). The APE is influenced by the scale and nature of an undertaking and may differ among different kinds of effects caused by the undertaking.

- a. *No potential to cause effects.* If the undertaking does not have the potential to cause effects on historic properties, the FHPO has no further obligations under Section 106 and the action may proceed. The FHPO should document the decision for internal information.
 - b. *Potential to cause effects.* The undertaking is determined to have the potential to cause effects on historic properties. Go to 2.
2. *Coordinate with other reviews.* The FHPO coordinates the Section 106 review, as appropriate, with the installation-planning schedule and any other required reviews (e.g., NEPA, NAGPRA). The FHPO may use information from other review documents to meet Section 106 requirements.
 3. *Plan for public involvement.* In consultation with the SHPO, the FHPO will plan for involving the public in the Section 106 process (see Procedure 3).
 4. *Identify other consulting parties.* In consultation with the SHPO, the FHPO shall identify any other parties entitled to be consulting parties, including local government or applicants, and to consider all written requests of individuals and organizations to determine which entries should be consulting parties (see Procedure 3).

4.1.2 Step 2. Identify Historic Properties

5. *Determine scope of identification efforts and identify historic properties.* The FHPO, in consultation with the SHPO, will determine and document the APE of the undertaking and review the existing historic property inventory to determine whether or not historic properties are located within the proposed Area(s) of Potential Effect (APE) in accordance with VDHR guidelines. The FHPO may also seek information from consulting parties, as appropriate. **Select option a or b.**
 - a. *Historic properties affected.* The FHPO determines that historic properties will be affected by the undertaking and/or are located within the Area of Potential Effects. Go to 7.
 - b. *No historic properties affected.* The FHPO determines that there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them. The FHPO provides documentation of this finding, as set forth in 36 CFR Part 800.11(d), to the SHPO. The FHPO also notifies all consulting parties of the decision and makes the documentation available to the public. **Select option i or ii.**
 - i. If the SHPO does not object within 30 days of receipt of an adequately documented finding, WFF's responsibilities under Section 106 are fulfilled. After documenting these steps in WFF administrative files, the proposed action may proceed.
 - ii. The SHPO disagrees with WFF's determination and the proposed undertaking is considered to have an effect on historic properties. Go to 7.

4.1.3 Step 3. Assess Adverse Effects

6. *Apply criteria of adverse effect.* The FHPO, in consultation with the SHPO and consulting parties, assesses the effect(s) of the proposed undertaking on historic properties following the criteria of adverse effect outlined in 36 CFR Part 800.5. **Select option a or b.**
 - a. *Finding of no adverse effect.* The FHPO, in consultation with the SHPO, determines that the proposed undertaking does not meet the criteria of adverse effect and, therefore, will have no adverse effect on historic properties. A finding of no adverse effect may also result if the undertaking is modified or conditions are imposed, such as subsequent review of plans for rehabilitation by SHPO, to ensure consistency with the *Secretary of the Interior's Standards for the*

Treatment of Historic Properties (USDI 1995) and to avoid adverse effects.

The FHPO documents the finding of no adverse effect following standards set forth in 36 CFR Part 800.11(e). The FHPO notifies the SHPO and all consulting parties of the finding and provides them with the documentation. The SHPO must respond to the finding within 30 days. **Select option i or ii.**

- i. *Agreement with finding.* If the ACHP is not involved in the review process, the action may proceed if the SHPO agrees with the finding. Failure of the SHPO to respond within 30 days from receipt of documentation shall be considered agreement of the SHPO with finding.
 - ii. *Disagreement with finding.* If the SHPO or any consulting party disagrees with WFF's determination within the 30-day review period, it responds in writing and specifies its reasons for disagreeing with the finding. The FHPO can either consult with the party to resolve the disagreement, or request the ACHP to review the decision. Go to 8.
- b. *Finding of adverse effect.* If it is determined that the proposed undertaking will have an adverse effect on historic properties, the FHPO will consult further to resolve the adverse effect. Go to 8.

4.1.4 Step 4. Resolve Adverse Effects

7. *Continue consultation.* The FHPO continues consultation with the SHPO and consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties. The FHPO submits documentation specified in 36 CFR Part 800.11(e) to the ACHP to notify them of the adverse effect finding. WFF can request the ACHP to participate in the consultation, or the ACHP can decide to enter consultation proceedings based on criteria in 36 CFR Part 800, Appendix A. The ACHP has 15 days to notify the FHPO and consulting parties whether it will participate in adverse effect resolution.

In addition to the consulting parties identified under 36 CFR Part 800.3(f), other individuals and organizations can be invited to become consulting parties. The FHPO makes information available to the public, including documentation specified in 36 CFR Part 800.11(e), and provides an opportunity for comment about resolving the adverse effects of the proposed undertaking. **Select option a or b.**

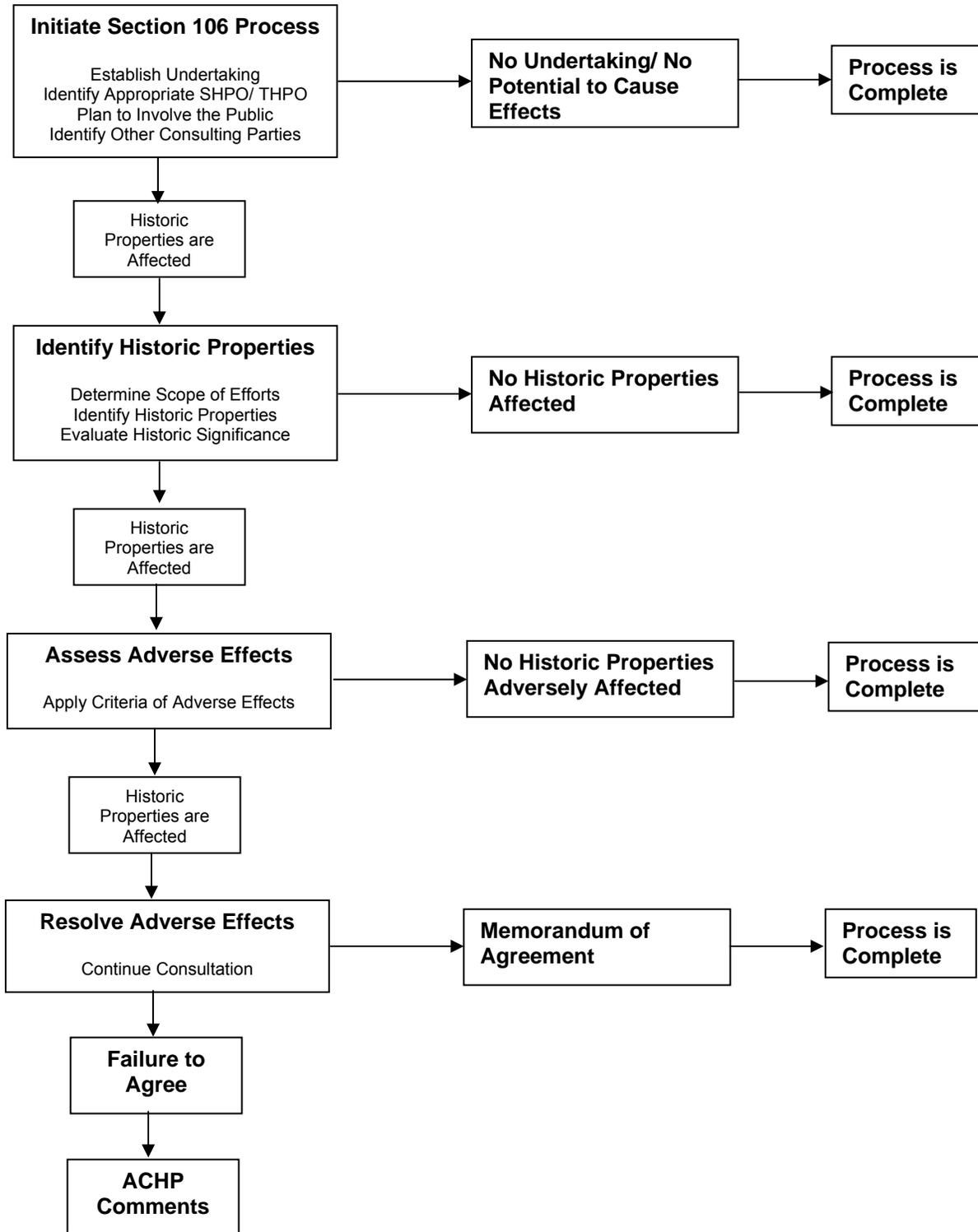
- a. *Resolve adverse effect – resolution without the ACHP.* WFF, SHPO, and consulting parties agree on how the adverse effects will be resolved and to prepare a MOA. In order to meet the requirements of Section 106, the FHPO must submit a copy of the executed MOA, along with the documentation specified in 36 CFR Part 800.11(f), to the ACHP prior to approving the undertaking. Go to 9
 - b. *Resolve adverse effect – resolution with ACHP participation.* If consultations between WFF and the SHPO fail to result in an MOA, WFF will request ACHP participation and provide them with documentation specified in 36 CFR Part 800.11(g). If the ACHP joins the consultation, WFF will proceed with consultations in accordance with 36 CFR Part 800.6(b)(2) to reach an MOA. If the ACHP decides not to join consultations, the ACHP will notify WFF and proceed to comment. Go to 10.
8. *Memorandum of Agreement.* The ACHP receives the MOA for filing. WFF has discharged its compliance under Section 106 and the proposed undertaking can proceed, according to any MOA stipulations.
9. *Failure to resolve adverse effect – termination of consultation.* WFF, SHPO, or ACHP determine that further consultation will not be productive and terminates consultation by notifying all parties in writing and specifying reasons for termination. **Select a, b, or c.**
 - a. If WFF terminates consultation, WFF requests ACHP comment pursuant to 36 CFR Part 800.7(a) and notifies all consulting parties of the request. Go to 10.
 - b. If the SHPO terminates consultation, WFF and ACHP may execute an MOA. WFF may then proceed with the undertaking according to any stipulations in the MOA.
 - c. If the ACHP terminates consultation, the ACHP notifies WFF, the Federal Preservation Office, and consulting parties and provides comments to the Federal Preservation Office under 36 CFR Part 800.7(c). Go to 10.
10. *Comments by the ACHP.* The ACHP has 45 days after receipt of request to provide comments. The ACHP will allow an opportunity for WFF, consulting parties, and general public to provide their views. The ACHP will provide its comments to the head of the agency, with copies to WFF, Federal Preservation Office, and all consulting parties. **Select a or b.**
 - a. The head of the agency takes into account the ACHP comments and WFF implements ACHP comments. The project may proceed.

- b. The head of the agency takes into account the ACHP comments and WFF does not implement the ACHP comments. The head of the agency shall document the final decision in accordance with 36 CFR Part 800.7(c)(4). All consulting parties are notified of the decision. The project may proceed.

4.1.5 Step 5. Proceed

Once a signed MOA or ACHP comment has been received, WFF can, subject to the terms of any agreement that has been reached, proceed. This is the end of the Section 106 compliance process. All documentation and correspondence regarding the process should be kept on file in the FHPO office. Figure 4-1 illustrates the Section 106 process.

Figure 4-1. Section 106 Flow Chart



4.2 PROCEDURE 2: ASSESSING EFFECTS ON HISTORIC PROPERTIES

For WFF managers to assess effect, they must be able to determine what constitutes an effect on a historic property and then reach a formal decision of effect in consultation with the SHPO. Therefore, the FHPO should be informed of any actions that may affect cultural resources at, or in the vicinity of, WFF prior to initiating work.

4.2.1 Criteria of Effect

According to Federal Regulation 36 CFR Part 800.4(d), undertakings can be determined to have no effect, an adverse effect, or no adverse effect upon historic properties. WFF must first determine when an effect occurs by applying the Criteria of Effect to an undertaking. The process of determining effect should be carried out in consultation with the SHPO.

ACHP regulations define effect in two parts as set forth in 36 CFR Part 800.5(a). There is the Criteria of Effect to determine whether there will be an effect, and the Criteria of Adverse Effect to determine whether the effect is harmful.

4.2.2 Effect/No Effect

An undertaking is determined to have no effect when no historic properties are determined to be affected directly or indirectly by the undertaking. If an undertaking is determined to have no effect on an historic property, the appropriate documentation should be made available to the SHPO and to interested parties who have made their concerns known to the facility official (36 CFR Part 880.4[d][2]). Unless the SHPO objects within 15 days of receiving such notice, no further steps in Section 106 are required (see Procedure 1).

A proposed undertaking is determined to have an effect if it alters the characteristics of a historic property that qualify it for the National Register; or alters features of a historic property's location, setting, or use that contribute to its significance. Simply stated, any action that results in changes to specific features of a historic property is considered an effect. It is essential, therefore, to identify those characteristics that make a property significant in assessing effects.

4.2.3 Adverse Effect

If it is determined that a proposed project will have an effect on a historic property, the project must next be assessed to determine whether it will result in an adverse effect. The facility official should apply the Criteria of Adverse Effect in making this determination. These criteria stipulate that an effect will be adverse if an undertaking:

- Causes physical destruction, damage, or alteration of all or part of the affected historic property.

- Isolates the historic property from, or alters the character of, the property's setting, when that setting contributes to the property's qualification in the National Register;
- Introduces visual, audible, or atmospheric elements out of character with the historic property, or that alter its setting;
- Results in the neglect of a property that leads to the deterioration or destruction of that property; or
- Results in the transfer, lease, or sale of the property without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property's historic significance.

After these criteria have been applied, WFF must make a formal determination as to whether the project will have no adverse effect or an adverse effect, again in consultation with the SHPO, at the discretion of WFF.

4.2.4 Mitigation of Adverse Effect

WFF and SHPO may agree upon measures to avoid the adverse effect. If an undertaking is determined to have an adverse effect upon a historic property, action may be taken to revise those specifications of the project that will have an impact on the resource; or mitigate the adverse effects of the property upon the resource so that the essential historical value of the property is preserved, although the property itself may be affected.

4.2.5 Exceptions

There are exceptions to the Criteria of Adverse Effect. For regulatory purposes, an undertaking that would normally be found to have an adverse effect may be considered to have no adverse effect after consultation with the SHPO if the undertaking will not directly, or indirectly, impact properties listed, or eligible for listing, on the NRHP, or the undertaking is modified, or conditions are imposed (36 CFR Part 800.5[b]).

4.2.6 Summary of Procedure

1. *Determine if historic properties are present.* Actions will have no effect when there are no historic properties present;
2. *Determine nature of proposed action or repair.* When there is any doubt about the effects of a proposed action on cultural resources, action should be submitted to the FHPO for internal review;
3. *Notify the FHPO of proposed action.* The FHPO is responsible for determining what action is required under Section 106 of the NHPA; and

4. *The FHPO will initiate Section 106 consultation. All Section 106 consultation required for historic properties located at WFF will be initiated and conducted by the FHPO.*

4.3 PROCEDURE 3: PUBLIC PARTICIPATION DURING SECTION 106 CONSULTATION PROCESS

In accordance with Section 470h-2 of the NHPA, WFF has established a preservation program for the identification, evaluation, protection, and nomination of its historic properties to the NRHP. To that end, WFF has conducted numerous studies of its historic properties, including: surveys to identify archaeological sites and historic buildings; evaluation studies to determine the eligibility of sites and buildings for listing in the National Register; and preparation of National Register nominations for specific archaeological properties, individual historic buildings, and historic districts.

WFF's commitment to the stewardship of its historic properties includes compliance with 36 CFR Part 800.2(c), which requires the inclusion of consulting parties in the Section 106 process. The procedure set forward here outlines the procedure for maintaining continuing public participation in ongoing identification and evaluation efforts. For future studies conducted at the installation, WFF will:

- Identify those parties that may be reasonably expected to have a substantive interest in a WFF undertaking and furnish them with copies of WFF's SHPO consultation correspondence as a means of notification and to serve as an invitation to participate in the consultation; and
- At the request of interested parties, circulate correspondence between the SHPO, ACHP, and WFF on specific undertakings, including cases in which these regulatory bodies have determined that WFF undertaking will have an adverse effect on historic properties.

4.4 PROCEDURE 4: ARCHAEOLOGICAL RESOURCE PROTECTION ACT COMPLIANCE

The ARPA requires permits to be issued prior to any excavating or removal of archaeological resources on Federal property or on property under Federal control. Issuance of a permit is not considered an undertaking and does not require Section 106 review; however, acquisition of a permit does not fulfill the requirements of Section 106 review.

Upon receipt of an application for a permit to excavate or remove an archaeological resource, the FHPO shall ensure that:

- The applicant is qualified to carry out the permitted activity;

- The activity is undertaken for the purposes of furthering archaeological knowledge in the public interest and Section 110 and 106 compliance;
- The archaeological resources excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be curated in a repository that meets the standards established by 36 CFR Part 79; and
- The activity pursuant to the permit is consistent with any management plan applicable to the public lands concerned.

Further details on the terms and conditions of the permit are spelled out in the ARPA (Appendix VI).

4.5 PROCEDURE 5: NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE

Under NEPA, Federal agencies are responsible for considering the effect of their actions on the environment, including cultural resources. While the intentions of NEPA and NHPA are similar with regard to cultural resources, compliance with one statute does not constitute compliance with the other. Agencies may, however, coordinate studies and documents to be completed in accordance with both Section 106 and NEPA compliance. Coordination of Section 106 compliance and NEPA can be accomplished by:

- Identifying and evaluating cultural resources and determining if a project has a potential effect on them while preparing NEPA documents. The FHPO should be consulted for determination of effect;
- The FHPO determining the effect of the project and deciding if Section 106 review is necessary;
- Using the draft Environmental Impact Statement (EIS) or Environmental Assessment (EA) as the basis for NEPA consultation and/or Section 106 review;
- Including the results of any consultation, an MOA, or ACHP comments in the final NEPA report; and
- In the event that the undertaking is modified subsequent to approval of the EIS or EA, the Council shall be notified that supplemental environmental documents or procedures outlined in 36 CFR Part 800.3 through 800.6 will be prepared.

4.6 PROCEDURE 6: NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT COMPLIANCE

NAGPRA, which was enacted in 1990, governs the repatriation and protection of Native American (American Indian, Inuit, and native Hawaiian) remains, funerary objects,

sacred objects, and objects of cultural patrimony on lands controlled or owned by the United States. The following sections present general principles underlying the Native American consultation process, as well as procedures to be followed with regard to existing collections, intentional excavations, and inadvertent discoveries.

4.6.1 General Principles for Native American Consultations

Native Americans often have strong religious and cultural ties to natural areas. Where applicable, WFF must consider these interests in land management decision making to identify and protect Native American cultural resources. WFF shall carry out consultations with Native American tribal governments in a manner that respects the sovereign status of each such federally recognized tribe. WFF shall consult to the greatest extent practical, and to the extent permitted by law, prior to taking actions affecting the protected interests of federally recognized tribal governments. Consultation shall be conducted with sensitivity to cultural values, socioeconomic factors, and the administrative structure of the native group.

At this time, there are no federally recognized Native American tribes in Virginia; however, there are eight tribes that have been recognized by the Commonwealth of Virginia. These include the Chickahominy, Eastern Chickahominy, Mattaponi, Monacan, Nansemond, Pamunkey, United Rappahannock, and Upper Mataponi nations. The statewide organization representing both organized tribes and unorganized Native American nations is:

The Virginia Council on Indians

P.O. Box 1475

Richmond, VA 23218

<http://indians.vipnet.org/index.cfm>

4.6.2 Existing Collections

NAGPRA requires Federal agencies and federally funded museums to identify the cultural affiliation of human remains and certain cultural items in their possession or control, and to notify the Indian tribes, and/or closest lineal descendants who are likely to be culturally affiliated with the human remains and cultural items. Furthermore, NAGPRA calls for these remains and cultural items to be made available for return to the respective Native groups or closest lineal descendants, if they so request. The summary, inventory, and repatriation of human remains and cultural items defined in NAGPRA shall occur in accordance with NAGPRA (43 CFR 10.5 – 10.7).

Currently, the collections resulting from archaeological investigations conducted at WFF contain no identified tribal human remains, funerary objects, sacred objects, or objects of cultural patrimony. Future projects should consider the need for NAGPRA compliance in case of inadvertent discoveries of Native American artifacts. If future investigations reveal the possibility of Native American sites being discovered, WFF is encouraged to prepare a mitigation plan in advance.

4.6.3 Intentional Excavations and Inadvertent Discoveries

Consultation with federally recognized Indian tribes or other Native American organizations is required by NAGPRA when human remains or other cultural items (as defined in 25 USC 3001) are found, or when a site of religious or cultural importance is found, during either intentional excavations or by inadvertent discovery on WFF property. To the extent possible, the installation should consult with the tribe(s) early in the planning process. Consultation is undertaken to determine the cultural affiliation of human remains and specific cultural items, and to determine custody or disposition of recovered items. In cases of intentional excavation or inadvertent discovery of human remains and cultural items on Federal lands, the procedures set out in 43 CFR 10.3(c-d) shall be followed.

4.6.3.1 Intentional Excavations

The following procedures should be followed for intentional excavations:

- Any planned excavations will be coordinated with the FHPO;
- WFF will take reasonable steps to determine whether a planned activity may result in the excavation of human remains, funerary objects, sacred objects, or objects of cultural patrimony from WFF property;
- If identified remains or artifacts are to be excavated intentionally, WFF should proceed in compliance with applicable ARPA, NHPA, and NAGPRA regulations;
- Prior to issuing any approvals or permits for activities, WFF must notify in writing any tribe(s) that are likely to be culturally affiliated with artifacts. 43 CFR 10.3(a) Notice must be in writing and must include a description of the planned activity, its general location, and the basis upon which it was determined that human remains or objects may be excavated. The notice must also propose a time and place for meetings or consultations to consider the proposed activity, and WFF's treatment and disposition of any remains or objects. Written notification should be followed by telephone contact if there is no response within 15 days;
- Consultation should address the manner and effects of proposed excavations, and the proposed treatment and disposition of recovered human remains and cultural items; and
- Following consultation, WFF must complete a written plan of action and execute its provisions.

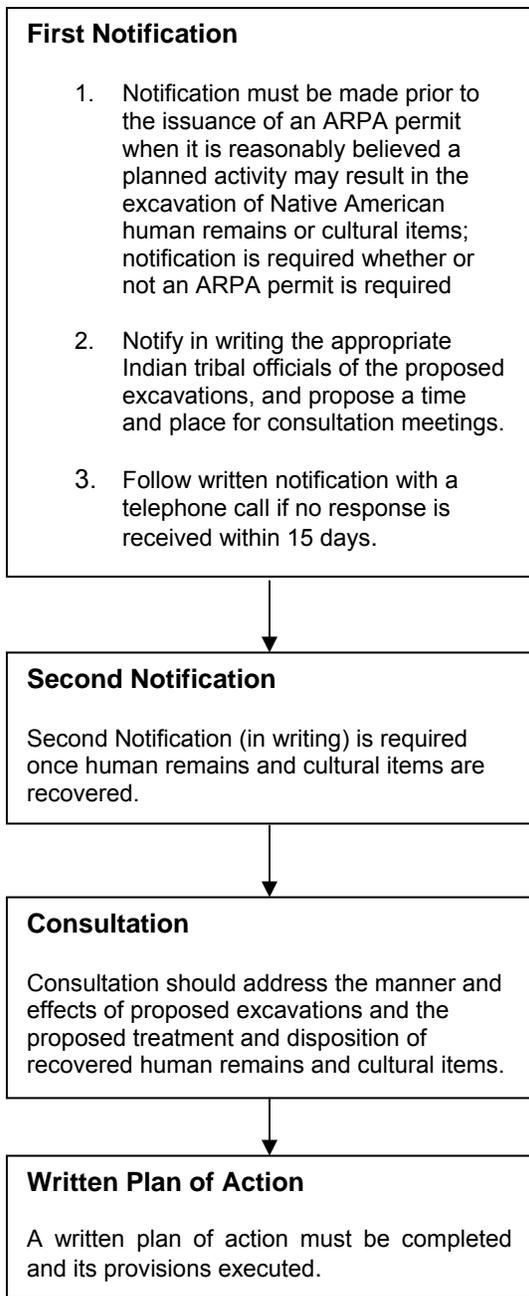
4.6.3.2 Inadvertent Discoveries

The following procedures should be followed in the event of inadvertent discoveries:

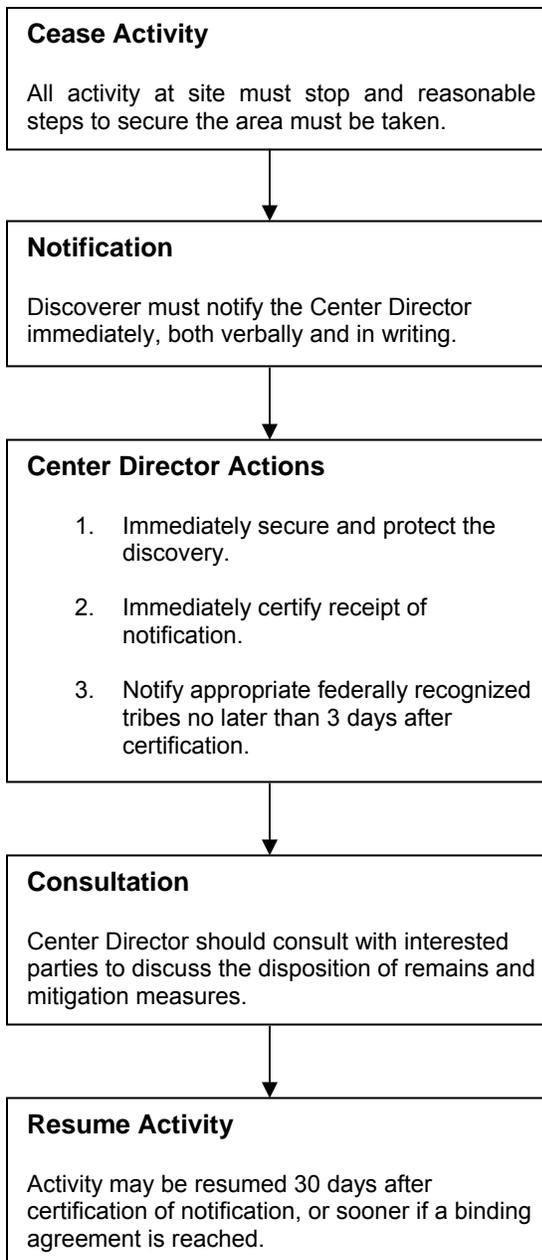
- Immediately stop any excavations that discover any human remains and make reasonable efforts to protect the burials and site;
- Contact the installation FHPO and VDHR immediately following the discovery;
- If WFF has reason to know that it has discovered Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony, it must provide immediate telephone notification of the discovery, with written confirmation, to the VDHR and appropriate WFF contacts. Notify by telephone, *with written confirmation*, the appropriate federally recognized tribes *no later than three days after certification*. This notification must include pertinent information as to the types of human remains, funerary objects, sacred objects, or objects of cultural patrimony, their condition, and the circumstances of their discovery.
- The WFF Center Director should consult with interested parties to discuss disposition of remains and mitigation measures. Consultation is required for the inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony discovered on Federal or tribal lands (43 CFR 10.4[a]). Activity may be resumed 30 days after certification of notification, or sooner if a binding agreement is reached. Figure 4-2 illustrates the NAGPRA process.
- The remains and associated cultural items shall be managed and repatriated to culturally affiliated or lineally descended Native American organizations in accordance with 25 USC 3001 and 43 CFR 10, unless there is no evidence of such affiliation. At this point in time, WFF does not possess or control Native American collections or cultural items, Native American remains, or Native American sacred sites or traditional cultural properties. The installation is currently not located within the current lands of any state or federally recognized Native American tribe.

Figure 4-2. NAGPRA Process Flowchart

Intentional Excavations



Inadvertent Discoveries



4.7 PROCEDURE 7: AMERICAN INDIAN RELIGIOUS FREEDOM ACT COMPLIANCE

AIRFA promotes coordination with Native American religious practitioners on the effects of Federal undertakings upon their religious practices. Undertakings that alter or affect flora and fauna, viewsheds, artifacts, and sites that may be important to Native Americans may be covered under this legislation. WFF is not located on the present lands of any state or federally recognized Native American tribe. As such, it is highly unlikely that compliance with AIRFA will be required for undertakings at the installation. For more information, contact the NASA Federal Preservation Office.

4.8 PROCEDURE 8: EMERGENCY PROCEDURES FOR UNEXPECTED DISCOVERIES OF ARCHAEOLOGICAL DEPOSITS

Archaeological or historical sites occasionally are discovered during construction projects, regardless of whether or not the project area has been subjected to a comprehensive cultural resources survey and inventory, as outlined in section 36 CFR Part 800.6. The procedures for dealing with post-Section 106 review discoveries are outlined under section 36 CFR Part 800.13.

The FHPO may develop a PA pursuant to Section 36 CFR Part 800.14(b) to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking. Where an agreement document has been executed for a given undertaking or set of undertakings, the FHPO must ensure that an Unexpected Discoveries clause be included. This clause should address the procedures by which notification of the discovery occurs, as well as the required consultation that should take place following such a discovery.

When review of a proposed undertaking suggests that cultural resources are likely to be discovered during the implementation of the undertaking and no PA or MOA exists, the WFF must develop a plan for the treatment of such properties and include this plan in any finding of no adverse effect submitted to the SHPO.

If archaeological sites or historic properties are discovered subsequent to completion of the Section 106 process without establishing a process described above, the FHPO shall make a reasonable effort to avoid, minimize, or mitigate adverse effects to such properties until procedures outlined below are complete:

- WFF must stop work and make reasonable efforts to avoid, minimize, or mitigate adverse effects to the site; and
- The installation FHPO should be contacted immediately following the discovery.

A number of options may then be considered.

Option 1

The installation FHPO must:

- Contact VDHR.
- Advise the VDHR of the nature of the discovery. Provide as much information as possible concerning the cultural resource, such as resource type, date, location, size, and any information on its eligibility.
- The VDHR in conjunction with the installation FHPO will determine the significance of the resources and suggest appropriate mitigation measures.
- WFF then complies with the provisions governing discoveries in 36 CFR Part 800.13.

Option 2

If the archaeological discovery is determined eligible for the National Register, the FHPO should:

- Immediately prepare a mitigation plan. This plan should be sent to the ACHP and SHPO.
- The ACHP must respond with preliminary concerns within 48 hours. Final comments are due within 30 days after the special request is made.

Option 3

Option 3 involves the Section 106 compliance process (see Section 4.1). This option is not recommended in the case of unexpected discoveries, as it can be a time-consuming procedure. If this option is chosen, thorough and complete documentation of the proposed impact and a subsequent mitigation plan must be completed to ensure the technical adequacy required by the SHPO or ACHP.

4.8.1 Discovery of Human Remains

Discovery of human remains, of whatever nature, is a serious archaeological issue. In Virginia, human remains cannot be disturbed without a permit from the VDHR (Code of Virginia 10.1-2305). Unauthorized excavation of human remains is a misdemeanor crime under the Virginia code, and is a felony crime on federally owned lands. If the discovered remains are identified as Native American in origin, then the WFF must follow Procedure 6.

If any human remains or associated funerary objects are unexpectedly discovered at WFF, the following steps should be undertaken:

- Stop work immediately;
- Contact the FHPO; and
- Notify the VDHR and the Virginia State Police.

4.9 PROCEDURE 9: CURATION OF ARTIFACTS

Archaeological collections include the artifacts recovered from archaeological sites, the documentary records pertaining to the excavations, and the final report. These records may include photographs, field data records and drawings, maps, and other documentation generated during the conduct of the project. If archaeological collections result either from unexpected discoveries or from authorized archaeological investigations, WFF must make efforts to ensure stable long-term storage of the collection, pursuant to 36 CFR Part 79, *The Curation of Federally-Owned and Administered Archaeological Collections*, and any applicable state or local jurisdictional guidelines, depending upon where final curation occurs.

In 1990, the Department of the Interior, National Park Service issued *Curation of Federally-Owned and Administered Archaeological Collections* (36 CFR Part 79), which includes definitions, standards, guidelines, and procedures which Federal agencies are required to follow in order to preserve archaeological collections. The regulations presented in 36 CFR Part 79 must be followed for Federal compliance projects in Virginia as appropriate. In the case of federally owned collections, a signed Memorandum of Understanding for Curatorial Services must accompany the collection. Curation of archaeological collections must be at a facility that meets the requirements outlined in 36 CFR Part 79.

The initial processing of material remains, including appropriate cleaning, sorting, labeling, cataloging, stabilizing, and packaging, should be completed by personnel meeting the professional qualifications established in 36 CFR Part 61. Additional rules and regulations are outlined in 36 CFR Part 79, and in the *Guidelines for Conducting Cultural Resource Survey in Virginia* (VDHR 2003).

4.10 PROCEDURE 10: EMERGENCY PROCEDURES FOR ARCHITECTURAL RESOURCES

This procedure should be initiated in the event of emergencies that affect historic properties at or immediately adjacent to WFF. Architectural resources listed, or determined to be eligible for inclusion in the National Register, include the Wallops Coast Guard Lifesaving Station (WFF# V-065) and its associated Observation Tower (WFF# V-070).

The procedure is as follows:

- Emergency procedures will be initiated as required by the situation. Emergencies include fire, flood, vandalism, and acts of nature, such as falling trees. Appropriate emergency personnel, including fire and police, should be contacted.
- The FHPO should be informed of the emergency as soon as possible.
- The FHPO will review emergency stabilization measures undertaken to protect the historic property and to preserve its historic fabric and features. In general, emergency stabilization measures include short-term and reversible repairs that do not harm historic fabric or features.
- The FHPO will inform the SHPO of the nature of the emergency affecting historic properties and of the stabilization measures that have been implemented.
- Once the building has been stabilized, the FHPO will initiate permanent repairs to be carried out in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (USDI 1995).
- The FHPO will coordinate necessary review of the proposed permanent repairs with the SHPO, following the Section 106 process (see Procedure 1).

4.11 PROCEDURE 11: ECONOMIC ANALYSIS FOR DEMOLITION OF HISTORIC BUILDINGS

The FHPO will request an economic analysis of all National Register-eligible properties that are being considered for demolition and replacement in accordance with DODI 4715.3, Environmental Conservation Program. NHPA requires historic properties to be considered for reuse to the maximum extent feasible before disposal. The decision to reuse, replace, or demolish a facility should be based on an economic analysis that includes an evaluation of life-cycle maintenance costs, utility costs, replacement costs, and other pertinent factors.

If the economic analysis demonstrates that the revitalization cost of a historic property exceeds 70 percent of its replacement cost, replacement construction may be used. However, the 70 percent value may be exceeded if the building merits special attention due to its architectural or historical importance.

The procedure is as follows:

- The FHPO will undertake an economic analysis of historic buildings and structures being considered for demolition and replacement.
- An assessment of new construction should evaluate life-cycle maintenance costs and replacement costs 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. If the building to be disposed of is historic, potential reuses must be considered before making a decision to dispose of it.

5.0 PRESERVATION GUIDANCE

5.1 INTRODUCTION

This section specifies current condition issues and detailed maintenance suggestions for the NRHP eligible Coast Guard Lifesaving Station and Observation Tower, the only National Register eligible properties at WFF to date.

In June 2005 an architectural historian and historic architect were contracted by WFF to conduct on-site inspections of the Coast Guard Lifesaving Station and Observation Tower for the purpose of:

- assessing conditions;
- recommending any corrective measures; and
- creating a building maintenance plan.

Because the Lifesaving Station and Observation Tower have been determined eligible for listing in the NRHP (see *Historic Resources Survey and Eligibility Report, Wallops Flight Facility, Accomack County, Virginia* [URS/EG&G 2004b]), NASA is required under Section 110 and Executive Order 11593 to take steps to preserve and maintain these historic properties. A maintenance plan was developed to provide NASA staff with an overall approach to prioritizing building maintenance needs for stabilization and thwarting further deterioration. Technical specifications for particular maintenance and stabilization techniques appropriate to the building components and historic building fabric are readily available in numerous monographs and technical guides developed by other Federal agencies such as, but not limited to, the GSA Historic Preservation Technical Procedures, available at <http://w3.gsa.gov/web/p/hptp.nsf/>, and the NPS series of technical briefs, available at <http://www.cr.nps.gov/hps/TPS/briefs/presbhom.htm>.

At present, NASA is not actively utilizing or occupying the Coast Guard Lifesaving Station and is only periodically inspecting the Observation Tower. Therefore, recommended corrective measures and a maintenance plan have been prepared with the understanding that these structures are to be “mothballed” (i.e., to stabilize current conditions), thereby protecting and securing these historic properties from further deterioration. Even though both properties will be better protected through stabilization efforts, the continuance of periodic inspection and regular drive-by surveillance is necessary. Because access to Wallops Island is strictly controlled by NASA, the typical concerns of protecting against vandalism were not factored into the following recommendations.

While proactive measures to ensure the preservation and maintenance of the structures are encouraged, NASA staff needs to be aware that many treatments and actions, including some instances of repair and maintenance are considered to be “undertakings” under provisions of Section 106. Thus, actions such as window repair, application of new paint colors, and replacement of shingles would be subject to documented review by the

VDHR. For further information on acceptable treatment methods, see the GSA's *General Maintenance Guidelines*, available on the internet at <http://w3.gsa.gov/web/p/hptp.nsf>.

Completion of these steps should protect these structures while they are “deactivated” for a period of five to ten years, while NASA seeks to find an appropriate future use and/or owner of these structures. It should also be noted that as long as the property remains in the possession of WFF, a thorough maintenance inspection should be completed and documented every five years as part of the ICRMP update.

As a task completed in support of this report, the Lifesaving Station's roof, drainage system, exterior walls, windows, doors, and building interiors were inspected and evaluated. For the Lifesaving Station Observation Tower, the overall steel structure was inspected and evaluated. Each element was noted as being in good, fair, or poor condition. Comments were provided where applicable. Digital photographs were also taken showing the conditions of each building and are incorporated into the text. Copies of the Lifesaving Station floorplans are included in Appendix X of this report.

5.2 CURRENT CONDITION ISSUES OF THE COAST GUARD LIFESAVING STATION AND OBSERVATION TOWER

Existing conditions were observed and noted for both the purpose of documentation and for the purpose of developing a generalized building maintenance plan for the stabilization of the Coast Guard Lifesaving Station and the Observation Tower. If the two historic properties are expected to remain on Wallops Island for any length of time over the next year or two, it is highly recommended that NASA commission a detailed condition survey and structural assessment by appropriately qualified individuals and/or firm(s) that meet the *Secretary of the Interior's Professional Qualification Standards* (48 FR Part 44716) in the discipline of Historic Architecture. The field survey, as well as all of the following observations and notes, was predicated upon a treatment method that aims to stabilize the historic fabric and character-defining features as outlined in the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR Part 68). In essence, stabilization here means the process of taking measures to protect and preserve each historic property. As such, these efforts generally focus upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. For more detailed information on this preservation treatment method, please refer to the commonly accepted definition offered by the NPS and available online at http://www.cr.nps.gov/hps/tps/standguide/preserve/preserve_index.htm.

A brief discussion of each of the various conditions of materials and building components noted during the inspection is provided below.

5.2.1 Lifesaving Station

5.2.1.1 Exterior

Roof

The chimney stack and cap appear to be in fair condition, with minimal weathering of the brick and of the mortar joints. From ground observation, no bricks appeared loose or missing.



**Figure 5-1. Aerial View of Coast Guard Lifesaving Station, June 2005.
Note that the ridge line is straight, indicating integrity of the structural system.**

The main roof consists of a simple gable structure, whose ridge is oriented in parallel with the primary east façade (Figure 5-1). The shorter north and south façades of the structure form the gable ends. The roof pitch is approximately $2/3$, or 35 degrees, as measured in the attic. The eaves are accentuated by a continuous box cornice that projects several inches from the plane of the gable and connects with a similarly detailed box soffit and fascia that caps the east and west walls, just below the first course of shingles. The roof shingles have a 6-inch exposure to the weather, are untreated, but appear to be in relatively good condition, with the exception of occasional areas of warpage and discoloration from paint and metal staining. Both the east and west roof portions are punctuated by three symmetrically placed dormers. All six dormers appear similar in configuration, size and materials. Each has a gabled roof of similar slope to the main roof they abut. On each, a more delicately scaled box cornice along the gable eaves meets a similarly configured bowed cornice along the dormer cheek walls. All window sashes are double hung six over six light units. Each appears to be in relatively good condition.

A similarly shingled shed roof covers the front entry porch (Figure 5-1). This roof has a gutter running along its base and terminates at the left or south side into a corrugated, 3-1'2" square, vinyl coated rain water leader. The shingles are well worn, showing a raised grain. The only other roof is the small projecting gable located over the north side door and supported by diagonal brackets (Figure 5-2). The condition of this roof also appears to be worn, but satisfactory.



Figure 5-2. North and West Elevations, June 2005.

Note the primary roof gable and the secondary gable over the door and window assembly. The staining between the second story windows is below the scupper and at the location of the missing rain water leader.

Drainage Systems

At the base of the roofline, a copper gutter runs along the primary (east) façade, around to the north elevation and around to the rear (west) elevation. There is no gutter cutting across the south elevation, perhaps in deference to a desired architectural homogeneity of the three-part elevational composition (Figure 5-3). There is now only one rainwater leader along the rear elevation. On the north elevation a rainwater leader has long since been removed, although a copper scupper and the accentuated deterioration of shingles below clearly indicate its original location. Replacement of this leader with a prefabricated 4' unit is an immediate imperative because it will retard future deterioration of the shingle siding by the concentration of water flowing through the scupper. Adding splash blocks to the bottoms of the leaders is an advisable way of diverting concentrated storm water flow away from the base of the foundation walls.



Figure 5-3. South Elevation, June 2005.
Note the strict symmetry of this façade.

Lightning Protection System

No complete lightning protection system was apparent. Typically, such a system consists of a rod or pole attached to the highest element of the structure, connected to a heavy gauge, stranded copper wire, mounted and run down the structure to a point several feet away and terminating in a pole driven into the earth for grounding. Evidence of a former grounding cable appeared to the northeast of the structure, but its integrity could not be ascertained.

Shingle Siding

The building is clad entirely in uniformly coursed cedar shingles, with a 5.5 – 6-inch exposure. Although previously painted white, the shingles are now well worn, exposing the grains, rippled or warped in some areas, and/or cracked at the edges (Figure 5-4). Weathering is most severe on the south and east elevations.



Figure 5-4. East (Primary) Elevation, June 2005.

Note the areas under the porch and box cornice where the paint has not worn off the cedar shingles. Also note the projecting foundation base.

Windows and Doors

The predominant window unit type is a six-over-six light, double hung sash. Windows appear to be in fair condition, with only an occasional unit showing broken or missing glazing and or glazing compound. Basement windows consist predominantly of three-over-three light, double hung units. Attic sash consist of six double hung dormer units described earlier as well as a two gable end “lunettes” or half round, three fixed light units.

The two front doors off the porch each contain three raised panels with a fixed three-over-three light above (Figure 5-5). A similarly configured wood door provides access to the north side of the house. All three doors are in good condition, despite excessively peeled paint. Inset to the west foundation wall is a pair of small doors, each door with three fixed lights over a rectangular raised panel (Figure 5-6). Because they are so wide relative to their height, the doors are attached to their jambs with broad strap hinges.



Figure 5-5. Center Door, East Elevation, June 2005.
Note the spare, simple contours of the stock lumber forming the jamb and header trim, as well as the previous shades of green paint.



Figure 5-6. Detail View of West Elevation, June 2005.
Note the pair of doors to the basement. Also note the projection of the foundation wall below the windows and doors.

Foundations

Foundation walls on north, south, east and west sides consist of cast-in-place concrete. The foundation walls are exposed and project 3 to 4 feet above grade, to form an English basement, upon which the first floor framing and shingle cladding begins. About 3 feet below the first course of shingles, just above grade, the foundation walls, on all four sides, project outward about 8 inches so that the wall is thicker as it enters the earth. The foundation walls exhibit more remnants of white paint than do the shingle walls above.

Front Porch

The front porch is a single bay deep by triple bay across raised structure, symmetrically appended to the east elevation of the house. The bays are defined by square pilasters, fashioned from stock 1 x 8 inch boards. At the outside corners the columns are tripled and at the sides, abutting the house, the pilasters are engaged to the shingle wall. A 2-inch galvanized pipe rail forms the handrail and balustrade of the porch. An open riser stair with worn and warped treads forms the primary stair connecting the porch to the lawn. The open bays below the porch deck, on either side of the stair, are trimmed out in stock lattice panels. While well worn, the porch appears to be structurally sound. Information on conducting a detailed inspection of the porch can be found in GSA's (2006) Historic Preservation Technical Procedures, Standard 01091-11, *Guidelines for Rehabilitating Historic Buildings: Entrances and Porches*.

5.2.1.2 Interior*Attic Framing*

The attic is accessed by a pull-down stair located in the ceiling of the second floor corridor (Figure 5-7). It consists of entirely unfinished space, although there is a diagonally laid tongue and groove sub-floor throughout. Areas of flooring below dormer windows are warped, suggesting that windows may have been left open on more than one occasion, resulting in water damage. The structure reveals a standard 20th century American framing technique whereby all members are of uniform size and spaced 16 inches on center. At all dormer openings, rafters are doubled up for added lateral stability (Figure 5-8). Added structural stability for the roof rafters is achieved through the use of collar beams one third of the way down the slope. There is no insulation between the studs of the gable wall, nor is there any between the roof rafters. This has probably permitted the otherwise contained area to “breathe” over the decades. Therefore, the overall condition of the materials is relatively good – other than the previously noted floor board damage.



**Figure 5-7. Attic, View looking North, June 2005.
Note sub-floor and collar beams.**



**Figure 5-8. Typical Dormer Construction, June 2005.
Note double rafters at dormer openings offer added structural stability.**

Plaster Surfaces

The surfaces of the walls of the first and second floor rooms are paint on plaster (Figures 5-9 and 5-10). In most areas, the condition of the paint is quite poor, with excessive peeling and scaling, revealing the plaster below. The finish plaster was placed over scratch coat, which in turn was placed over a 3/8-inch thick gypsum wall board, instead of the more traditional brown coat of plaster. In this way, through the use of the

wallboard instead of the traditional lath and brown coat, this building exhibits an important technological change to residential construction in the middle of the 20th century. From this point forward, gypsum wallboard became increasingly common, while the use of plaster on lath (metal or wood) virtually disappeared.



**Figure 5-9. North Wall of Mess Hall, June 2005.
Note chair rail and simple detailing.**



**Figure 5-10. Ceiling Detail, 2nd Floor, June 2005.
Note paper edging of the gypsum board.**

The plaster surfaces are in varying conditions depending upon where they are located in the various rooms (Figure 5-11). In general, they are in good to fair condition. Each wall is outfitted with what appears to be an original chair rail of the simplest, rectangular section.



Figure 5-11. View from Kitchen into Mess Hall, June 2005.

Doors and Windows

Interior doors are typically solid core, stile and rail construction with five raised similar, horizontally arranged panels. Paint is severely peeling from all units, though most exhibit functional, usually original, hardware (handsets, hinges, strike plates, etc.). Windows are as described earlier in this report. Most are fully operable and contain the original lead counter weights.

Specialties

The staircase connecting the first and second floors is semi-enclosed; it begins immediately south of the front door and turns 90 degrees by use of three winders (Figure 5-12). It has an open stringer. The small exposed banister consists of 1-inch square balusters and a simple, 4 x 4-inch newel post. This element is in fair to good condition.



Figure 5-12. Stair to 2nd Floor, June 2005
Note details of rail and banister.

Below the corridor stair is a fully enclosed stair to the basement. This stair could not be viewed to determine its condition. Another stair to the basement is located along the north wall, at the rear of the kitchen (Figure 5-13). This fully enclosed stair has a landing which contains a window and adjacent door to the exterior. It is in good to fair condition.



Figure 5-13. Kitchen Stair to Exit and to Basement Below, June 2005.

Note the characteristic use of “winder” treads.

Full height custom cabinetry units and shelving can be found in the former mess hall and kitchen pantry (Figures 5-14 and 5-15). The pantry also has built in, fixed wood shelving. The southeast chamber on the first floor also has a full height custom cabinet. Other than the peeling painted surfaces, these units appear to be in good condition. Notably, the kitchen and mess hall units contain all the original glazing in the upper cabinet doors.



Figure 5-14. China Cabinet in Mess Hall, June 2005.



Figure 5-15. China Cabinet and Shelves in Pantry, June 2005.

The basement level boiler room equipment (Figure 5-16), as well as extant floor tile and pipe wraps, have all been surveyed and tested by certified industrial hygienists. Since all samples came back positive for asbestos-containing materials, properly supervised removal would be the logical next step.



Figure 5-16. Boiler Detail – Basement Level Boiler Room, June 2005.
Note the areas appearing as white in the photo are worn fragments of insulation containing asbestos.

5.2.2 Observation Tower

The Observation Tower was specified to be constructed of galvanized structural steel sections, comprised primarily of 4 x 4-inch angle sections (Figures 5-17 and 5-18). The tapered tower sits on concrete foundations, from which it rises to a height of 37' - 6". The four 4' - 6" deep foundation walls taper as they rise out of the ground and are connected to the tower legs by anchor bolts.

Following standard United States Coast Guard design guidelines, structural steel members were field connected with bolts with lock washers under each nut. A steep scissors stair or series of superimposed ship-ladders provide access up to the observation platform. The structural edges of the platform consist of 7-inch channels. The platform is about 14' square, overhanging the angle supports below by 2' - 10" on all four sides.

The overall condition of the tower is fair. The majority of the surfaces are covered with fair amount of surface rust. It did not appear that any areas were so severely rusted as to adversely affect their structural integrity. Because of their cleaner condition, it appeared that certain members are newer stainless steel replacements.



Figure 5-17. General View of Observation Tower, June 2005.



**Figure 5-18. Observation Tower looking Southwest, June 2005.
This view shows the proximate relationship of the tower to the Life Station.**

5.3 MAINTENANCE AND REPAIR RECOMMENDATIONS

These recommendations are presented in order to suggest ways to minimize the natural deterioration that occurs over time and by weathering of historic fabric and character-defining features for the Coast Guard Lifesaving Station and Observation Tower. NASA is not occupying these structures and thus the proceeding recommendations are being made in consideration of a mothballing or stabilization effort until their future use can be determined.

For further information on specific conditions or surfaces, maintenance staff should consult *Well-Preserved* (1992) by Mark Fram and *Conserving Buildings* (1997) by Martin E. Weaver. Also consult the NPS website at http://www.cr.nps.gov/hps/tps/standguide/preserve/preserve_index.htm

A summary matrix of suggested tasks to aid NASA in its role as historic property steward is located in Table 5-1. All deferred maintenance and repairs should be conducted in strict accordance with the Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings (http://www.cr.nps.gov/hps/tps/standguide/overview/choose_treat.htm). The express goal of this treatment method is, as defined by the National Park Service is "the retention of the building's existing form, features and detailing... protection, maintenance and repair are emphasized while replacement is minimized" (NPS Preservation Guidelines, 1992: 1).

It is important to note that any other treatment method or action on the part of staff, no matter how well intended, could constitute an "undertaking" potentially affecting one or both National Register eligible historic properties, thereby triggering SHPO involvement under the NHPA Section 106 consultation process.

While additional training for maintenance staff on the proper care and treatment of historic buildings is not currently recommended, it should be noted that the U.S. Army Corps of Engineers, Seattle District, Center of Expertise for the Preservation of Historic Buildings and Structures offers field schools at multiple skill levels on the topic. This group also provides guidance and support to installations with historic structures.

A maintenance task schedule has been produced to facilitate scheduling of activities for WWF operations staff. This schedule or scheduled activities checklist accompanies the maintenance narrative shown below.

5.3.1 Landscaping and Vegetation

Landscaping and vegetation should be kept away from the building in order to prevent both moisture damage and structural damage that might occur from roots and climbers working their way into the wood grains.

The ground around the base of the buildings should be graded so that water drains away from the building. When pruning plants and shrubs, the vegetation should be cut away

from the building. Ivy and other vines should not be allowed to grow on the buildings. They should be carefully removed from the wall surface in order to prevent damage to the wood and concrete surfaces.

5.3.2 Drainage Systems

The missing downspout on the north side of the structure should be replaced. This should be an “in kind” replacement with a round copper rainwater leader. If this cannot be accomplished, replacement should then utilize a properly sized rainwater leader for the entire length from the scupper down to the ground. Rainwater leader horizontal extension pipes (48-inch minimum length) should be added in order to divert all storm water from the base of the building.

Joints should be properly constructed and inspected frequently, especially during and after heavy rains to ensure that the joints remain intact. In no case should a downspout be allowed to end before reaching the ground. At the end of each downspout, the ground should be graded to direct water away at least 2 feet from the building foundation. If necessary, cast concrete channels can be used to help direct the water flow.

Inspectors should verify that all horizontal gutters are not crimped, are not punctured, have been cleaned of all debris, are adequately attached to the structure, are sufficiently sloped, and are able to adequately convey water for their entire run. If not, make necessary repairs with copper nails.

Inspectors should also verify that the scupper on the north side functions properly. If it cannot function properly, remove and place inside the house in an adequately sized crate which is clearly labeled with the name of the component and the date it was removed.

5.3.3 Brick and Mortar

Careful inspection of the chimney bricks and mortar should be scheduled to insure that no individual bricks are loose or likely to separate from the surrounding mortar. If any bricks are loose, schedule repointing for a time when temperatures are above 50 degrees Fahrenheit by an experienced mason using a mortar mixture that has a low cement content and is compatible with the existing mortar in texture and appearance. All mortar joints should be tuckpointed to match the original tooling methods still seen on parts of the building. If necessary, the chimney may need to be reconstructed due to the high degree of mortar loss. In such cases, the original bricks should be cleaned and reused in the reconstruction of the chimney.

Table 5-1. Summary Matrix for the Lifesaving Station

	URGENCY			Notes
	Immediately	Within One Year	5 Years	
MAINTENANCE TASKS BY AREA				
EXTERIOR				
Design lightning protection system		●		Don't reuse existing; SHPO consultation
Install lightning protection system	●			SHPO consultation
Check roof shingles for attachment and excessive warpage/cracks		●	●	
Replace roof shingles in kind and as required		●	●	SHPO consultation
Verify continuity of all flashing at chimney and valleys and roof/wall junctures	●			
Make necessary flashing and counter flashing repairs		●	●	SHPO consultation
Verify adequacy of gutters, gutter straps and methods of attachment	●	●	●	
Attach rainwater leader to scupper replacement on north side	●			SHPO consultation
Furnish and install 48" horizontal leader extenders			●	
Repair/replace all missing windows glass	●			SHPO consultation
Install any storm windows located now in attic and cellar		●		SHPO consultation
Engage professional to remove all bees', hornets', and wasps' nests	●			
Professional repair of all holes/damage to wood envelope made by pests		●		SHPO consultation
Check all shingles for attachment, excessive warpage, and checking	●			
Replace cedar shingles, in kind, and as required		●		SHPO consultation
Seal with clear latex all window and door frames to limit further deterioration		●		
Inspect all window glazing for lead content	●			
Produce plan for removal of all loose, cracked, and deteriorated lead containing window glazing compounds		●		SHPO consultation
Remove all lead containing window glazing compounds and replace with non-hazardous glazing compounds			●	
Document levels of lead in soil surrounding foundations within a 2' wide perimeter zone		●		
Engage pest control specialist to prevent entry of rodents, reptiles, birds and other animals	●			
Create plan to monitor the buildings on a regular basis		●		Formalize the currently informal inspections

MAINTENANCE TASKS BY AREA	URGENCY			Notes
	Immediately	Within One Year	5 Years	
INTERIOR				
Engage Industrial Hygienist to create ACM removal plan for basement, 1 st & 2 nd floors	●			
Engage licensed ACM removal company to remove hazardous materials from boiler, hot water tank, pipe wrappings, floor tiles, etc. in full compliance with all applicable Federal standards		●		
Engage pest control specialist to prevent entry of rodents, reptiles, birds and other animals	●			
Remove all non fixed equipment and furnishings and dispose of properly		●		SHPO consultation
Brush all loose and peeling paint from ceilings and walls		●		SHPO consultation
Broom clean interiors to remove accumulated dirt, debris and animal droppings.		●		
Install screens over all windows to prevent pest entry		●		
Inspect and, if necessary, treat for termites, carpenter ants, and wood burrowing bees	●		●	
Evaluate cost/benefits of installing smoke alarms with a remote sensing and notification system		●		

Note: Items marked with “SHPO consultation” require by VDHR review and comment. Annual maintenance plans can be reviewed as a group based on brief letter to VDHR describing intended approach to each item.

5.3.4 Concrete

No specific actions are required at this time. For more detailed discussions of repairing historic concrete see National Park Service *Preservation Brief No. 15, Preservation of Historic Concrete, Problems and General Approaches*, available online at <http://www.cr.nps.gov/hps/tps/briefs/brief15.htm>.

5.3.5 Shingles

In the future, care should be taken to avoid further damage to the shingled surfaces due to both vegetation and water damage. Vegetation should be kept clear of the building, and in particular, the vines should be removed from the wall surfaces. The drainage system should be kept in good repair and the water drained away from the building in order to minimize damage. For more detailed maintenance procedures affecting shingled surfaces see the GSA's *Historic Preservation Technical Procedures, No. 07, Preservation Guidelines for Rehabilitating Historic Buildings: Wood*, available online at <http://w3.gsa.gov/webp/hptp.nsf/7bfce0ef976ba85b852565d10061a4da45686244f85256>.

5.3.6 Pest Control

All points of entry need to be blocked in order to prevent further entry by pests seeking shelter from the elements. Therefore, all broken or missing window sash should be replaced, and loose sash should be re-glazed.

The advice of specialized pest control and/or exterminator service familiar with the climate and animals of Wallops Island should be consulted. All pest debris (e.g., carcasses, excrement) should be removed and properly disposed as these can pose serious health hazards.

5.3.7 Hazardous Materials Removal

Based upon a 2003 asbestos containing material survey, completed by Marine Chemist Services of Newport News, Virginia, the following asbestos-containing material (ACM) was detected within the Lifesaving Station (Table 5-2). An ACM removal plan should be completed by a licensed environmental hygienist. A hazardous material removal project should be a high priority because it needs to precede any disposal of the property.

Table 5-2. Location of Asbestos-Containing Materials in Lifesaving Station

Location in Building	Building Element	Percentage ACM
Basement level	Pipe wraps (two)	19 – 40
Basement level	Condensate tank	20
1 st Floor	Kitchen floor tile	10
2 nd Floor	Bathroom floor tile	10
Ceiling and walls	Plaster surfaces	0

On the basement level where furnace insulation, flooring, and pipe wraps have deteriorated and become friable, it is likely that these possibly hazardous materials have mixed with the animal remains and droppings. Similarly, lead containing paint remains on all but the attic levels (where no surfaces were painted) need to be tested, documented, and treated in accordance with National Park Service Preservation Brief 37 (National Park Service 1995) and the Environmental Protection Agency (EPA) Toxic Substances Control Act regulations. The use of “interim controls” as described in the cited brief should be implemented where indicated.

On the exterior, treatment methods vary for managing and/or disposing of lead which likely has leached into the soil surrounding the building foundations. Before either method is adopted, soil within a two foot wide perimeter from the foundations should be tested to determine if the soil contains more than four hundred parts per million.

5.3.8 Structural Steel

Structural steel members of the Observation Tower require visual monitoring. If any connections appear to be loose or failing, consult a licensed structural engineer for designing suitable repairs. Consider installing a gate to limit access only to authorized staff.

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Programmatic Agreement Among the National Aeronautics and Space Administration, the Virginia State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Management of Archaeological Resources at the Wallops Flight Facility, Wallops Island, Accomack County, Virginia.

APPENDIX I

VIRGINIA DEPARTMENT OF HISTORIC RESOURCES LETTER CONCURRING WITH ARCHAEOLOGICAL SENSITIVITY MODEL



COMMONWEALTH of VIRGINIA

Department of Historic Resources

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

December 4, 2003

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.state.va.us

Mr. Mark R. Edwards
URS Group, Inc.
7101 Wisconsin Avenue, Suite 700
Bethesda, Maryland 20814-4870

RE: Draft Cultural Resource Assessment
NASA Wallops Flight Facility
Accomack County, Virginia
DHR File No. 2003-0571

Dear Mr. Edwards:

We have received the report titled "Draft Cultural Resources Assessment of NASA Wallops Flight Facility Accomack County, Virginia" for our review and comment. It is our understanding that the subject document is an effort by the National Aeronautics and Space Administration (NASA) to comply with the requirements of Section 106 and Section 110 of the National Historic Preservation Act, as amended. The study is an assessment-level investigation of the entire 6000-acre Wallops Flight Facility (WFF) located in Accomack County, Virginia. The ultimate compliance objective is to develop an Integrated Cultural Resources Management Plan (ICRMP) for the entire WFF.

An inventory of WFF identified 166 buildings and structures fifty years old or older. A majority (ninety-nine) of these properties, dated to between 1936 and 1942 before the federal government purchased the land. The federal government built the remaining buildings between 1950 and 1955, an era when the government used the area as an experimental aircraft facility. The property did not become associated with NASA until 1959. The report recommends that two resources as potentially eligible for listing in the National Register of Historic Places under Criterion C for their architectural or engineering merits. These resources are the WEMA Recreational Facility (V-065)/Coast Guard station and an Observation Tower (V-070).

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Fax: (540) 857-7588

Winchester Region Office
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Winchester, VA 22601
Tel: (540) 722-3427
Fax: (540) 722-7535

Page 2
December 4, 2003
Mr. Mark R. Edwards

A review of the Section Three: Cultural Context reveals that there is insufficient research and narrative dedicated to WFF during the period prior to the federal government's ownership. Although ninety-nine of the 166 buildings inventoried dated between 1936 and 1942, there is no attempt in the study to place these in historic context. Similarly, there is little space dedicated in Section Three to the history of the National Advisory Committee for Aeronautics (NACA) and the Langley Research

Center using Wallops Island as a test site for rocket propelled models. This despite the assertion on page 2-3 that this activity "was an essential step in the nation's efforts to conduct aerodynamic research at high speeds, leading to advances in aeronautics and space science." The omission of a more detailed discussion of the NACA/Langley Research Center association with Wallops Island is particularly surprising since "launch sites are still located on the island, and are actively used today" (page 2-3). We believe that there is a need for additional research into the period extending from 1936 to 1942 and the NACA/Langley Research Center era in order to place the resources from these times into proper historic context. We, therefore, concur with the report's recommendation that NASA develop a specific historic context for WFF architecture related to the Cold War and Space Race.

The methodology used to produce the subject study concentrates too heavily on individual buildings is not sufficient to evaluate WFF as an historic district. The selection of properties that "are well-preserved or least-altered examples of certain resource types" for the windshield survey omits those resources that may not be individually eligible for the National Register but may retain enough historic integrity to be included as contributing elements of an historic district. As such, we concur with the recommendation that a more comprehensive reconnaissance level survey is necessary in order to determine if WFF has the potential to be eligible for the National Register as an historic district. We also agree that intensive level survey documentation of the most important resources is necessary in order to make a formal determination of National Register eligibility. NASA should pursue listing of those resources evaluate as eligible.

We concur that WEMA Recreational Facility (V-065)/Coast Guard station and the Observation Tower (V-070) appear to be potentially eligible for listing in the National Register for the purposes of Section 106. However, more information is required to make a formal determination of eligibility. The DHR is available to provide technical assistance to NASA if that agency decides to initiate nominating these resources to the National Register.

Page 3
December 4, 2003
Mr. Mark R. Edwards

With regards to archaeology, we find the predictive model acceptable and believe that it is representative of the archaeological potential of WFF. We look forward to reviewing the results of testing guided by this model. We understand that, although existing construction, erosion, and site use have compromised the potential of much of the WFF, much of the area determined to be of moderate to high archaeological potential is unlikely to be disturbed by construction or site use. Any ICRMP or other planning document developed following survey of the WFF should include a framework for future protection or avoidance of these areas as well as implementation of the Section 106 process.

If you have any questions about the Section 106 process or our comments please contact me at (804) 367-2323, Ext. 114.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marc Holma".

Marc Holma, Architectural Historian
Office of Review and Compliance

APPENDIX II

COAST GUARD LIFESAVING STATION RECONNAISSANCE LEVEL SURVEY FORM

**Department of Historic Resources
Reconnaissance Level Survey**

Accomack

DHR Id#: 001-0027-0005

Individual Resource Information

WUZIT: Coast Guard Station

Est. Date of Construction: 1936 {Owner/written data}

Accessed? Yes

Primary Resource? Yes

Number of Stories: 2.5

Architectural Style: Colonial Revival

Condition: Good

Interior Plan Type: Central Passage, Double Pile

Threats to Resource: Vacant

Description: Located along the main access road towards the northernmost end of Wallops Island, this finely proportioned two-and-one-half story Colonial Revival building originally served as a Coast Guard Station at this location. No longer in Coast Guard ownership, this building now functions as the WEMA Recreational Facility at the Wallops Flight Facility.

The front (east) façade is five bays wide. The station sits on a raised concrete basement. A single 3 over 3 double hung sash window is found near the southeast and northeast corners. A set of 7 steps leads to a landing and the front door. This access is sheltered by a porch, supported by four sets of paired columns. The porch is surmounted by a shallow wood shingled shed roof. At the second floor level are found 5 equally spaced 6 over 6 double hung windows. The entire façade is covered with wood shingles, as are all other facades. Three gable dormers, each with a single 6 over 6 double hung window, are placed symmetrically within the roof.

The rear (west) façade is similar to the front, but with a few variations. At the basement level, two 3 over 3 double hung sash windows are paired closely together at the southwest corner. A single 3 over 3 double hung window is found at the northwest corner. At the first floor level, three 6 over 6 double hung windows are symmetrically placed within the façade. Two smaller 6 over 6 double hung sash windows are placed between the larger centrally placed window, and the larger window at the northwest corner. At the second floor level, five windows identical to those in the front façade, may be found. A wooden water table is located in a horizontal line at the base of the windows. As with the front façade, three gable dormers are placed symmetrically within the roof. A brick chimney pierces the roof near the northwest corner of the roof.

The south gable end also exhibits four 3 over 3 double hung sash windows at the basement level. Three 6 over 6 double hung windows are symmetrically placed at the first and second floor levels. A wooden water table marks the base of the second floor windows. The roof line is marked by projecting verge boards. Near the apex of the roof is placed a 4 light lunette window.

The north gable end is similar in treatment to the south gable end. At the basement level, three 3 over 3 double hung sash windows begin at the northeast corner and move eastward. On the first floor level, two 6 over 6 double hung sash windows are placed in the first and second bays from the northeast corner. In the third bay, a doorway and single 6 over 6 double hung sash window pierce the façade. These are surmounted by a porch supported by wooden brackets. At the second floor level are three 6 over 6 double hung sash windows, again with a water table. Near the apex of the roof is placed a 4 light lunette window.

Cemetery Information

Bridge Information

National Register Eligibility Information

Significance Statement: Because of the limited nature of this survey, this building was not evaluated under Criteria A, B, C, or D to determine its eligibility for listing in the National Register of Historic Places.

Bibliographic Documentation

**Department of Historic Resources
Reconnaissance Level Survey**

Accomack

DHR Id#: 001-0027-0005

Ownership Information

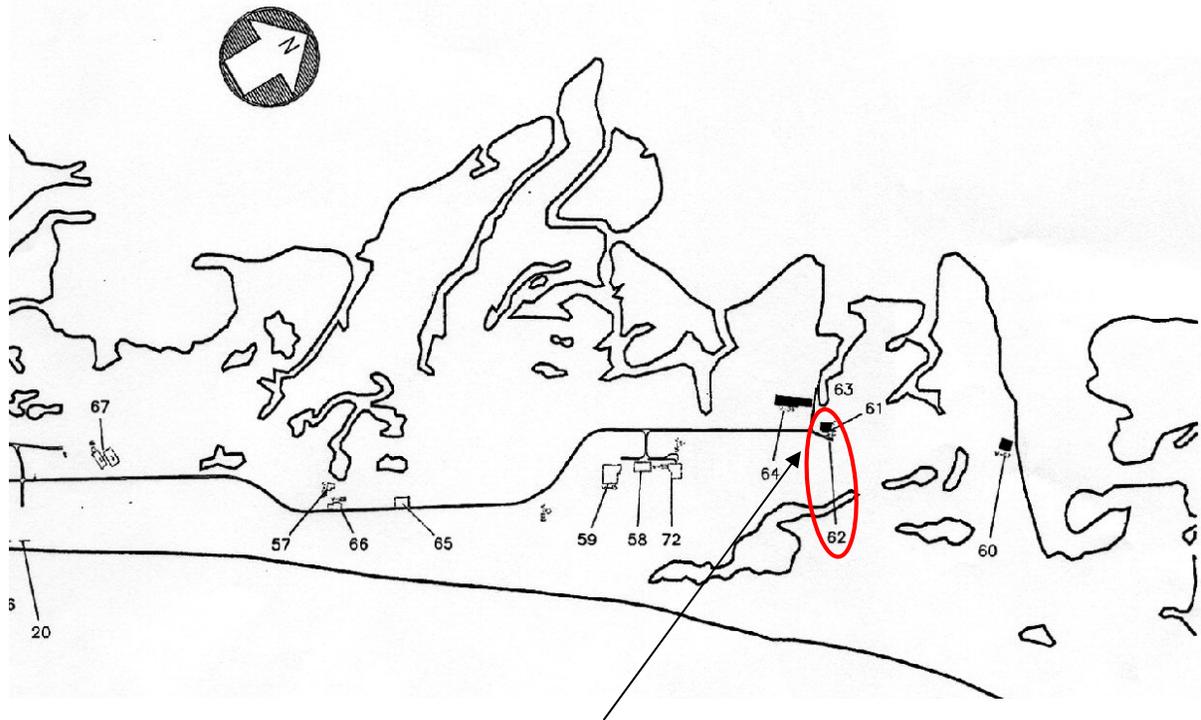
Graphic Media Documentation

<u>Medium</u>	<u>Depository ID #</u>	<u>Photo Depository</u>	<u>Date</u>	<u>File Name</u>
35 mm black and white		NASA, Wallops FF	2003/08/08	roll 1, frames 10 - 14

Cultural Resource Management (CRM) Events

CRM Event # 1,
Cultural Resource Management Event: Reconnaissance Survey
Date: 2003/08/08
Organization or Person:
CRM Event Notes or Comments: URS Group
7101 Wisconsin Avenue, Suite 700
Bethesda, MD 20814

Island and Mainland



WFF ID# V-65
 VDHR # 001-0027-0005

PROJ	NASA Wallops Flight Facility	WEMA Recreation Facility Located on Main Base Facility Map	
SCALE	Not to Scale		PROJECT NO. 15295533
SOURCE	NASA		



WFF ID# V-65
 VDHR # 001-0027-0005

PROJ	NASA Wallops Flight Facility	WEMA Recreation Facility Located on USGS Quadrangle Map	
SCALE	Not to Scale		PROJECT NO. 15295533
SOURCE	USGS 7.5' Quadrangle Map: Chincoteague West, 1965, photorevised 1986		



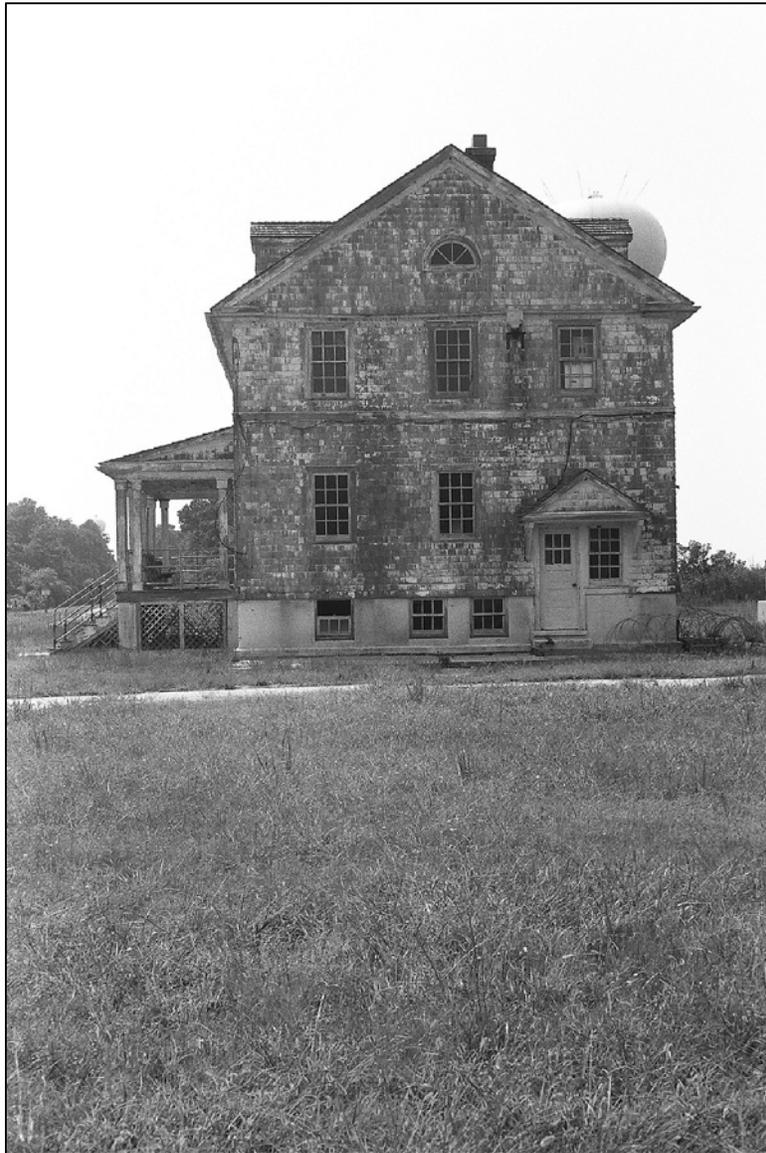
VDHR# 001-0027-0005
WEMA Recreational Facility (WFF# V-65)
Historic Name: US Coast Guard Station
View of Front Façade, Looking West



VDHR# 001-0027-0005
WEMA Recreational Facility (WFF# V-65)
Historic Name: US Coast Guard Station
View of Rear Façade (left) and South Gable End, Looking East



VDHR# 001-0027-0005
WEMA Recreational Facility (WFF# V-65)
Historic Name: US Coast Guard Station
View of South Gable End, Looking North



VDHR# 001-0027-0005
WEMA Recreational Facility (WFF# V-65)
Historic Name: US Coast Guard Station
View of North Gable End, Looking South

APPENDIX III

VIRGINIA DEPARTMENT OF HISTORIC RESOURCES LETTER CONCURRING WITH RECOMMENDATIONS OF COMPREHENSIVE HISTORIC RESOURCES SURVEY AND ELIGIBILITY REPORT



COMMONWEALTH of VIRGINIA

Department of Historic Resources

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

November 4, 2004

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Ms Barbara Lusby
National Aeronautics and Space Administration
Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, Virginia 23337-5099

RE: "Historic Resources Survey and Eligibility Report for Wallops Flight Facility"
NASA Wallops Flight Facility
Accomack County, Virginia
DHR File No. 2003-0571

Dear Ms Lusby:

We have received the draft report prepared by URS titled "Historic Resources Survey and Eligibility Report for Wallops Flight Facility, Accomack County, Virginia" for our review and comment. It is our understanding that the subject survey of the National Aeronautics and Space Administration (NASA) facility is in preparation for the development of an Integrated Cultural Resource Management Plan (ICRM) and in compliance with Section 110 of the National Historic Preservation Act.

The inventory of Wallops Flight Facility identified 124 buildings and structures fifty years old or older. Of those, the consultants from URS recommend only two as individually eligible for the National Register of Historic Places. These two properties are the Wallops Beach Lifeboat Station (DHR Survey No. 001-0027-0100; WFF #V-065) and Coast Guard Observation Tower (DHR Survey No. 001-0027-0101; WFF #070). The consultants recommend both properties eligible under Criteria A and C. The period of significance for both begins at the date of construction, 1936; and ends in 1947 when the United States Coast Guard decommissioned the properties. The consultants also recommend that there is not the potential for a historic district due to a large amount modern infill construction and a lack of historic integrity for most of the buildings and structures from the period of significance.

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Page 2
November 4, 2004
Ms Barbara Lusby

We concur that the Lifeboat Station and Observation Tower appear to be potentially eligible for listing in the National Register. However, we believe that the tower is not significant individually but as a contributing structure to the Lifeboat Station. We further agree that there does not seem to be justification for a historic district at WFF. Please note that we will need two copies of the final report once available.

If you have any questions about our comments please contact me at (804) 367-2323, Ext. 114.

Sincerely,



Marc Holma, Architectural Historian
Office of Review and Compliance

APPENDIX IV

PROGRAMMATIC AGREEMENT REGARDING MANAGEMENT OF ARCHAEOLOGICAL RESOURCES AT THE WALLOPS FLIGHT FACILITY, WALLOPS ISLAND, ACCOMACK COUNTY, VIRGINIA

APPENDIX IV

*****DRAFT September 7, 2005*****

[to be replaced by executed agreement when available]

**PROGRAMMATIC AGREEMENT
AMONG THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**REGARDING MANAGEMENT OF ARCHAEOLOGICAL
RESOURCES AT THE WALLOPS FLIGHT FACILITY,
WALLOPS ISLAND, ACCOMACK COUNTY, VIRGINIA**

WHEREAS, the National Aeronautics and Space Administration (NASA) Goddard Space Flight Center operates, manages, and administers the Wallops Flight Facility (WFF) at Wallops Island, Accomack County, Virginia; and

WHEREAS, the operation, management, and administration of the WFF entail undertakings that may affect archaeological resources, which are therefore subject to review under Sections 106 and 110(f) of the National Historic Preservation Act as amended (NHPA; 16 U.S.C. 470 *et seq.*) and the regulations of the Advisory Council on Historic Preservation (ACHP; 36 CFR Part 800); and

WHEREAS, in view of these facts, NASA has elected to fulfill its obligations under Sections 106 and 110 of the NHPA through execution and implementation of this Programmatic Agreement (Agreement) for archaeological resources as provided in 36 CFR Part 800; and

WHEREAS, NASA has consulted with the Virginia State Historic Preservation Officer (SHPO) regarding ways to ensure that NASA operation, management, and administration of the WFF provide for appropriate stewardship of the WFF's archaeological resources in accordance with Sections 106 and 110 of the NHPA; and

WHEREAS, NASA undertook and completed a comprehensive *Cultural Resources Assessment of NASA Wallops Flight Facility, Accomack County, Virginia* in November 2003 that identified areas of potential archaeological sensitivity on the WFF; and

WHEREAS, NASA undertook and completed an *Historic Resources Survey and Eligibility Report for Wallops Flight Facility* in November 2004 that focused on standing structures at the WFF and determined, with the exception of the Wallops Coast Guard Lifesaving Station and Observation Tower, that no historic resources were eligible for listing in the National Register of Historic Places; and

APPENDIX IV

WHEREAS, NASA is preparing an *Integrated Cultural Resource Management Plan* for the WFF, to be completed in 2005, that will facilitate cultural resources coordination, planning and compliance activities at the WFF; and

WHEREAS, NASA undertook and completed a *Final Site-Wide Environmental Assessment for Wallops Flight Facility, Virginia* in January 2005, in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), that addressed recurring and future actions by NASA at the WFF that potentially affect cultural resources; and

WHEREAS, NASA has provided for public involvement through the NEPA process in November and December 2004; and

WHEREAS, NASA has consulted with the Council and SHPO in the development of this Agreement; and

NOW THEREFORE NASA, the SHPO, and the ACHP mutually agree that NASA will carry out its Sections 106 and 110 responsibilities with respect to management of the WFF in accordance with the following stipulations:

STIPULATIONS

I. ADMINISTRATION

- A. The SHPO, and all other consulting parties, shall provide comments on documentation submitted pursuant to this PA within thirty (30) calendar days, unless the review period is otherwise specified. If no comments are received from the SHPO within the 30 day comment period, NASA may assume concurrence and proceed on the basis of its conclusions or recommendations, if any.
- B. All citations to pertinent Federal and state historic preservation standards and guidelines are current as of the date of this PA. Should newer versions of these standards and guidelines be adopted after the execution date of this PA, NASA shall carry out its programs under these newer versions of the appropriate standards and guidelines.
- C. NASA shall retain in its administrative files copies of all reports and studies performed under the terms of this PA. NASA shall also retain in its files copies of any correspondence, including memoranda to the file, that document actions taken under this PA. These documents shall be made available, upon written request, from any of the signatories to this PA.

APPENDIX IV

II. IDENTIFICATION AND EVALUATION OF ARCHAEOLOGICAL RESOURCES

- A. NASA will be responsible for the identification and evaluation of all archaeological resources within the Area of Potential Effects (APE) of each undertaking on the WFF. Investigations to identify and evaluate archaeological resources will be conducted using a phased approach, as specified in 36 CFR Part 800.4(b)(2), once a project has been designed and the APE has been determined.

Pursuant to 36 CFR Part 800.4, NASA will take the steps necessary in order to identify archaeological resources that may be affected by an undertaking and gather sufficient information to evaluate the eligibility of those resources for listing in the National Register of Historic Places (NR). Evaluation of archaeological resources for their NR-eligibility will be conducted in consultation with the SHPO, following procedures set out in 36 CFR Part 800.4. Information shall be obtained through archaeological surveys, archival research, or other appropriate investigations. Identification of archaeological properties shall follow the Secretary of the Interior's *Standards and Guidelines for Archeological Documentation (48 FR 4434-37)*, the SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia (2003)*, and agency programs to meet the requirements of Section 110(a)(2)(C) of the NHPA. The following procedures will be used to identify and evaluate archaeological resources:

1. NASA will identify and document the APE, review existing information on archaeological sites within the project's APE and identify issues relating to the undertaking's potential effects on archaeological sites.
2. Using the predictive model and associated archaeological sensitivity maps contained in the *Cultural Resources Assessment of NASA Wallops Flight Facility, Accomack County, Virginia*, NASA will determine if the APE contains low, moderate, or high sensitivity for historic and prehistoric archaeological resources. Areas of moderate or high sensitivity will require identification and evaluation of archaeological resources. Areas of low sensitivity will require no further action by NASA unless unexpected discoveries or human remains are encountered (see Stipulations VI and VII). Records of determinations of this type will be maintained by NASA for planning, administration, and facility management purposes.
3. NASA will take the steps necessary to identify archaeological sites within the APE based on the information gathered while determining the scope of identification efforts.
4. NASA will apply the NR Criteria (36 CFR Part 63), in consultation with the SHPO and guided by the Secretary of the Interior's Guidelines, to

APPENDIX IV

archaeological sites identified within the APE that have not been previously evaluated for NR-eligibility.

5. NASA, in consultation with the SHPO, will apply the criteria of adverse effects (36 CFR Part 800.5(a)(1)) to archaeological sites within the APE. NASA will consider any opinions concerning such effects that have been provided by consulting parties and the public.
 6. If NASA and the SHPO determine any of the NR Criteria are met, the property will be considered eligible for listing. If NASA and the SHPO determine the criteria are not met, the property will be considered not eligible. If NASA and the SHPO disagree, or if the Council so requests, NASA will obtain a determination of eligibility from the Keeper of the National Register pursuant to 36 CFR Part 63.
 7. NASA will consult with the SHPO to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on NR-eligible archaeological sites.
- B. NASA will consult with the SHPO to develop one or more archaeological data recovery plan(s) to mitigate adverse effects on NR-eligible archaeological sites that cannot be avoided. Mitigation will include recovery of significant archeological information by means of controlled excavation and other scientific recording methods. Procedures are summarized in Stipulation II, Treatment of Archaeological Sites.
- C. NASA will ensure that a report on the archaeological investigations carried out pursuant to this agreement is provided to the SHPO, and upon request, to other interested parties. Procedures are summarized in Stipulation III, Preparation and Review of Documents.

III. TREATMENT OF ARCHAEOLOGICAL SITES

- A. For archaeological sites that cannot be avoided, a data recovery plan will be developed by NASA. The data recovery plan will be consistent with the Secretary of the Interior's *Standards and Guidelines for Archeological Documentation* (48 FR 44734-37, September 29, 1983) and the SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia* (2003), and take into account the Council's publication *Treatment of Archeological Properties: A Handbook* (1980) and *Recommended Approach for the Consultation on the Recovery of Significant Information from Archeological Sites* (1999). The plan shall specify at a minimum, the following:
1. The area or portion of the WFF where site-specific data recovery plans will be carried out;

APPENDIX IV

2. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
 3. The methods to be used with an explanation of their relevance to the research questions;
 4. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
 5. The proposed disposition of recovered materials and records;
 6. Proposed methods of disseminating the results of the work to the interested public and/or organizations who have expressed an interest in the data recovery; and
 7. A schedule for the submission of progress reports to the SHPO.
- B. NASA will submit the treatment plan to the SHPO for review and approval. NASA will also provide a copy of the treatment plan to each concurring party for review and comment. The SHPO and concurring parties will provide comments on the data recovery plan to NASA within thirty (30) days of receipt.
- C. NASA will implement the treatment plan.

IV. PREPARATION AND REVIEW OF DOCUMENTS

- A. A draft of all final technical reports will be submitted to the SHPO for review and comment. NASA will ensure that all comments received within thirty (30) days of report receipt are addressed in the final technical reports. Two copies of all final reports will be provided to the SHPO.
- B. All technical reports prepared pursuant to this agreement will be consistent with the Federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-44742, September 29, 1983) and the *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act*, as well as SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia* (2003).
- C. NASA will ensure that a determination, finding, or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis.

APPENDIX IV

V. CURATION

- A. All archaeological materials and appropriate field and research notes, maps, drawing and photographic records collected as part of this project (with the exception of human skeletal remains) will be cared for in a repository approved by the SHPO and in accordance with the requirements in 36 CFR Part 79, *Curation of Federally Owned and Administered Archeological Collections*. All such items will be made available to educational institutions and individual scholars for appropriate exhibit and/or research under the operating policies of the selected repository.

VI. PROFESSIONAL QUALIFICATIONS

- A. All archaeological work carried out pursuant to this agreement will be conducted by or under the direct supervision of an individual or individuals who meet, at a minimum, the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44738-9, September 29, 1983).
- B. All archaeological studies resulting from this Programmatic Agreement, including data recovery plan(s), will be consistent with the *Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 FR 4434-37), the Director's Order 28, Technical Guidelines, and the SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia* (2003), and shall take into account the Council's publications, *Consulting About Archeology Under Section 106* (1990) and *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999).

VII. UNEXPECTED DISCOVERIES

- A. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities within the APE, NASA will immediately halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface resources can reasonably be expected to occur and immediately notify the SHPO of the discovery.
- B. NASA and the SHPO, or an archaeologist approved by them, will immediately inspect the work site and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by NASA and the SHPO, or their designated representatives.
- C. Within five (5) working days of the original notification of discovery, NASA, in consultation with the SHPO, will determine the NR-eligibility of the resource.

APPENDIX IV

- D. If the resource is determined eligible for the NR, NASA shall prepare a plan for its avoidance, protection, or recovery of information. The SHPO shall approve such plan, prior to implementation.
- E. Work in the affected area shall not proceed until either:
 - 1. The development and implementation of appropriate data recovery or other recommended mitigation procedures, or
 - 2. The determination is made that the located resources are not eligible for inclusion on the NR.
- F. Any disputes over the evaluation or treatment of previously unidentified resources will be resolved as provided in Stipulation VIII, Dispute Resolution.

VIII. HUMAN REMAINS

- A. NASA will ensure that human skeletal remains and associated funerary objects encountered during the course of actions taken as a result of this agreement shall be treated in accordance with the Regulations Governing Permits for the Archaeological Removal of Human Remains (Virginia Register 390-01-02) found in the Code of Virginia (10.1-2305, et seq., Virginia Antiquities Act). NASA will obtain a permit from the SHPO for the removal of human remains in accordance with the regulations stated above.
- B. In the event that Native American burials are discovered, NASA will seek to avoid direct and indirect impacts to the site(s) as the primary mitigation alternative. Treatment of sites containing human remains, funerary objects, sacred objects or objects of cultural patrimony shall proceed according to the Native American Graves Protection and Repatriation Act of 1990 (Pub. L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-3058).

IX. DISPUTE RESOLUTION

- A. Should any party to this agreement object in writing to NASA regarding any action carried out or proposed with respect to any undertakings covered by this agreement or to implementation of this agreement, NASA will consult with the objecting party to resolve the objection.
- B. If after initiating such consultation, NASA determines that the objection cannot be resolved through consultation, NASA shall forward all documentation relevant to the objection to the Council, including the proposed response to the objection.

APPENDIX IV

- C. Within thirty (30) days after receipt of all pertinent documentation, the Council shall exercise one of the following options:
 - 1. Advise NASA that the Council concurs with NASA'S proposed response to the objection, whereupon NASA will respond to the objection accordingly; or
 - 2. Provide NASA with recommendations, which NASA shall take into account in reaching a final decision regarding its response to the objection; or
 - 3. Notify NASA that the objection will be referred for comment pursuant to 36 CFR Part 800.7(a)(4), and proceed to refer the objection and comment. NASA shall take the resulting comment into account in accordance with 36 CFR Part 800.7(c)(4) and Section 110 of the NHPA.
- D. Should the Council not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, NASA may assume the Council's concurrence in its proposed response to the objection.
- E. NASA will take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; NASA's responsibility to carry out all the actions under this agreement that are not the subjects of the objections shall remain unchanged.
- F. At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement be raised by a member of the public, NASA will notify the parties to this agreement and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this Agreement to resolve the objection.

X. AMENDMENTS

- A. Any party to this Agreement may propose to NASA that the Agreement be amended, whereupon NASA will consult with the other parties to this Agreement to consider such an amendment. All signatories to the Agreement must agree to the proposed amendment in accordance with 36 CFR Part 800.6(c)(7).
- B. If NASA determines that it cannot implement the terms of this Agreement, or if the SHPO determines that the Agreement is not being properly implemented, NASA, or the SHPO may propose to the other parties to this Agreement that it be amended or terminated.

APPENDIX IV

XI. TERMINATION

- A. Any party to this Agreement may terminate the Agreement by providing thirty (30) days notice to the other parties and in accordance with the procedures described in 36 CFR Part 800.6(c)(8), provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.
- B. Termination will include the submission of a technical report by NASA on any work done up to, and including, the date of termination.

XII. DURATION OF AGREEMENT AND SUNSET CLAUSE

- A. This agreement will continue in full force and effect until ten (10) years after the date of the last signature. At any time in the six-month period prior to such date, NASA may request the signatory parties to consider an extension or modification of this agreement. No extension or modification will be effective unless all parties to the agreement have agreed with it in writing.

XIII. FAILURE TO CARRY OUT THE TERMS OF THE AGREEMENT

- A. In the event that the terms of this Agreement are not carried out, NASA shall comply with 36 CFR Part 800 with regard to actions covered by this Agreement.

XIV. REVIEW OF PUBLIC OBJECTIONS

- A. At any time during implementation of the measures stipulated in this Agreement, should any objection to any such measure or its manner of implementation be raised by a member of the public, NASA shall take the objection into account, notify the Virginia SHPO of the objection, and consult as needed with the objecting party and the Virginia SHPO, to resolve the objection. If the objection cannot be resolved, NASA shall follow the steps outlined in Stipulation IX. above to obtain Council comment.

APPENDIX IV

Execution of this Agreement by NASA, the SHPO, and the ACHP in accordance with 36 CFR Part 800.6(b)(1)(iv) shall, pursuant to 36 CFR Part 800.6(c), be considered to be an agreement with the Council for the purposes of Section 110(1) of the NHPA. Execution of the Agreement and implementation of its terms evidence that NASA has afforded the Council an opportunity to comment on the proposed undertaking and its effects on historic properties, and that NASA has taken into account the effect of the undertaking on historic properties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective authorized officers as of the day and year first written below.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Name

Date

Title

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

Kathleen S. Kilpatrick
State Historic Preservation Officer and
Director, Virginia Department of Historic Resources

Date

ADVISORY COUNCIL FOR HISTORIC PRESERVATION

Don L. Klima
Director, Office of Federal Agency Programs

Date

*****SAMPLE*****
MEMORANDUM OF AGREEMENT REGARDING TRANSFER OF THE
WALLOPS COAST GUARD LIFESAVING STATION AND
OBSERVATION TOWER

***** SAMPLE *****

**MEMORANDUM OF AGREEMENT
BETWEEN THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER,

REGARDING THE
TRANSFER OF THE WALLOPS BEACH LIFESAVING STATION
AND OBSERVATION TOWER**

WHEREAS, the National Aeronautics and Space Administration (NASA) operates the Wallops Flight Facility on Wallops Island, Accomack County, Virginia; and

WHEREAS, NASA undertook and completed a comprehensive historic property identification and evaluation program as a component of the Site-Wide Environmental Assessment of Recurring and Proposed Future Actions at the Wallops Flight Facility produced in November, 2004; and

WHEREAS, as a result of this historic property identification and evaluation program, NASA formally determined that the Wallops Beach Lifesaving Station and Observation Tower are eligible for listing in the National Register of Historic Places (National Register), and the Virginia State Historic Preservation Officer (Virginia SHPO) has concurred with this determination; and

WHEREAS, as a result of implementation of the Wallops Flight Facility Master Plan actions that will occur from 2005 to 2015, NASA has determined that these historic properties are no longer needed to carry out its core mission, and are now endangered because of their location within a designated explosive hazard arc of the adjacent rocket motor storage facility; and

WHEREAS, the parties agree that the contemplated disposal and transfer of the Wallops Beach Lifesaving Station and Observation Tower will have an adverse effect on these historic properties; and

WHEREAS, pursuant to the authority of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, 40 USC 471 *et seq*) as amended, and rules, orders, and regulations issued pursuant thereto, including the Federal Property Management Regulations (FPMR 101-47, "Utilization and Disposal of Real Property"), NASA has requested the U.S. General Services Administration (GSA) to dispose of these historic properties; and

WHEREAS, the parties to this agreement recognize that NASA intends to transfer these properties for reuse; and

WHEREAS, NASA has also included stipulations within this Agreement that provide for marketing the availability of this historic property to another organization, should plans not come to fruition; and

WHEREAS, the Advisory Council on Historic Preservation (the Council) has been notified under § 800.6(1) of the adverse effect of moving these properties from their current location, and has declined to participate in the consultation process or formally sign this Memorandum of Agreement (Agreement); and

NOW THEREFORE NASA and the Virginia SHPO agree that the referenced undertaking will have an adverse effect on the Wallops Beach Lifesaving Station and Observation Tower, and that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NASA shall ensure that the following measures are carried out:

I. RECORDATION

- A. Prior to project implementation, NASA will ensure that the Wallops Beach Lifesaving Station and the Observation Tower are recorded in their present setting and context with 35 black-and-white photographs, as well as color slides, both taken with a 35 millimeter single lens reflex camera. These photos will include exterior views of each elevation for each building and these views will be keyed to a site plan.
- B. In the case of the Wallops Beach Lifesaving Station, the recordation will also include black-and-white photographs, as well as color slides, of representative interior spaces and significant interior architectural details. These photos will be taken with a 35 millimeter single lens reflex camera, and will be keyed to a floor plan which will be prepared for the first and second floor building levels.
- C. All photos will be indexed according to subject, date photographed, photographer's name, and frame number.
- D. One set of the original prints and the photograph's negatives shall be submitted to the Virginia SHPO for acceptance and retention in its permanent records. NASA will be notified of the Virginia SHPO's acceptance prior to project implementation.

II. MARKETING OF AVAILABILITY FOR TRANSFER

- A. In consultation with the Virginia SHPO, NASA will ensure that a plan is prepared for the marketing of the Wallops Beach Lifesaving Station and Observation Tower.
- B. NASA will ensure that the marketing plan includes the following elements:
1. An information package about the properties, including but not limited to: a) photographs of the house and tower and their grounds; b) a parcel map; c) information on the properties' historic significance; d) information on the tax benefits for rehabilitation of historic properties; and e) notification that the recipient will be required to rehabilitate the historic properties in accordance with the recommended approaches in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. NASA will provide this information package to serious offerors.
 2. A distribution list of potential purchasers or transferees.
 3. An advertising plan and schedule. Advertising will be placed in the following general circulation newspapers: a) the Eastern Shore News; b) the Eastern Shore Post; c) the Chincoteague Beacon; and d) the Salisbury Daily Times.
- NASA will ensure that this marketing plan is advertised for a period of up to thirty (30) days in duration.
- C. NASA will review each offer it receives in response to the marketing plan and select the offeror who best meets the following requirements:
1. The offeror provides for the rehabilitation and maintenance of the properties as stipulated in the marketing package.
 2. The offeror has the financial and technical ability to carry out the terms of the rehabilitation.
- D. Once the offeror is selected, NASA will ensure that an amendment to this agreement document is prepared and signed by the offeror as well as by NASA and the Virginia SHPO. Copies of the signed amendment will be provided to each signatory of this Agreement.
- E. If NASA receives no offer that it determines conforms to the requirement in Stipulation IV. C. above within two (2) months of the signing of this agreement, NASA, in consultation with the Virginia SHPO, may take

steps to demolish both properties. Should the Virginia SHPO not agree with NASA's decision regarding these properties, the parties shall seek to settle the disagreement pursuant to Stipulation IX.

III. TRANSFER OF PROPERTIES

- A. NASA is actively seeking a qualified candidate for this building and structure based on three factors. First, the candidate shall demonstrate financial and technical ability to rehabilitate, maintain, and preserve the Wallops Beach Lifesaving Station and Observation Tower. Second, the candidate shall propose a use that is consistent with the value of the lifesaving station and observation tower and complements the architectural and nautical character of the historic property.
- B. Within two (2) months of notification of selection, the candidate will be required to submit the following additional detailed documentation. NASA will permit access to the property for the purposes of developing such documentation for that period after notification. The candidate must develop this documentation in consultation with the Virginia SHPO. Required information includes:
 - 1. Proposed rehabilitation and maintenance plan (milestones and timetable) including any proposed structural or interior alterations);
 - 2. Type and amount of property damage and liability insurance;
 - 3. Impact of proposed use on NASA roads, sewer and water systems, as well as impact of any proposed construction on known environmental and archaeological resources with appropriate supporting studies and documentation;
 - 4. Statement of future financial plan to renovate and maintain both historic properties;
 - 5. Comments from the Virginia SHPO on the proposed rehabilitation and maintenance plan.
- C. NASA will not transfer to the candidate if, with intent to avoid the requirements of Section 106, the candidate has intentionally, significantly, or adversely affected a historic property.
- D. NASA candidate will incorporate into the transfer documents for these two historic properties the following provisions:

1. NASA will identify important character-defining features of both properties that should be retained and enhanced as part of the transfer and rehabilitation process.
2. When initial condition report and walk-through inspections are conducted by NASA and the candidate, NASA shall invite the Virginia SHPO prior to the inspection. Copies of documents generated by such inspections shall be provided to the Virginia SHPO upon request.
3. The candidate must rehabilitate the Wallops Beach Lifesaving Station and Observation Tower at the candidate's expense, in accordance with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* and the submitted rehabilitation/ maintenance plan.
4. The candidate must have written permission from NASA and the Virginia SHPO prior to beginning any construction, maintenance, or preservation efforts on the historic property. NASA will require documentation of the Virginia SHPO's concurrence with the candidate's proposal prior to granting permission for work to proceed.
5. NASA and the Virginia SHPO shall require written documentation of post construction results within 60 days from completion of construction.
6. The Virginia SHPO may, with appropriate and advance notice to the candidate, conduct an annual inspection of the building and structure to assess preservation efforts.
7. The candidate must comply with all applicable environmental laws and regulations, including obtaining all necessary permits or authorizations for candidate activities on the receiving property.
 - a) The candidate shall indemnify and hold harmless the United States for any environmental claim or liability incurred as a result of the activities of the candidate.
 - b) NASA may include other clauses, as it sees fit, to ensure that the mission of NASA and the public are served.
 - c) NASA may unilaterally terminate this transfer for any or all of the following reasons. NASA will notify the Virginia SHPO when planning such a termination.

- (1) Noncompliance with transfer, including historic preservation and/or environmental requirements, by the candidate;
- (2) Operational needs by NASA for one or both of the buildings; and
- (3) Legislative mandate to transfer ownership of the property.

IV. MOVING OF HISTORIC PROPERTIES

- A. NASA shall ensure that the Wallops Beach Lifesaving Station and Observation Tower are moved in accordance with the approaches recommended in *Moving Historic Buildings* (John Obed Curtis, American Association of State and Local History), by a professional mover who has a demonstrated capability to move historic structures properly.
- B. NASA shall ensure the Wallops Beach Lifesaving Station and Observation Tower is visually and otherwise compatible with the surroundings of the new site, and either that relocation to the site does not adversely affect any architectural or historic property occupying the proposed new site or that this agreement is amended to provide for data recovery or other appropriate mitigation of impact to the property.
- C. NASA will ensure that the Wallops Beach Lifesaving Station and Observation Tower are properly secured and protected during the period it is being documented, prior to its move to a new location.
- D. Within 90 days after the Wallops Beach Lifesaving Station and Observation Tower are moved, NASA and the Virginia SHPO will reevaluate the building and structure's eligibility for inclusion in the National Register, in accordance with the applicable portions of 36 CFR Part 60 and applicable National Park Service guidelines.

V. DISCOVERY

- A. Transfer of both historic properties will not involve ground disturbance, as the Life Saving Station will be detached from its foundation upon its move. The Observation tower will similarly be detached from the four simple concrete pads that support the tower. The foundation of the Lifesaving Station will be infilled with clean fill dirt, and the concrete pads will be left *in situ*.

During the course of this undertaking, NASA shall ensure that the Virginia SHPO is informed of unanticipated finds within the project's Area of

Potential Effects (APE) during construction activities. Potential historic properties are herein considered any building, structure, object, or archaeological site to which the National Register Criteria of Eligibility (36 CFR 60.4) has not already been applied. NASA and the offeror shall not take any actions that would adversely affect such properties until such time as it has taken the following actions and resolved or mitigated all Section 106 responsibilities regarding such unanticipated finds:

1. Upon notification of an unanticipated find within the undertaking's APE, NASA will undertake the following steps outlined in 36 CFR 800.13(b through d) in order to ensure compliance with Section 106 of the National Historic Preservation Act:
 - a) In the event that unanticipated finds are discovered within the APE, NASA will immediately halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface resources can reasonably be expected to occur and immediately notify the Virginia SHPO of the discovery.
 - b) NASA, or an archaeologist approved by NASA, will immediately inspect the work site and determine the area and nature of the affected archaeological resource. Construction work may then continue in the area outside the archaeological resource as defined by NASA or the Virginia SHPO, or their designated representative.
 - c) Within five (5) working days of the original notification of discovery, NASA, in consultation with the Virginia SHPO, will determine the National Register eligibility of the resource.
 - d) If the unanticipated find is determined eligible for the National Register, NASA shall prepare a plan for its avoidance, protection, or recovery of information. The Virginia SHPO shall approve such plan, prior to implementation.
 - e) Work in the affected area shall not proceed until either:
 - (1) the development and implementation of appropriate data recovery or other recommended mitigation procedures, or
 - (2) the determination is made that the unanticipated find is not eligible for inclusion in the National Register. Any

disputes over the evaluation or treatment of previously unanticipated finds will be resolved as provided in the Stipulation VIII of this Agreement.

2. In accordance with 36 CFR 800.13(b), the identification of unanticipated finds during the implementation of the undertaking does not require NASA to stop work on the overall undertaking, but to make reasonable efforts to avoid or minimize harm to the resource until the requirements of 36 CFR 800.13 are met.
3. Any disputes over the evaluation or treatment of unanticipated finds will be resolved as provided in Stipulation IX of this Agreement.

VI. HUMAN REMAINS

NASA shall ensure that human skeletal remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement shall be treated in accordance with the Regulations Governing Permits for the Archaeological Removal of Human Remains (Virginia Register 390-01-02) found in the Code of Virginia (10.1-2305, et seq., Virginia Antiquities Act). If necessary, the applicant will obtain a permit from the Virginia SHPO for the removal of human remains in accordance with the regulations stated above.

VII. ADMINISTRATION

A. Professional Qualifications

NASA shall ensure that in completing the necessary provisions of this Agreement that it will employ or contract with appropriate qualified professionals who meet *The Secretary of Interior's Professional Qualification Standards* (48 FR 44716, Sept. 1983).

B. Standards and Guidelines

NASA shall ensure that all cultural resource work carried out pursuant to this Agreement shall be carried out in accordance with the following standards and guidelines, as applicable:

Archeological Resources Protection Act of 1979, as amended (16 USC 470aa-470ll);

Curation of Federally-Owned and Administered Archeological Collections (36 CFR Part 79);

National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.);

Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et. seq);

Protection of Historic Properties (36 CFR Part 800);

Advisory Council on Historic Preservation: Treatment of Archeological Properties: A Handbook (1980);

National Park Service: National Register Bulletin 15- Guidelines for Applying the National Register Criteria for Evaluation;

National Park Service: National Park Service Guideline No. 28- Cultural Resource Management Guideline;

The Secretary of the Interior: Standards and Guidelines for Archeology and Historic Preservation (1983) (48 FR 44716-44742);

The Secretary of the Interior: Standards and Guidelines for Curation (36 CFR 79);

The Secretary of the Interior: Standards for the Treatment of Historic Properties (36 CFR 68);

Virginia Department of Historic Resources: Guidelines for Conducting Cultural Resource Survey in Virginia, revised (2003); and

Virginia Department of Historic Resources: State Curation Standards.

C. Curation

NASA shall ensure that all archeological materials resulting from actions carried out under this Agreement, including appropriate field and research notes, maps, drawing and photographic records and excepting human skeletal remains, are curated in accordance with 36 CFR Part 79 and the Virginia SHPO's *State Curation Standards*. All materials will be cared for in a repository approved by the SHPO and will be made available to educational institutions and individual scholars for appropriate exhibit and/or research under the operating policies of the selected repository.

D. Distribution of Reports

NASA shall prepare sufficient copies of all reports completed pursuant to this Agreement for dissemination to the Virginia SHPO, appropriate public libraries, educational institutions, and other repositories.

VIII. MONITORING AND REPORTING

- A. The Virginia SHPO may review any activities carried out pursuant to this Agreement and the Council may similarly review any activities if requested. NASA will cooperate with the Virginia SHPO should it request to review project files or visit the project site to view activities at specific project locations.
- B. NASA shall provide the Virginia SHPO with a progress report that summarizes activities carried out under the terms of this Agreement annually beginning from the date of the Agreement's execution. Progress reports shall include information regarding preservation activities, information on any public objections and their status, any other activities undertaken pursuant to this Agreement, and information on construction activities.

IX. DISPUTE RESOLUTION

- A. Should the Virginia SHPO or the candidate object in writing within 30 days to any plans and documents required pursuant to the terms of this Agreement, NASA shall consult with the Virginia SHPO to resolve the objection. If NASA determines that the objection cannot be resolved through consultation, NASA shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of pertinent documentation, the Council will either:
 - 1. Provide NASA with recommendations, which NASA shall take into account in reaching a final decision regarding the dispute; or
 - 2. Notify NASA that it will comment pursuant to 36 CFR Part 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by NASA in accordance with 36 CFR Part 800.6(b)(2) with reference to the subject of the dispute.
 - 3. Should the Council not exercise one of the above options within thirty (30) days after receipt of all pertinent documentation, NASA may assume the Council's concurrence in its proposed response to the objection.
 - 4. Any recommendations or comment provided by the Council will be understood to pertain only to the subject of the dispute; NASA responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

X. REVIEW OF PUBLIC OBJECTIONS

- A. At any time during implementation of the measures stipulated in this Agreement, should any objection to any such measure or its manner of implementation be raised by a member of the public, NASA shall take the objection into account, notify the Virginia SHPO of the objection, and consult as needed with the objecting party and the Virginia SHPO, to resolve the objection. If the objection cannot be resolved, NASA shall follow the steps outlined in Stipulation VII.A. above to obtain Council comment.

XI. RECORD KEEPING

- A. NASA shall maintain records of all activities undertaken pursuant to this Agreement which shall become part of the Environmental Review Record for the project including:
1. All records related to the selection of Professionals who perform the work stipulated in the provisions of this agreement, which clearly documents adherence to the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44716, Sept. 1983);
 2. All records of correspondence and finding letters provided by the Virginia SHPO to NASA;
 3. All records indicating all mitigation measures taken in accordance with the provisions of this Agreement;
 4. All records related to consultations NASA has with the Virginia SHPO, following the ratification of this Agreement;
 5. All records of public comments received during public hearings and written or telephonic comments received from the public at all other times;
 6. All of the above records shall be maintained for a minimum of three (3) years after completion of the project and shall be made available to the general public and additional parties with a demonstrated interest in the undertaking upon request during this time frame.

XII. AMENDMENTS

- A. Any party to this Agreement may request that it be amended or modified, whereupon NASA and the Virginia SHPO shall consult in accordance with 36 CFR Part 800.13 to consider such revisions.

- B. Any resulting amendments or addenda shall be developed and executed between NASA and the Virginia SHPO in the same manner as the original Agreement.

XIII. TERMINATION

- A. Any party to this Agreement may terminate the Agreement by providing thirty (30) days notice to the other parties and in accordance with the procedures described in 36 CFR 800.6(c)(8), provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.
- B. Termination shall include the submission of a technical report by NASA on any work done up to and including the date of termination.

XIV. FAILURE TO COMPLY

- A. In the event that NASA does not carry out the terms of this Agreement, NASA will comply with 36 CFR Parts 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

XV. SUNSET

- A. The provisions of this Agreement will be carried out from the date of execution of this Agreement through the transfer of the Wallops Beach Lifesaving Station and Observation Tower Project, or December 31, 2007, whichever occurs first.
- B. At any time in the six-month period prior to such date, NASA may request the signatory parties to consider an extension or modification of this agreement. No extension or modification will be effective unless all parties to the agreement have agreed with it in writing.

Execution of this Agreement by NASA and the Virginia SHPO, and implementation of its terms by all parties, is evidence that NASA has afforded the Council an opportunity to comment on the proposed Wallops Beach Lifesaving Station and Observation Tower Project by NASA in Wallops Island, Accomack County, Virginia., and that NASA has taken into account the effects of the proposed project on historic properties.

SIGNATORY:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Name

Date

Title

SAMPLE

Execution of this Agreement by NASA and the Virginia SHPO, and implementation of its terms by all parties, is evidence that NASA has afforded the Council an opportunity to comment on the proposed Wallops Beach Lifesaving Station and Observation Tower Project by NASA in Wallops Island, Accomack County, Virginia., and that NASA has taken into account the effects of the proposed project on historic properties.

SIGNATORY:

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

Kathleen S. Kilpatrick

Date

State Historic Preservation Officer and
Director, Virginia Department of Historic Resources
Title

Date of current document: 10/30/06

FEDERAL LEGISLATION

Archaeological Resource Protection Act of 1979

Native American Graves Protection and Repatriation Act of 1990

National Environmental Policy Act of 1969

National Historic Preservation Act of 1966, as amended

Archaeological Resources Protection Act of 1979

AS AMENDED

This Act became law on October 31, 1979 (Public Law 96-95; 16 U.S.C. 470aa-mm), and has been amended four times. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the “Act” (meaning the Act, as amended) rather than to the “subchapter” or the “title” of the Code.

16 U.S.C. 470aa,
Findings and purpose

Section 2

(a) The Congress finds that—

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation’s heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for non-commercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act].

16 U.S.C. 470bb,
Definitions

Section 3

As used in this Act—

(1) the term “**archaeological resource**” means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not

Archaeological Resources Protection Act of 1979

be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term “**Federal land manager**” means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term “**Federal land manager**” means the Secretary of the Interior.

(3) The term “**public lands**” means—

(A) lands which are owned and administered by the United States as part of—

- (i) the national park system,
- (ii) the national wildlife refuge system, or
- (iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

Archaeological Resources Protection Act of 1979

(4) The term “**Indian lands**” means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term “**Indian tribe**” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601 et seq.).

(6) The term “**person**” means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term “**State**” means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

16 U.S.C. 470cc,
Excavation and
removal

Section 4

16 U.S.C. 470cc(a),
Application for permit

(a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

16 U.S.C. 470cc(b),
Determinations by
Federal land manager
prerequisite to issuance of permit

(b) A permit may be issued pursuant to an application under subsection (a) of this section if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

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(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

16 U.S.C. 470cc(c),
Notification to Indian
tribes of possible harm
to or destruction of
sites having religious
or cultural importance

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9 of this Act.

16 U.S.C. 470cc(d),
Terms and conditions
of permit

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

16 U.S.C. 470cc(e),
Identification of individuals responsible for
complying with permit
terms and conditions
and other applicable
laws

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

16 U.S.C. 470cc(f),
Suspension or revocation of permits,
grounds

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6 of this Act. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under section 7 of this Act against the permittee or upon the permittee's conviction under section 6 of this Act.

16 U.S.C. 470cc(g),
Excavation or removal
by Indian tribes or
tribe members, excavation or removal of
resources located on
Indian lands

(g)(i) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain permit under this section.

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(2) In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

16 U.S.C. 470cc(h),
Permits issued under
Antiquities Act of 1906

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431-433), for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906 [16 U.S.C. 431-433], shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before October 31, 1979 [the date of the enactment of this Act] which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

16 U.S.C. 470cc(i),
Compliance with
provisions relating to
undertakings on prop-
erties listed in National
Register not required

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the National Historic Preservation Act, as amended [16 U.S.C. 470f].

16 U.S.C. 470cc(j),
Issuance of permits
to State governors
for archaeological
activities on behalf of
States or their educa-
tional institutions

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

16 U.S.C. 470dd,
Custody of archaeo-
logical resources

Section 5

The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

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(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 [the Reservoir Salvage Act, as amended, also known as the Archeological and Historic Preservation Act of 1974 [16 U.S.C. 469-469c-1] or the Act of June 8, 1906 [the Antiquity Act of 1906, as amended, 16 U.S.C. 431-433].

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

16 U.S.C. 470ee,
Prohibited acts and
criminal penalties

16 U.S.C. 470 ee(a),
Unauthorized excavation,
removal, damage,
alteration, or defacement
of archaeological
resources

16 U.S.C. 470ee(b),
Trafficking in archaeological
resources:
Federal law

16 U.S.C. 470ee(c),
Trafficking in illegal
interstate or foreign
commerce in archaeological
resources:
State or local law

Section 6

(a) No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4 of this Act, a permit referred to in section 4(h)(2) of this Act, or the exemption contained in section 4(g)(1) of this Act.

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a) of this section, or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

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16 U.S.C. 470ee(d),
Penalties

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: *Provided, however,* That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$500, such person shall be fined not more than \$20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

16 U.S.C. 470ee(e),
Effective date

(e) The prohibitions contained in this section shall take effect on October 31, 1979 [the date of the enactment of this Act].

16 U.S.C. 470ee(f),
Prospective application

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to any archaeological resource which was in the lawful possession of such person prior to October 31, 1979.

16 U.S.C. 470ee(g),
Removal of arrowheads located on ground surface

(g) Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

16 U.S.C. 470ff,
Civil penalties

Section 7

16 U.S.C. 470ff(a),
Assessment by Federal land managers

(a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

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(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed any amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

16 U.S.C. 470ff(b),
Judicial review of
assessed penalties,
collection of unpaid
assessments

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) of this section may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty, the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide

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any such action. In such action, the validity and amount of such penalty shall not be subject to review.

16 U.S.C. 470ff(c),
Hearings

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) of this section shall be conducted in accordance with section 554 of title 5 [of the United States Code].

Subpoenas

The Federal land manager may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.

Witness fees

Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

16 U.S.C. 470gg,
Enforcement

Section 8

16 U.S.C. 470gg(a),
Rewards

(a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under section 6 and 7 of this Act an amount equal to one-half of such penalty or fine, but not to exceed \$500, to any person who furnishes information which leads to the findings of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

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16 U.S.C. 470gg(b),
Forfeitures

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 6 of this Act occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

(1) such person's conviction of such violation under section 6 of this Act,

(2) assessment of a civil penalty against such person under section 7 of this Act with respect to such violation, or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

16 U.S.C. 470gg(c),
Disposition of penalties collected and items forfeited in cases involving archaeological resources excavated or removed from Indian lands

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 6 of this Act involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 7 of this Act and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

16 U.S.C. 470hh,
Confidentiality of information concerning nature and location of archaeological resources

Section 9

(a) Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 [of the United States Code] or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

(1) further the purposes of this Act or the Act of June 27, 1960 [the Reservoir Salvage Act, as amended, 16 U.S.C. 469-469c-1] and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

16 U.S.C. 470hh(b),
Request for disclosure by Governors

(b) Notwithstanding the provisions of subsection (a) of this section, upon the written request of the Governor of any State, which request shall state—

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(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,

the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

16 U.S.C. 470ii,
Rules and regulations,
intergovernmental
coordination

16 U.S.C. 470ii(a),
Promulgation,
effective date

Submittal to congress-
sional committees

16 U.S.C. 470ii(b),
Federal lands
managers' rules

Section 10

(a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat.469; 42 U.S.C. 1996 and 1996a).

Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a) of this section, as may be appropriate for the carrying out of his functions and authorities under this Act.

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16 U.S.C. 470ii(c),
Federal land
managers' public
awareness program
of archaeological
resources

16 U.S.C. 470jj,
Cooperation with
private individuals

(c) Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.

Section 11

The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

(1) private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act], and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this Act, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

16 U.S.C. 470kk,
Savings provisions

16 U.S.C. 470kk(a),
Mining, mineral leasing,
reclamation, and
other multiple uses

16 U.S.C. 470kk(b),
Private collections

Section 12

(a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 3(1) of this Act.

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16 U.S.C. 470kk(c),
Lands within Act

(c) Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

16 U.S.C. 470ll,
Annual report to
Congress

Section 13

As part of the annual report required to be submitted by the specified committees of the Congress pursuant to section 5(c) of the Act of June 17, 1960 [the Reservoir Salvage Act, as amended, 74 Stat. 220; 16 U.S.C. 469a-3(c)], the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to cooperation with private individuals.

16 U.S.C. 470mm,
Surveying of lands,
reporting of violations

Section 14

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

- (a) develop plans for surveying lands under their control to determine the nature and extent of archaeological resources on those lands;
- (b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archaeological resources; and
- (c) develop documents for the reporting of suspected violations of this Act and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

Native American Graves Protection and Repatriation Act

AS AMENDED

This Act became law on November 16, 1990 (Public Law 101-601; 25 U.S.C. 3001 et seq.) and has been amended twice. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

25 U.S.C. 3001,
Definitions

Section 2

For purposes of this Act, the term—

(1) "**burial site**" means 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**" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) "**cultural items**" means human remains and—

(A) "**associated funerary objects**" which shall mean 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.

(B) "**unassociated funerary objects**" which shall mean 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, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

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(C) “**sacred objects**” which shall mean 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, and

(D) “**cultural patrimony**” which shall mean 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.

(4) “**Federal agency**” means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) “**Federal lands**” means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.].

(6) “**Hui Malama I Na Kupuna O Hawai’i Nei**” means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) “**Indian tribe**” means 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) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Native American Graves Protection and Repatriation Act

(8) “**museum**” means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) “**Native American**” means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) “**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.

(11) “**Native Hawaiian organization**” means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) “**Office of Hawaiian Affairs**” means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) “**right of possession**” means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c) of this Act [25 U.S.C. 3005(c)], result in a Fifth Amendment taking by the United States as determined by the United States Court of Federal Claims pursuant to

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28 U.S.C. 1491 in which event the “right of possession” shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

(14) “Secretary” means the Secretary of the Interior.

(15) “tribal land” means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920 [42 Stat. 108], and section 4 of Public Law 86-3 [note preceding 48 U.S.C. 491].

25 U.S.C. 3002,
Ownership

25 U.S.C. 3002(a),
Native American
human remains and
objects

Section 3

(a) The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after November 16, 1990, shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

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(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) [sic] in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) [sic] if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

25 U.S.C. 3002(b),
Unclaimed Native
American remains and
objects

(b) Native American cultural items not claimed under subsection (a) of this section shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8 of this Act [25 U.S.C. 3006], Native American groups, representatives of museums and the scientific community.

25 U.S.C. 3002(c),
Intentional excavation
and removal of Native
American human
remains and objects

(c) The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979, as amended, [16 U.S.C. 470cc] which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b) of this section; and

(4) proof of consultation or consent under paragraph (2) is shown.

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25 U.S.C. 3002(d),
Inadvertent discovery
of Native American
remains and objects

(d)(i) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after November 16, 1990, shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.], the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

25 U.S.C. 3002(e),
Relinquishment

(e) Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.

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18 U.S.C. 1170,
Illegal trafficking
in Native American
human remains and
cultural items

Section 4

(a) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

Section 1170

“(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.”

“(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.”

(b) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“1170, Illegal Trafficking in Native American Human Remains and Cultural Items.”

25 U.S.C. 3003,
Inventory for human
remains and associ-
ated funerary objects

25 U.S.C. 3003(a),
In general

25 U.S.C. 3003(b),
Requirements

Section 5

(a) Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b)(1) The inventories and identifications required under subsection (a) of this section shall be—

Native American Graves Protection and Repatriation Act

(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after November 16, 1990, [the date of enactment of this Act], and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8 of this Act [25 U.S.C. 3006].

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term “**documentation**” means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be construed to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

25 U.S.C. 3003(c),
Extension of time for
inventory

(c) Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B) of this section. The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

25 U.S.C. 3003(d),
Notification

(d)(1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.

Native American Graves Protection and Repatriation Act

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

25 U.S.C. 3003(e),
Definition of
inventory

(e) For the purposes of this section, the term “inventory” means a simple itemized list that summarizes the information called for by this section.

25 U.S.C. 3004,
Summary for unassociated
funerary objects,
sacred objects, and
cultural patrimony

Section 6

(a) Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

25 U.S.C. 3004(a),
In general

25 U.S.C. 3004(b),
Requirements for the
summary

(b)(1) The summary required under subsection (a) of this section shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

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(C) completed by not later than the date that is 3 years after November 16, 1990, [the date of enactment of this Act].

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

25 U.S.C. 3005,
Repatriation

25 U.S.C. 3005(a),
Repatriation of Native American human remains and objects possessed or controlled by Federal agencies and museums

Section 7

(a)(1) If, pursuant to section 5 of this Act [25 U.S.C. 3003], the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6 of this Act [25 U.S.C. 3004], the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.

Native American Graves Protection and Repatriation Act

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5 of this Act [25 U.S.C. 3003], or the summary pursuant to section 6 of this Act [25 U.S.C. 3004], or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) of this section and, in the case of unassociated funerary objects, subsection (c) of this section, such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e) of this section, sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, 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 this Act.

25 U.S.C. 3005(b),
Scientific study

(b) If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.

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25 U.S.C. 3005(c),
Standard for
repatriation

(c) If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

25 U.S.C. 3005(d),
Sharing of information
by Federal agencies
and museums

(d) Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.

25 U.S.C. 3005(e),
Competing claims

(e) Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.

25 U.S.C. 3005(f),
Museum obligation

(f) Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.

25 U.S.C. 3006,
Review committee

Section 8

25 U.S.C. 3006(a),
Establishment

(a) Within 120 days after November 16, 1990, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7 of this Act [25 U.S.C. 3003, 3004, and 3005].

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25 U.S.C. 3006(b),
Committee
membership

(b)(1) The Committee established under subsection (a) of this section shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5 [United States Code].

25 U.S.C. 3006(c),
Committee
responsibilities

(c) The committee established under subsection a) of this section shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004] to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

Native American Graves Protection and Repatriation Act

(A) the identity or cultural affiliation of cultural items, or

(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable;

(5) compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

25 U.S.C. 3006(d),
Admissibility of
records

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act [25 U.S.C. 3013].

25 U.S.C. 3006(e),
Recommendations
and report

(e) The committee shall make the recommendations under paragraph (c)(5) of this section in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.

25 U.S.C. 3006(f),
Committee access

(f) The Secretary shall ensure that the committee established under subsection (a) of this section and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.

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25 U.S.C. 3006(g),
Duties of the
Secretary, regulations,
and administrative
support

(g) The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

25 U.S.C. 3006(h),
Annual report to
Congress

(h) The committee established under subsection (a) of this section shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

25 U.S.C. 3006(i),
Committee
termination

(i) The committee established under subsection (a) of this section shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

25 U.S.C. 3007,
Penalty assessment,
museums

Section 9

(a) Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

25 U.S.C. 3007(a),
Penalty

25 U.S.C. 3007(b),
Amount of penalty

(b) The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(1) the archaeological, historical, or commercial value of the item involved;

(2) the damages suffered, both economic and noneconomic, by an aggrieved party, and

(3) the number of violations that have occurred.

Native American Graves Protection and Repatriation Act

25 U.S.C. 3007(c),
Legal actions to
recover penalties

(c) If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) of this section and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

25 U.S.C. 3007(d),
Authority to issue
subpoenas

(d) In hearings held pursuant to subsection (a) of this section, subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

25 U.S.C. 3008,
Grants

Section 10

25 U.S.C. 3008(a),
Grants to Indian tribes
and Native Hawaiian
organizations

(a) The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

25 U.S.C. 3008(b),
Grants to museums

(b) The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004].

25 U.S.C. 3009,
Limitations on apply-
ing the Act

Section 11

Nothing in this Act shall be construed to—

(1) limit the authority of any Federal agency or museum to—

(A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

(B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this Act;

(2) delay actions on repatriation requests that are pending on November 16, 1990;

(3) deny or otherwise affect access to any court;

Native American Graves Protection and Repatriation Act

(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property.

25 U.S.C. 3010,
Special relationship
between the Federal
Government and
Indian tribes and
Native Hawaiian
organizations

Section 12

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

25 U.S.C. 3011,
Regulations

Section 13

The Secretary shall promulgate regulations to carry out this Act within 12 months of November 16, 1990.

25 U.S.C. 3012,
Authorization of
appropriations

Section 14

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

25 U.S.C. 3013,
Judicial jurisdiction
and enforcement

Section 15

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

National Environmental Policy Act of 1969

PORTIONS, AS AMENDED

This Act became law on January 1, 1970 (Public Law 91-190), 42 U.S.C. 4321 and 4331-4335 and has been amended once. The description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

42 U.S.C. 4321,
Congressional declaration of purpose

Section 2

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

42 U.S.C. 4331,
Congressional declaration of national environmental policy

Section 101

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

National Environmental Policy Act of 1969

Preservation of historic, cultural, and natural heritage

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation of the environment.

42 U.S.C. 4332, Cooperation of agencies, reports, availability of information, recommendations, international and national coordination of efforts

Section 102

The Congress authorizes and directs that, to the fullest extent possible:

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and

(2) all agencies of the Federal government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

National Environmental Policy Act of 1969

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by Section 202 of this Act [42 U.S.C. 4341-4347], which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

Environmental impact statements, etc.

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

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Consultation with agencies having special expertise

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5 [of the United States Code], and shall accompany the proposal through the existing agency review processes;

(Remainder of section 102(D) omitted)

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

National Environmental Policy Act of 1969

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) makes available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects;

(Remainder of paragraph omitted)

Section 103

(42 U.S.C. 4333, Conformity of administrative procedures to national environmental policy, omitted)

Section 104

(42 U.S.C. 4334, Other statutory obligations of agencies, omitted)

42 U.S.C. 4335,
Efforts supplemental to
existing authorizations

Section 105

The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

(Remainder of Act omitted)

National Historic Preservation Act of 1966

AS AMENDED

This Act became law on October 15, 1966 (Public Law 89-665, October 15, 1966; 16 U.S.C. 470 et seq.). Since enactment, there have been 22 amendments. This description of the Act, as amended, follows the language of the United States Code except that (in common usage) we refer to the “Act” (meaning the Act, as amended) rather than to the “subchapter” or the “title” of the Code. This description also excludes some of the notes found in the Code as well as those sections of the amendments dealing with completed reports.

16 U.S.C. 470,
Short title of the Act,
Congressional finding
and declaration of policy

16 U.S.C. 470(b),
Purpose of the Act

Section 1

(a) This Act may be cited as the “National Historic Preservation Act.”

(b) The Congress finds and declares that—

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation’s heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

National Historic Preservation Act of 1966

(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

16 U.S.C. 470-1,
Declaration of policy of
the Federal Government

Section 2

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

National Historic Preservation Act of 1966

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Title I, Historic Preservation Programs

Section 101

16 U.S.C. 470a, Historic preservation programs

16 U.S.C. 470a(a), National Register of Historic Places, expansion and maintenance, regulations, etc.

(a)(1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Notwithstanding section 1125(c) of Title 15 [of the U.S. Code], buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

National Historic Landmarks designation

(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as “National Historic Landmarks” and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on December 12, 1980 [the date of enactment of the National Historic Preservation Act Amendments of 1980], shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as “National Historic Landmarks” or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666) [16 U.S.C. 461 to 467]; except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register.

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Criteria for National Register and National Historic Landmarks and regulations

(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—

(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing such designation;

(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

Nominations to the National Register

(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b) of this section, shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) of this section for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110(a)(2) of this Act shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

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Nominations from individuals and local governments

(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b) of this section. The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of the nomination unless the nomination is appealed under paragraph (5).

Appeals of nominations

(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

Owner participation in nomination process

(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform

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the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

Regulations for curation, documentation, and local government certification

(7) The Secretary shall promulgate, or revise, regulations—

(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act [16 U.S.C. 470h-2], the Act of June 27, 1960 (16 U.S.C. 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aaa and following) are deposited in an institution with adequate long-term curatorial capabilities;

(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

(C) certifying local governments, in accordance with subsection (c)(1) of this section and for the allocation of funds pursuant to section 103(c) of this Act [16 U.S.C. 470c(c)].

Review threats to eligible and listed properties and recommend action

(8) The Secretary shall, at least once every 4 years, in consultation with the Council and with State Historic Preservation Officers, review significant threats to properties included in, or eligible for inclusion on, the National Register, in order to—

(A) determine the kinds of properties that may be threatened;

(B) ascertain the causes of the threats; and

(C) develop and submit to the President and Congress recommendations for appropriate action.

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16 U.S.C. 470a(b),
State Historic
Preservation Programs

(b)(1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program—

Designation of the State
Historic Preservation
Officer (SHPO)

(A) provides for the designation and appointment by the Governor of a “State Historic Preservation Officer” to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

Designation of the State
Review Board

(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

Review of State pro-
grams

(2)(A) Periodically, but not less than every 4 years after the approval of any State program under this subsection, the Secretary, in consultation with the Council on the appropriate provisions of this Act, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this Act.

(B) If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this Act, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this Act, until the program is consistent with this Act, unless the Secretary determines that the program will be made consistent with this Act within a reasonable period of time.

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(C) The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(D) At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(i) establishes and maintains substantially similar accountability standards; and

(ii) provides for independent professional peer review.

The Secretary may also conduct periodic fiscal audits of State programs approved under this section as needed and shall ensure that such programs meet applicable accountability standards.

SHPO responsibilities

(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to—

(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

(C) prepare and implement a comprehensive statewide historic preservation plan;

(D) administer the State program of Federal assistance for historic preservation within the State;

(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

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(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

(G) provide public information, education, and training, and technical assistance in historic preservation;

(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c) of this section;

(I) consult with the appropriate Federal agencies in accordance with this Act on—

(i) Federal undertakings that may affect historic properties; and

(ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties; and

(J) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

Arrangements with non-profit organizations

(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

Approval of existing programs

(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of—

(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

(B) three years after October 30, 1992 [the date of the enactment of the National Historic Preservation Act Amendments of 1992].

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Contracts or cooperative agreements with State Historic Preservation Officers

(6)(A) Subject to subparagraphs (C) and (D), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing such Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State—

(i) Identification and preservation of historic properties.

(ii) Determination of the eligibility of properties for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archaeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

Nothing in this paragraph shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(B) The Secretary may enter into a contract or cooperative agreement under subparagraph (A) only if—

(i) the State Historic Preservation Officer has requested the additional responsibility;

(ii) the Secretary has approved the State historic preservation program pursuant to subsection (b)(1) and (2) of this section;

(iii) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that such Officer is fully capable of carrying out such responsibility in such manner;

(iv) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to such contract or cooperative agreement; and

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(v) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out such responsibility.

(C) For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by State Historic Preservation Officers of the Secretary's duties in each such program.

(D) Nothing in this subsection shall have the effect of diminishing the preservation programs and activities of the National Park Service.

16 U.S.C. 470a(c)
Certification of local
governments
Certification criteria

(c)(1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c) of this Act [16 U.S.C. 470c(c)], of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government—

(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b) of this section;

(D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(E) satisfactorily performs the responsibilities delegated to it under this Act.

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Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

Participation of certified local governments in National Register nominations

(2)(A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to subsection (a) of this subsection. The State may expedite such process with the concurrence of the certified local government.

(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to subsection (a) of this section. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

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(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provision of section 103(c) of this Act [16 U.S.C. 470c(c)], and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

Definitions

(4) For the purposes of this section the term—

(A) “**designation**” means the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government; and

(B) “**protection**” means a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to this subsection.

16 U.S.C. 470a(d),
Establish program and
regulations to assist
Indian tribes

(d)(1)(A) The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to ensure that all types of historic properties and all public interests in such properties are given due consideration, and to encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic properties.

(B) The program under subparagraph (A) shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives. The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe’s chief governing authority.

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(C) The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties and initiate the program under subparagraph (A) by not later than October 1, 1994.

Indian Tribes may assume State Historic Preservation Officer functions

(2) A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3) of this section, with respect to tribal lands, as such responsibilities may be modified for tribal programs through regulations issued by the Secretary if—

(A) the tribe's chief governing authority so requests;

(B) the tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(C) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(D) the Secretary determines, after consultation with the tribe, the appropriate State Historic Preservation Officer, the Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 106 of this Act), and other tribes, if any, whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program—

(i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under subparagraph (C);

(ii) that the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

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(iii) that the plan provides, with respect to properties neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe, at the request of the owner thereof, the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with subsections (b)(2) and (b)(3) of this section; and

(E) based on satisfaction of the conditions stated in subparagraphs (A), (B), (C), and (D), the Secretary approves the plan.

(3) In consultation with interested Indian tribes, other Native American organizations and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 103(a) of this Act with respect to tribal programs that assume responsibilities under paragraph (2).

(4) At the request of a tribe whose preservation program has been approved to assume functions and responsibilities pursuant to paragraph (2), the Secretary shall enter into contracts or cooperative agreements with such tribe permitting the assumption by the tribe of any part of the responsibilities referred to in subsection (b)(6) of this section on tribal land, if—

(A) the Secretary and the tribe agree on additional financial assistance, if any, to the tribe for the costs of carrying out such authorities;

(B) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this Act; and

(C) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(i) the tribe's traditional cultural authorities;

(ii) representatives of other tribes whose traditional lands are under the jurisdiction of the tribe assuming responsibilities; and

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(iii) the interested public.

(5) The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 106 of this Act, if the Council, after consultation with the tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic properties consideration equivalent to those afforded by the Council's regulations.

Traditional religious and cultural properties may be eligible for listing in the National Register

(6)(A) Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(B) In carrying out its responsibilities under section 106 of this Act, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).

(C) In carrying out his or her responsibilities under subsection (b)(3) of this section, the State Historic Preservation Officer for the State of Hawaii shall—

(i) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate such property to the National Register;

(ii) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for such property; and

(iii) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate such property to the National Register and to carry out the cultural component of such preservation program or plan.

16 U.S.C. 470a(e),
Grants, grants to States

(e)(1) The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this Act.

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Grants to the National Trust

(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927) [16 U.S.C. 468], consistent with the purposes of its charter and this Act.

Direct grants for threatened National Historic Landmarks, demonstration projects, training, and displacement prevention

(3)(A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108 of this Act. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance,

(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties,

(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation, and

(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

Grants or loans to Indian tribes and non-profit ethnic or minority organizations for preserving cultural heritage

(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

(C) Grants may be made under subparagraph (A)(i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 104 of this Act.

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Grants for religious properties

(4) Grants may be made under this subsection for the preservation, stabilization, restoration, or rehabilitation of religious properties listed in the National Register of Historic Places, provided that the purpose of the grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant. Nothing in this paragraph shall be construed to authorize the use of any funds made available under this section for the acquisition of any property referred to in the preceding sentence.

Direct grants to Indian tribes and Native Hawaiian organizations

(5) The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this Act as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to a tribe or Native Hawaiian organization may be used as matching funds for the purposes of the tribe's or organization's conducting its responsibilities pursuant to this section.

Direct grants to Micronesia, Marshall Islands, and Palau

(6)(A) As a part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau (referred to as the Micronesian States) in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1681 note), the Trusteeship Agreement for the Trust Territory of the Pacific Islands, and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes" (48 U.S.C. 1681 note). The goal of the program shall be to establish historic and cultural

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preservation programs that meet the unique needs of each Micronesian State so that at the termination of the compacts the programs shall be firmly established. The Secretary may waive or modify the requirements of this section to conform to the cultural setting of those nations.

(B) The amounts to be made available to the Micronesian States shall be allocated by the Secretary on the basis of needs as determined by the Secretary. Matching funds may be waived or modified.

16 U.S.C. 470a(f),
Prohibition on compensating intervenors

(f) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

16 U.S.C. 470a(g),
Guidelines for Federal agency responsibilities

(g) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this Act.

16 U.S.C. 470a(h),
Preservation standards for federally owned or controlled properties

(h) Within one year after December 12, 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

16 U.S.C. 470a(i),
Technical advice, training, and educational materials

(i) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

16 U.S.C. 470a(j),
Comprehensive preservation education and training program

(j)(1) The Secretary shall, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, develop and implement a comprehensive preservation education and training program.

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(2) The education and training program described in paragraph (1) shall include—

(A) new standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(B) increased preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(C) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(D) coordination of the following activities, where appropriate, with the National Center for Preservation Technology and Training—

(i) distribution of information on preservation technologies;

(ii) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(iii) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

16 U.S.C. 470b,
Grant requirements

16 U.S.C. 470b(a),
Applications, matching
share, reports, etc.

Section 102

(a) No grant may be made under this Act—

(1) unless application therefore is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 4601-4];

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(3) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 101(b)(3) of this Act in any one fiscal year;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 [Title 26 of the U.S. Code].

16 U.S.C. 470b(b),
Waiver for the National
Trust

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States.

16 U.S.C. 470b(c*),
State limitation on
matching

(c*) No State shall be permitted to utilize the value of real property obtained before October 15, 1966 [the date of original approval of this Act], in meeting the remaining cost of a project for which a grant is made under this Act.

16 U.S.C. 470b(d),
Availability of funds

(d) The Secretary shall make funding available to individual States and the National Trust for Historic Preservation as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be considered to be one grant and shall be administered by the National Park Service as such.

*Technically, subsection (c) was repealed and replaced by two subsection "d"s.

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16 U.S.C. 470b(e),
Administrative costs

(e) The total administrative costs, direct and indirect, charged for carrying out State projects and programs may not exceed 25 percent of the aggregate costs except in the case of grants under section 101(e)(6) of this Act.

16 U.S.C. 470c,
Apportionment of grant
funds

Section 103

16 U.S.C. 470c(a), Basis
for apportionment

(a) The amounts appropriated and made available for grants to the States for the purposes of this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

16 U.S.C. 470c(b),
Apportionment basis,
notice, reapportion-
ment, etc.

(b) The amounts appropriated and made available for grants to the States for projects and programs under this Act for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection. The Secretary shall analyze and revise as necessary the method of apportionment. Such method and any revision thereof shall be published by the Secretary in the Federal Register.

16 U.S.C. 470c(c),
Requirements for certi-
fied local government
pass-through subgrants

(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) of this Act for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds \$65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c) of this Act.

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16 U.S.C. 470c(d),
Guidelines for State
distribution to certified
local governments

(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) of this section to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c) of this section, nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.

16 U.S.C. 470d,
Insured loans for
National Register

Section 104

16 U.S.C. 470d(a),
Program establishment

(a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

16 U.S.C. 470d(b),
Loan qualification

(b) A loan may be insured under this section only if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

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(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

Interest rates

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

16 U.S.C. 470d(c),
Limitation on loan
authority

(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 of this Act and subsections (g) and (i) of this section, as in effect on December 12, 1980 [the date of the enactment of this provision of the Act], but which has not been appropriated for any purpose.

16 U.S.C. 470d(d),
Assignability and effect
of insurance contracts

(d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

16 U.S.C. 470d(e),
Method of payment for
losses

(e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

16 U.S.C. 470d(f),
Protection of Govern-
ment's financial inter-
ests; foreclosure

(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and

(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g) of this section.

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16 U.S.C. 470d(g),
Conveyance of fore-
closed property

(g)(1) In any case in which a historic property is obtained pursuant to subsection (f) of this section, the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 of this Act and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

16 U.S.C. 470d(h),
Fees

(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 of this Act and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

16 U.S.C. 470d(i),
Loans to be considered
non-Federal funds

(i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

16 U.S.C. 470d(j),
Appropriation
authorization

(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e) of this section.

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16 U.S.C. 470d(k),
Prohibition against
acquisition by Federal
Financing Bank

(k) No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

16 U.S.C. 470e,
Recordkeeping

Section 105

The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

16 U.S.C. 470f,
Advisory Council on
Historic Preservation,
comment on Federal
undertakings

Section 106

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

16 U.S.C. 470g,
Exemption of White
House, Supreme Court,
and Capitol

Section 107

Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

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16 U.S.C. 470h,
Establishment of
Historic Preservation
Fund, authorization
for appropriations

Section 108

To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the “fund”) in the Treasury of the United States.

There shall be covered into such fund \$24,400,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980 and \$150,000,000 for fiscal year 1981 and \$150,000,000 for each of fiscal years 1982 through 2005, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469) as amended (43 U.S.C. 1338), and/or under section 7433(b) of Title 10, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided*, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

16 U.S.C. 470h-l,
Acceptance of donated
funds

16 U.S.C. 470h-l(a),
Authorization, use of
funds

Section 109

(a) In furtherance of the purposes of this Act, the Secretary may accept the donation of funds which may be expended by him for projects to acquire, restore, preserve, or recover data from any district, building, structure, site, or object which is listed on the National Register of Historic Places established pursuant to section 101 of this Act, so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

16 U.S.C. 470h-1(b),
Expenditure of donated
funds

(b) In expending said funds, the Secretary shall give due consideration to the following factors: the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and

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the expressed intentions of the donor. Funds expended under this subsection shall be made available without regard to the matching requirements established by section 102 of this Act, but the recipient of such funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund established by section 108 of this Act.

16 U.S.C. 470h-1(c),
Transfer of funds
donated for the
National Park Service

(c) The Secretary is hereby authorized to transfer unobligated funds previously donated to the Secretary for purposes of the National Park Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this Act.

16 U.S.C. 470h-2,
Federal agency historic
preservation programs

Section 110

16 U.S.C. 470h-2(a),
Federal agencies'
responsibility to pre-
serve and use historic
properties

(a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071). Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(g) of this Act, any preservation, as may be necessary to carry out this section.

Each Federal agency to
establish a preservation
program to protect and
preserve historic prop-
erties in consultation with
others

(2) Each Federal agency shall establish (unless exempted pursuant to Section 214) of this Act, in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure—

(A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;

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(B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance;

(C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;

(D) that the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and with the private sector; and

(E) that the agency's procedures for compliance with section 106 of this Act—

(i) are consistent with regulations issued by the Council pursuant to section 211 of this Act;

(ii) provide a process for the identification and evaluation of historic properties for listing in the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered; and

(iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(c)).

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16 U.S.C. 470h-2(b),
Recordation of his-
toric properties prior to
demolition

(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a) of this Act, in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

16 U.S.C. 470h-2(c),
Federal Agency
Preservation Officers

(c) The head of each Federal agency shall, unless exempted under section 214 of this Act, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(h) of this Act.

16 U.S.C. 470h-2(d),
Conduct of agency pro-
grams consistent with
Act

(d) Consistent with the agency's mission and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

16 U.S.C. 470h-2(e),
Transfer of surplus
Federal historic
properties

(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

16 U.S.C. 470h-2(f),
Federal undertakings
affecting National
Historic Landmarks

(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

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16 U.S.C. 470h-2(g),
Preservation activities as
an eligible project cost

(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

16 U.S.C. 470h-2(h),
Preservation awards
program

(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts not to exceed \$1,000 and provide citations for special achievements to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

16 U.S.C. 470h-2(i),
Environmental impact
statement

(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

16 U.S.C. 470h-2(j),
Disaster waivers

(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.

16 U.S.C. 470h-2(k),
Anticipatory demolition

(k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, 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.

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16 U.S.C. 470h-2(l),
Documentation of
Federal agency Section
106 decisions

(l) With respect to any undertaking subject to section 106 of this Act which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of such agency shall document any decision made pursuant to section 106 of this Act. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 of this Act memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

16 U.S.C. 470h-3,
Lease or exchange of
Federal historic property

Section III

16 U.S.C. 470h-3(a),
Authorization, consul-
tation with Advisory
Council

(a) Notwithstanding any other provision of law, any Federal agency after consultation with the Council, shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

16 U.S.C. 470h-3(b),
Use of proceeds

(b) The proceeds of any lease under subsection (a) of this section may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

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16 U.S.C. 470h-3(c),
Management contracts

(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of historic property.

16 U.S.C. 470h-4,
Professional standards

Section 112

16 U.S.C. 470h-4(a),
Each Federal agency
is to protect historic
resources through pro-
fessionalism of employ-
ees and contractors

(a) Each Federal agency that is responsible for the protection of historic resources, including archaeological resources pursuant to this Act or any other law shall ensure each of the following—

(1)(A) All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning.

(B) Agency personnel or contractors responsible for historic resources shall meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of the disciplines involved. The Office of Personnel Management shall revise qualification standards within 2 years after October 30, 1992, [the date of enactment of the 1992 Amendments to this Act] for the disciplines involved, specifically archaeology, architecture, conservation, curation, history, landscape architecture, and planning. Such standards shall consider the particular skills and expertise needed for the preservation of historic resources and shall be equivalent requirements for the disciplines involved.

Maintaining permanent
databases

(2) Records and other data, including data produced by historical research and archaeological surveys and excavations are permanently maintained in appropriate data bases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

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16 U.S.C. 470h-4(b), Secretary to promulgate guidelines to owners about protecting and preserving historic resources

(b) In order to promote the preservation of historic resources on properties eligible for listing in the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this Act include plans to—

(1) provide information to the owners of properties containing historic (including architectural, curatorial, and archaeological) resources with demonstrated or likely research significance, about the need for protection of such resources, and the available means of protection;

(2) encourage owners to preserve such resources intact and in place and offer the owners of such resources information on the tax and grant assistance available for the donation of the resources or of a preservation easement of the resources;

Encourage protection of Native American cultural items and properties

(3) encourage the protection of Native American cultural items (within the meaning of section 2 (3) and (9) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3001 (3) and (9))) and of properties of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups; and

Conduct archaeological excavations to meet Federal standards, allow access to artifacts for research, consult with Indian tribe or Native Hawaiian organization if related items likely

(4) encourage owners who are undertaking archaeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under section 3(a)(2)(B) or (C) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B) or (C)), given notice to and consult with such Indian tribe or Native Hawaiian organization.

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16 U.S.C. 470h-5,
Interstate and interna-
tional traffic in antiquities

16 U.S.C. 470h-5(a),
Study to report ways to
control illegal trafficking
in antiquities

16 U.S.C. 470h-5(b),
Consultation

16 U.S.C. 470h-5(c),
Report

16 U.S.C. 470h-5(d),
Funding authorization

16 U.S.C. 470i,
Advisory Council on
Historic Preservation

16 U.S.C. 470i(a),
Establishment,
membership

Section 113

(a) In order to help control illegal interstate and international traffic in antiquities, including archaeological, curatorial, and architectural objects, and historical documents of all kinds, the Secretary shall study and report on the suitability and feasibility of alternatives for controlling illegal interstate and international traffic in antiquities.

(b) In conducting the study described in subsection (a) of this section the Secretary shall consult with the Council and other Federal agencies that conduct, cause to be conducted, or permit archaeological surveys or excavations or that have responsibilities for other kinds of antiquities and with State Historic Preservation Officers, archaeological, architectural, historical, conservation, and curatorial organizations, Indian tribes, Native Hawaiian organizations, and other Native American organizations, international organizations and other interested persons.

(c) Not later than 18 months after October 30, 1992 [the date of enactment of this section], the Secretary shall submit to Congress a report detailing the Secretary's findings and recommendations from the study described in subsection (a) of this section.

(d) There are authorized to be appropriated not more than \$500,000 for the study described in subsection (a) of this section, such sums to remain available until expended.

Title II, Advisory Council on Historic Preservation

Section 201

(a) There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation which shall be composed of the following members:

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- (1) a Chairman appointed by the President selected from the general public;
- (2) the Secretary of the Interior;
- (3) the Architect of the Capitol;
- (4) the Secretary of Agriculture and the heads of four other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President;
- (5) one Governor appointed by the President;
- (6) one mayor appointed by the President;
- (7) the President of the National Conference of State Historic Preservation Officers;
- (8) the Chairman of the National Trust for Historic Preservation;
- (9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archaeology, and other appropriate disciplines;
- (10) three at-large members from the general public, appointed by the President; and
- (11) one member of an Indian tribe or Native Hawaiian organization who represents the interests of the tribe or organization of which he or she is a member, appointed by the President.

16 U.S.C. 470i(b),
Designees

(b) Each member of the Council specified in paragraphs (2) through (8) other than (5) and (6) of subsection (a) of this section may designate another officer of his department, agency, or organization to serve on the Council in his stead, except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated.

16 U.S.C. 470i(c),
Term of office

(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) through (11) of subsection (a) of this section shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that

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paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

16 U.S.C. 470i(d),
Vacancies

(d) A vacancy in the Council shall not affect its powers, but shall be filled not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this Act as in effect on the day before December 12, 1980 [the enactment of the National Historic Preservation Act Amendments of 1980], shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after December 12, 1980 [the enactment of the National Historic Preservation Act Amendments of 1980].

16 U.S.C. 470i(e),
Vice Chairman

(e) The President shall designate a Vice Chairman, from the members appointed under paragraphs (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

16 U.S.C. 470i(f),
Quorum

(f) Nine members of the Council shall constitute a quorum.

16 U.S.C. 470j,
Council functions

Section 202

16 U.S.C. 470j(a),
Duties of Council

(a) The Council shall—

(1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

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(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

16 U.S.C. 470j(b),
Annual and special
reports

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act.

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16 U.S.C. 470k,
Council information
from agencies

Section 203

The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title of the Act; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

16 U.S.C. 470l,
Compensation of Council
members

Section 204

The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

16 U.S.C. 470m,
Council administration

Section 205

16 U.S.C. 470m(a),
Executive Director

(a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

16 U.S.C. 470m(b),
General Counsel and
other attorneys

(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, including enforcement of agreements with Federal agencies to which the Council is a party, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

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16 U.S.C. 470m(c),
Appointment and
compensation of staff

(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5 [United States Code]: *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of Title 5 [United States Code].

16 U.S.C. 470m(d),
Appointment and com-
pensation of additional
personnel

(d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, U.S. Code].

16 U.S.C. 470m(e),
Expert and consultant
services

(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5 [United States Code].

16 U.S.C. 470m(f),
Financial and adminis-
trative services

(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council: *And provided further,* That the Council shall not be required to prescribe such regulations.

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16 U.S.C. 470m(g),
Use of funds, personnel,
facilities, and services

(g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.

16 U.S.C. 470n,
International Centre
for the Study of the
Preservation and
Restoration of Cultural
Property

16 U.S.C. 470n(a),
Authorization for
participation

16 U.S.C. 470n(b),
Members of official
delegation

Section 206

(a) The participation of the United States as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

(b) The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

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16 U.S.C. 470n(c),
Authorization for
membership payment

(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessment shall begin in fiscal year 1981, but shall include earlier costs.

16 U.S.C. 470o,
Transfer of personnel,
funds, etc. to the Council

Section 207

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act [Pub. L. 94-422, September 28, 1976].

16 U.S.C. 470p,
Rights of Council
employees

Section 208

Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all rights, benefits, and privileges pertaining thereto held prior to such transfer.

16 U.S.C. 470q,
Council exemption
from Federal Advisory
Committee Act

Section 209

The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of subchapter II of chapter 5 and chapter 7, of Title 5 [U.S. Code] [the Administrative Procedure Act (80 Stat. 381)] shall govern the operations of the Council.

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16 U.S.C. 470r,
Council direct submission of documents to the Congress

Section 210

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

16 U.S.C. 470s,
Regulations for Section 106, local government participation

Section 211

The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 106 of this Act in its entirety. The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 of this Act which affect such local governments.

16 U.S.C. 470t,
Council budget, appropriation authorization

Section 212

(a) The Council shall submit its budget annually as a related agency of the Department of the Interior. There are authorized to be appropriated for purposes of this title not to exceed \$4,000,000 in each fiscal year 1997 through 2005.

16 U.S.C. 470t(a),
Council appropriation authorization

16 U.S.C. 470t(b),
Concurrent submission of budget to Congress

(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

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16 U.S.C. 470u,
Reports from Secretary
at request of Council

Section 213

To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

16 U.S.C. 470v,
Council exemptions for
Federal activities from
provisions of the Act

Section 214

The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.

16 U.S.C. 470v-1,
Council reimbursement
from State and local
agencies, etc.

Section 215

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the purposes of this Act.

16 U.S.C. 470w,
Definitions

Title III, General and Miscellaneous

Section 301

As used in this Act, the term—

(1) “**Agency**” means agency as such term is defined in section 551 of title 5 [United States Code].

(2) “**State**” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau.

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(3) **“Local government”** means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

(4) **“Indian tribe”** or **“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.

(5) **“Historic property”** or **“historic resource”** means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

(6) **“National Register”** or **“Register”** means the National Register of Historic Places established under section 101 of this Act.

(7) **“Undertaking”** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(A) those carried out by or on behalf of the agency;

(B) those carried out with Federal financial assistance;

(C) those requiring a Federal permit license, or approval; and

(D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

(8) **“Preservation”** or **“historic 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.

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(9) “**Cultural park**” means a definable area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

(10) “**Historic conservation district**” means an area which contains

(A) historic properties,

(B) buildings having similar or related architectural characteristics,

(C) cultural cohesiveness, or

(D) any combination of the foregoing.

(11) “**Secretary**” means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(12) “**State historic preservation review board**” means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B) of this Act—

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),

(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, and landscape architecture, and

(C) which has the authority to—

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preservation Officer; and

(iv) perform such other duties as may be appropriate.

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(13) “**Historic preservation review commission**” means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c)(1)(B) of this Act, and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent such professionals are available in the community concerned, and

(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

(14) “**Tribal lands**” means—

(A) all lands within the exterior boundaries of any Indian reservation; and

(B) all dependent Indian communities.

(15) “**Certified local government**” means a local government whose local historic preservation program has been certified pursuant to section 101(c) of this Act.

(16) “**Council**” means the Advisory Council on Historic Preservation established by section 201 of this Act.

(17) “**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.

(18) “**Native Hawaiian organization**” means any organization which—

(A) serves and represents the interests of Native Hawaiians;

(B) has as a primary and stated purpose the provision of services to Native Hawaiians; and

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(C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

16 U.S.C. 470w-1,
Federal agency authority
to expend funds for pur-
poses of this Act

Section 302

Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise.

16 U.S.C. 470w-2,
Donations and bequests

Section 303

16 U.S.C. 470w-2(a),
Donations to Secretary;
money and personal
property

(a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

16 U.S.C. 470w-2(b),
Donations of less than
fee interests in real
property

(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

16 U.S.C. 470w-3,
Limitations on access to
information

Section 304

16 U.S.C. 470w-3(a),
Confidentiality of the
location of sensitive
historic resources

(a) The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may—

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- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resources; or
- (3) impede the use of a traditional religious site by practitioners.

16 U.S.C. 470w-3(b),
Access determination

(b) When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a) of this section, the Secretary, 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.

16 U.S.C. 470w-3(c),
Consultation with the
Advisory Council

(c) When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f) of this Act, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

16 U.S.C. 470w-4,
Attorneys' fees

Section 305

In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

16 U.S.C. 470w-5,
National Museum for
the Building Arts

Section 306

16 U.S.C. 470w-5(a),
Cooperative agreement
for National Museum of
the Building Arts

(a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

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(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

16 U.S.C. 470w-5(b),
Cooperative agreement
provision

(b) The cooperative agreement referred to in subsection (a) of this section shall include provisions which—

(1) make the site available to the Committee referred to in subsection (a) of this section without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

16 U.S.C. 470w-5(c),
Grants to Committee

(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) of this section for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than \$500,000 may be provided to the Committee in any one fiscal year.

16 U.S.C. 470w-5(d),
Site renovation

(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable—

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(1) be commenced immediately,

(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

16 U.S.C. 470w-5(e),
Annual report

(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

16 U.S.C. 470w-5(f),
Definition of "building arts"

(f) For purposes of this section, the term "**building arts**" includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

16 U.S.C. 470w-6,
Regulations and
Congress

Section 307

16 U.S.C. 470w-6(a),
Effective date of
regulations

(a) No final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

16 U.S.C. 470w-6(b),
Congressional disapproval of regulations

(b) The regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of _____, which regulation was transmitted to Congress on _____," the blank spaces therein being appropriately filled.

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16 U.S.C. 470w-6(c),
Inaction by Congress

(c) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

16 U.S.C. 470w-6(d),
Session days
computation

(d) For the purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

16 U.S.C. 470w-6(e),
Effect of Congressional
inaction

(e) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

16 U.S.C. 470w-7,
Historic lighthouse
preservation

Section 308

(a) In order to provide a national historic light station program, the Secretary shall—

16 U.S.C. 470w-7(a),
National historic light
station program

(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

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16 U.S.C. 470w-7(b),
Conveyance of historic
light stations

(b)(1) Not later than 1 year after October 24, 2000 [the date of the enactment of this section], the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.

(2) The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be “excess property” as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(3)(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary’s selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383)[14 U.S.C. 93 note].

(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

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(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

16 U.S.C. 470w-7(c),
Terms of conveyance

(c)(1) The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

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(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

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(2) Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14 [United States Code], to the eligible entity.

(3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

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(F) At least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

16 U.S.C. 470w-7(d),
Description of property

(d)(1) The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

(2) Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

(3) All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(4) No submerged lands shall be conveyed under this section.

16 U.S.C. 470w-7(e),
Definitions

(e) For purposes of this section:

(1) The term “**Administrator**” shall mean the Administrator of General Services.

(2) The term “**historic light station**” includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; *provided* that the “historic light station” shall be included in or eligible for inclusion in the National Register of Historic Places.

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(3) The term “eligible entity” shall mean:

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that

(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).

(4) The term “Federal aid to navigation” shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

(5) The term “Secretary” means the Secretary of the Interior.

Section 309

(a) In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308 of this Act, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308 of this Act, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

16 U.S.C. 470w-8,
Historic light station
sales

16 U.S.C. 470w-8(a),
In general

National Historic Preservation Act of 1966

16 U.S.C. 470w-8(b),
Net sale proceeds

(b) Net sale proceeds from the disposal of a historic light station—

(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) [U.S.C. 5401 et seq.] within the Department of the Interior; and

(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.

114 Stat. 1390,
Appropriation
authorization

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out [Sections 308 and 309] of this Act.

Title IV, National Center for Preservation Technology and Training

Section 401

16 U.S.C. 470x,
National initiative to
coordinate and promote
research, distribute infor-
mation, and provide train-
ing about preservation
skills and technologies

The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national initiative to coordinate and promote research, distribute information, and provide training about preservation skills and technologies would be beneficial.

Section 402

16 U.S.C. 470x-1,
Definitions

For the purposes of this title—

(1) The term “**Board**” means the National Preservation Technology and Training Board established pursuant to section 404 of this Act.

National Historic Preservation Act of 1966

(2) The term “Center” means the National Center for Preservation Technology and Training established pursuant to section 403 of this Act.

(3) The term “Secretary” means the Secretary of the Interior.

Section 403

(a) There is hereby established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of prehistoric and historic resources;

(2) develop and facilitate training for Federal, State and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including, but not limited to the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) Such purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 405 of this Act.

(d) The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

16 U.S.C. 470x-2,
Establishment of
National Center

16 U.S.C. 470x-2(a),
Establishment

16 U.S.C. 470x-2(b),
Purposes of Center

16 U.S.C. 470x-2(c),
Programs

16 U.S.C. 470x-2(d),
Executive Director

National Historic Preservation Act of 1966

16 U.S.C. 470x-2(e),
Assistance from
Secretary

(e) The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

16 U.S.C. 470x-3,
Preservation Technology
and Training Board

Section 404

16 U.S.C. 470x-3(a),
Establishment

(a) There is established a Preservation Technology and Training Board.

16 U.S.C. 470x-3(b),
Duties

(b) The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and the Congress.

16 U.S.C. 470x-3(c),
Membership

(c) The Board shall be comprised of—

(1) The Secretary, or the Secretary's designee;

(2) 6 members appointed by the Secretary who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications who represent major organizations in the fields of archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

16 U.S.C. 470x-4,
Grants for research,
information distribution,
and skill training

Section 405

16 U.S.C. 470x-4(a),
In general

(a) The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution and skills training in all the related historic preservation fields.

National Historic Preservation Act of 1966

16 U.S.C. 470x-4(b),
Grant requirements

(b)(1) Grants provided under this section shall be allocated in such a fashion to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

16 U.S.C. 470x-4(c),
Eligible applicants

(c) Eligible applicants may include Federal and non-Federal laboratories, accredited museums, universities, nonprofit organizations; offices, units, and Cooperative Park Study Units of the National Park System, State Historic Preservation Offices, tribal preservation offices, and Native Hawaiian organizations.

16 U.S.C. 470x-4(d),
Standards

(d) All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

16 U.S.C. 470x-4(e),
Authorization of appropriations

(e) There is authorized to be appropriated to carry out this section such sums as may be necessary.

16 U.S.C. 470x-5,
General provisions

Section 406

16 U.S.C. 470x-5(a),
Center may accept grants, donations, and other Federal funds; may enter into contracts and cooperative agreements

(a) The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

16 U.S.C. 470x-5(b),
Contracts and cooperative agreements

(b) Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this title of the Act.

National Historic Preservation Act of 1966

16 U.S.C. 470x-5(c),
Authorization of
appropriations

(c) There are authorized to be appropriated such sums as may be necessary for the establishment, operation, and maintenance of the Center. Funds for the Center shall be in addition to existing National Park Service programs, centers, and offices.

16 U.S.C. 470x-6,
Improve use of existing
NPS centers and regional
offices

Section 407

In order to improve the use of existing National Park Service resources, the Secretary shall fully utilize and further develop the National Park Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of such centers and offices within the National Park Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

National Historic Preservation Act of 1966

Addendum

This addendum contains related legislative provisions enacted in the National Historic Preservation Act Amendments of 1980 [Public Law 96-515] but that are not part of the National Historic Preservation Act.

16 U.S.C. 470a-1,
World Heritage
Convention

16 U.S.C. 470a-1(a),
United States
participation

16 U.S.C. 470a-1(b),
Nominations of proper-
ties to World Heritage
Committee

16 U.S.C. 470a-1(c),
Concurrence of owners
for non-Federal property
nominations

Section 401

(a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

National Historic Preservation Act of 1966

16 U.S.C. 470a-2,
International Federal
activities affecting
historic properties

Section 402

Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

APPENDIX VII

SECRETARY OF THE INTERIOR STANDARDS

Standards for the Treatment of Historic Properties

Professional Qualification Standards

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The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995

Introduction

Rooted in over 120 years of Preservation ethics in both Europe and America, the Secretary of the Interior's Standards for the Treatment of Historic Properties are common sense principles in non-technical language. They were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices.

The Standards may be applied to all properties listed in the National Register of Historic Places: buildings, sites, structures, objects, and districts.

It should be understood that the Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

The Four Treatment Approaches

There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties – preservation, rehabilitation, restoration, and reconstruction.

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.

Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

Choosing an Appropriate Treatment

Choosing an appropriate treatment for a historic building or landscape, whether preservation, rehabilitation, restoration, or reconstruction is critical. This choice always depends on a variety of factors, including its historical significance, physical condition, proposed use, and intended interpretation. The questions that follow pertain specifically

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to **historic buildings**, but the process of decision-making would be similar for other property types:

Relative importance in history. Is the building a nationally significant resource – a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their “exceptional significance in American history,” or many buildings individually listed in the National Register often warrant *Preservation* or *Restoration*. Buildings that contribute to the significance of a history district but are not individually listed in the National Register more frequently undergo *Rehabilitation* for a compatible new use.

Physical condition. What is the existing condition – or degree of material integrity – of the building prior to work? Has the original form survived largely intact or has it been altered over time? Are the alterations an important part of the building’s history? *Preservation* may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building’s historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then *Rehabilitation* is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed Use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties such as grain silos, forts, ice houses, or windmills may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. But if hastily or poorly designed, code-required work may jeopardize a building’s materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designated to minimize material loss and visual change to a historic building.

Standards of Preservation

Preservation is defined as *the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-related work to make properties functional is appropriate within a preservation project.*

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1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Preservation as a Treatment. When the property's distinctive materials, feature, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, preservation may be considered as a treatment.

Standards of Rehabilitation

Rehabilitation is defined as *the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.*

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1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Rehabilitation as a Treatment. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation may be considered as a treatment.

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Standards for Restoration

Restoration is defined as *the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods of its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration period.*

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatment, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archaeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

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Restoration as a Treatment. When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for restoration developed.

Standards for Reconstruction

Reconstruction is defined as *the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time in its historic location.*

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archaeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs of the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Reconstruction as a Treatment. When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, reconstruction may be considered a treatment.

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When Standards are Regulatory

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for the National Register of Historic Places.

The Secretary of the Interior’s Standards for the Treatment of Historic Properties, apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund, and are intended to be applied to a wide variety of resource types, including buildings, site, structures, objects, and districts. These Standards, revised in 1992, were codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* (Vol. 60, No. 133). They replace the 1978 and 1983 versions of 36 CFR Part 68 entitled “The Secretary of the Interior’s Standards for Historic Preservation Projects.”

The Secretary of the Interior’s Standards for the Treatment of Historic Properties may be used by anyone planning and undertaking work on historic properties, even if grant-in-aid funds are not being sought. *Please note that another regulation, 36 CFR Part 67, focuses on “certified historic structures” as defined by the IRS Code of 1986. The “Standards for Rehabilitation” cited in 36 CFR Part 67 should always be used when property owners are seeking certification for Federal tax benefits.*

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The Secretary of the Interior's Professional Qualification Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

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Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

APPENDIX VIII

GODDARD PROCEDURAL REQUIREMENTS FOR NATURAL, CULTURAL, AND HISTORICAL RESOURCES MANAGEMENT

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COMPLIANCE IS MANDATORY

Responsible Office: 250 / Safety and Environmental Division

Title: Natural, Cultural, and Historical Resources Management

PREFACE

P.1 PURPOSE

This defines responsibilities and procedures to ensure that any action authorized, funded, or carried out by Goddard Space Flight Center (GSFC), its facilities, or tenants, minimizes or eliminates the following:

- a. A threat to the continued existence of any endangered or threatened species;
- b. Destruction or adverse modification of a critical habitat;
- c. A negative impact on jurisdictional wetlands, dunes, or floodplains; or
- d. Damage or destruction of cultural, historic or prehistoric resources.

This Goddard Procedural Requirements (GPR) will outline the responsible parties and the procedures that must be followed to ensure that GSFC's actions and policies do not negatively impact the natural, cultural, or historical resources of the facility.

P.2 APPLICABILITY

These Procedural Requirements are applicable to all GSFC personnel, facilities, and activities, including all permanent and temporary activities. This directive shall also apply to all GSFC tenant organizations, contractors, grantees, clubs, and other persons operating under the auspices of GSFC or on GSFC property as required by law and as directed by contractual, grant, and agreement documents. These Procedural Requirements are also applicable to GSFC organizations performing work at foreign sites, based on the intent of United States environmental statutes and full consideration of the requirements of the regulating government body.

P.3 AUTHORITY

- a. National Aeronautics and Space Act, 42 U.S.C. § 2451-2484
- b. NPD 8500.1, NASA Environmental Management
- c. GPD 8500.1, Environmental Program Management

P.4 REFERENCES

- a. National Environmental Policy Act (NEPA), as amended in 1970
- b. Endangered Species Act of 1973, as amended

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- c. Marine Mammal Protection Act, 1972 16 U.S.C. 1361-1407
- d. Marine Mammals, 50 CFR 18
- e. Conservation Of Endangered And Threatened Species Of Fish, Wildlife, And Plants – Cooperation With The States, 50 CFR 81
- f. Migratory Bird Treaty Act of 1918
- g. The Clean Water Act of 1977, Sections 401 and 404
- h. Regulatory Programs of the Corps of Engineers, 33 CFR 320 to 330
- i. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973
- j. Executive Order (EO) 11988, Floodplain Management
- k. EO 11990, Protection of Wetlands
- l. EO 12114 Environmental Effects Abroad of Major Federal Actions
- m. Coastal Zone Management Act of 1972
- n. ASA Floodplain and Wetlands Management, 14 CFR 1216.2
- o. Floodplain Management And Protection Of Wetlands, 44 CFR 9
- p. Native American Graves and Artifacts, 43 CFR 10
- q. Procedures For The Protection Of Archeological And Historical Properties Encountered In NRCS (National Resources Conservation Service)-Assisted Programs, 7 CFR 656
- r. National Register of Historic Places, 36 CFR Part 60
- s. National Historic Landmarks Program, 36 CFR Part 65
- t. Protection of Historic Properties, 36 CFR Part 800
- u. Archaeological Resources Protection Act of 1979, as amended, 16 U.S.C. 470aa-mm
- v. Antiquities Act, 16 U.S.C. 431-433
- w. National Historic Preservation Act, 16 U.S.C. 470h-2
- x. GPR 8500.5, Water Management
- y. GPR 8500.1 Environmental Planning and Impact Assessment

P.5 CANCELLATION

None

P.6 SAFETY

None

P.7 TRAINING

Any individual who performs wetland delineation shall be trained in this area. S&E will define the training requirements.

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P.8 RECORDS

Record Title	Record Custodian	Retention
Inventory of Threatened and Endangered Species	S&E (Code 250)	5 years for ERD update
Inventory of Cultural and Historic Properties	FMD (Code 220)	5 years for ERD update
Map of Floodplains	S&E (Code 250)	5 years for ERD update
Map of Delineated Wetlands	S&E (Code 250)	5 years for ERD update
Maps of Native American Graves, Artifacts, etc.	FMD (Code 220)	5 years for ERD update

*NRRS – NASA Records Retention Schedules ([NPR 1441.1](#))

P.9 METRICS

The majority of environmental regulations and Executive Orders include specific required metrics to assess progress. These metrics must be monitored and reported to comply with the requirements of the law or order. GSFC may establish additional metrics as deemed appropriate. The environmental management metrics will be revised, as appropriate, to support continual improvements.

P.10 DEFINITIONS

- a. **Action** - Any activity including, but not limited to, the acquisition, construction, modification, change in land use, and issuance of facilities use permits.
- b. **Conserve** - To use all necessary methods and procedures to bring any endangered or threatened species to the point at which the measures under the Endangered Species Act (ESA) are no longer necessary.
- c. **Critical Habitats** - Areas that include physical (i.e., cover or vegetation for nesting or protection) or biological (i.e., food sources) features that are essential to the conservation of the species and that may require special management considerations or protection.
- d. **Endangered Species** - Any species that is in danger of extinction throughout all or a significant portion of its range.
- e. **Environmental Resources Document** - A succinct baseline description of all environmental aspects of the operations of a NASA Center or major Component Facility at the time of the ERD's preparation.
- f. **Floodplain** - The lowland and relatively flat areas adjoining inland and coastal waters, and flood-prone areas that are subject to a 1 percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the

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100-year floodplain (1-percent chance floodplain). The critical action floodplain is defined as the 500-year floodplain (0.2-percent chance floodplain).

- g. **Historic Resource** - 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. 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.
- h. **National Historic Landmark** - As designated by the Secretary of the Interior.
- i. **National Register of Historic Places** - Maintained by the Secretary of the Interior.

PROCEDURES

In this document, a requirement is identified by “shall,” a good practice by “should,” permission by “may” or “can,” expectation by “will,” and descriptive material by “is.”

1. ROLES AND RESPONSIBILITIES

The following information outlines the role and responsibilities for this Natural, Cultural, and Historical Resources Management GPR for GSFC.

1.1 The Center Director

The Center Director maintains an Environmental Program to ensure compliance with applicable regulations and the Center Environmental Policy.

1.2 Directors of

Directors of will:

- a. Ensure that directorate operations are performed in accordance with this GPR and applicable permits and regulations;
- b. Ensure control of environmental program documents and records associated with directorate operations; and
- c. Ensure resource management to accomplish the preceding responsibilities.

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1.3 Supervisors

Supervisors will:

- a. Ensure the immediate reporting of any known or suspected impacts to cultural, natural, or historical resources. At Greenbelt, dial 911 from Center phones or (301) 286-8080 from other phones; at Wallops, dial 911 from facility phones and dial (757) 824-1333 from other phones;
- b. Ensure timely responses and appropriate corrective or remedial actions, to address environmental requirements;
- c. Ensure that facilities managed by their organization are operated and maintained in accordance with all regulations listed in Section P4 of this document;
- d. Ensure that appropriate lists and maps are generated and maintained;
- e. Attend training, as appropriate;
- f. Ensure that all required employees within their organization, and affected contractors under their direction, receive the appropriate cultural, natural, or historical resources training; and
- g. Inform the S&E prior to operation when a project or operation may impact cultural, natural, or historical resources. Refer to GPR 8500.1 “Environmental Planning and Impact Assessment”.

1.4 Employees and Other Individuals

Employees and other individuals will:

- a. Report immediately any known or suspected impacts to cultural, natural, or historical resources. At Greenbelt, dial 911 from Center phones or (301) 286-8080 from other phones, for Wallops dial 911 from facility phones and (757) 824-1333 from other phones; and
- b. Comply with all GSFC requirements for natural, cultural, and historical resources.

1.5 Facilities Utilization Review Board (FURB)

The FURB will:

- a. Give final Facility approval for any physical impacts to cultural or natural resources.

1.6 Facilities Management Division (FMD)

FMD will:

- a. Designate a qualified Facility Historic Preservation Officer to manage the Cultural and Historical Resources program for the Center;
- b. Provide direction and professional services to the Center to initiate, implement, and maintain all cultural and historical permits, and regulatory requirements;
- c. Develop, maintain, and implement all cultural and historic resource mitigation and monitoring plans.

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- d. Include environmental review in the planning process and environmental requirements in construction, demolition, and routine site maintenance specifications;
- e. Include permitting and ensure implementation of environmental requirements for all construction, demolition, or routine site maintenance projects, including NEPA, Wetlands, Forest Conservation, etc.;
- f. Develop and maintain the official GSFC Inventory of Cultural and Historic Properties and Maps of Native American Graves, Artifacts, etc.

1.7 Aircraft Office at WFF

The Aircraft Office will develop, maintain, and implement all wildlife management plans and issues at Wallops.

1.8 Safety and Environmental (S&E) Division

S&E will:

- a. Provide direction and professional services to the Center to initiate, implement, and maintain all natural permits and manage Center programs for floodplain management, wetlands protection, and coastal resources to comply with Federal, state, and local requirements;
- b. Maintain the official file of all environmental permits and distribute all correspondence and required permit applications to the appropriate regulatory authorities and onsite contractors performing the work;
- c. Develop and maintain a listing of both Federal and state Threatened and Endangered Species habitats on the facility;
- d. Where applicable and in conformance with the National Environmental Policy Act, perform either a Record or Environmental Consideration, an Environmental Assessment, or an Environmental Impact Statement and prepare the corresponding decision documents (i.e., Finding Of No Significant Impact or Record of Decision, respectively) for any activity that may potentially impact human health, the natural or built environment, and/or cultural or historic resources. Refer to GPR 8500.1 National Environmental Policy Act (NEPA) and Management of Environmental Impacts;
- e. Update findings, lists, and maps in the Environmental Resources Document (ERD);
- f. Act as point of contact for all environmental regulatory agency interface and correspondence; and
- g. Develop, maintain, and implement an Integrated Natural Resources Management Plan.

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2. Natural and Cultural Resources

2.1 Natural Resources

2.1.1 Threatened and Endangered Species

The purposes of the Endangered Species Act are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and to provide a program for the conservation of such endangered species and threatened species. Congress has declared that all Federal departments and agencies shall seek to conserve endangered and threatened species and shall utilize their authorities in furtherance of the purposes of this Act. To achieve this goal, the S&E will monitor both Federal and state listings for endangered and threatened wildlife and plants to determine if any listed species may be found on a GSFC facility. If listed species are found on any GSFC facility, the S&E will maintain a listing of these species. The U.S. Fish and Wildlife Service maintains maps and surveys of listed species and their habitats. If a GSFC project or program has a potential to impact a listed species or its habitat, the S&E shall initiate consultation with the USF&WS and or the National Marine Fisheries Service under Section 7 of the ESA. The project or program will be responsible for any ensuing formal consultation with USF&WS or the NMFS as well as for all resultant mitigation or monitoring plans. GSFC shall conduct educational programs for site personnel regarding the locations and sensitivities of endangered species and sensitive ecosystems so as to prevent or minimize operational impacts to these organisms;

2.1.2 Wildlife

Wildlife management plans are established to limit the impacts of both human activities on wildlife populations and wildlife interactions on GSFC missions. Therefore, where appropriate, at Greenbelt, the S&E will maintain a listing of wildlife species or populations on the GSFC facility. From this information, a wildlife management plan will be prepared, maintained, and periodically reviewed. At the WFF, the Aircraft Office develops, maintains, and implements wildlife surveys and management plans.

2.1.3 Wetlands

Wetlands protect areas from flooding, filter pollutants from drinking water, and provide critical habitats for fish and wildlife. GSFC shall avoid undertaking or providing assistance for new construction located in wetlands, unless Senior Management finds that:

- 1) There is no practical alternative to such construction; and
- 2) The proposed action includes all practical measures to minimize harm to wetlands which may result from such use.

The Clean Water Act enforces protection of wetlands through the U.S. Army Corps of Engineers. To achieve this goal the S&E shall:

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- a. Maintain, where applicable, an accurate inventory of wetlands on the facility;
- b. GSFC shall consult with the COE for the delineation of wetlands based on soils, hydrology, and vegetation.
- c. Validate the need for permit applications;
- d. Prepare wetland permit applications and maintain permits; and
- e. Monitor activities to ensure compliance with the permit.
- e. Refer to the GPG 8500.5, Water Management, for detailed procedures to comply with floodplain management regulations. (Check with Phil or Joe Clift to see if this is still in that GPR)

2.1.4 Floodplains

- a. GSFC shall employ proactive land use planning to avoid or minimize human activities within and/or alterations of natural floodplains, where the statistical frequency of flooding (e.g., 100-year floodplain) is sufficiently high as to pose significant risk to human life and property;
- b. Prevent, whenever possible, building construction and other projects within floodplains, so as to reduce human health and safety hazards from flooding;
- c. Require consideration of project siting and/or design alternatives that avoid, minimize, or mitigate adverse impacts to floodplain ecological functions; and
- d. Require that any necessary structures built in the floodplain must in accordance with criteria set forth in regulations promulgated by the Federal Insurance Administration.

2.1.5 Coastal Zone Management (CZM)

- a. GSFC shall obtain a Determination of Consistency with the state's Coastal Zone Management Plan, for all projects located in wetlands, floodplains, or other coastal land areas subject to the Federal Coastal Zone Management Act. GSFC shall determine which (if any) of its activities affects ecological resources of the coastal zone in states with approved management programs;
- b. In the event of environmental damage from a spill or other release of oil or hazardous material, resultant effects to coastal ecological resources must be evaluated by means of Natural Resource Damage Assessments (NRDAs). NRDAs shall be conducted by GSFC to assess damages to Federal and state trustee resources from specific oil or hazardous material spill/release events in coastal and marine ecosystems; and
- c. GSFC shall not perform ocean dumping of industrial wastes, sewage sludge, medical waste and other wastes, except as approved and in compliance with the conditions of a valid permit from the Environmental Protection Agency. Any facility bordering or potentially affecting a marine sanctuary shall adhere to the Marine Protection, Research, and Sanctuaries Act of 1972 regulations protecting these ecosystems.
- d. The Wallops Environmental Office will meet the objectives of dune management by establishing a Dune Management Protocol as part of an Integrated Natural Resources Management Plan.

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2.2 Cultural and Historical Resources

2.2.1 Historic Properties

The National Historic Preservation Act states that “the preservation of irreplaceable heritage is in the public interest so that the vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations.” The FMD shall achieve these goals by:

- a. Appointing a qualified Federal Historic Preservation Officer in compliance with Section 110 of the NHPA;
- b. Establishing an inventory of historic properties on the facility and maintaining an accurate list and maps of those properties in compliance with Section 110 of the NHPA;
- c. Establishing a historic preservation plan in compliance with Section 110 of the NHPA; and
- d. Consulting with the State Historic Preservation Officer, in compliance with Section 106 of the NHPA, if any undertaking on the facility may impact a cultural or historic resource.

The project or program conducting the undertaking shall be fiscally responsible for all ensuing investigation, mitigation, and monitoring beyond the initial consultation.

2.2.2 Archaeological Sites

The Antiquities Act provides protection for archeological resources. It protects all historic and prehistoric sites on Federal lands and prohibits excavation or destruction of such antiquities without the permission (Antiquities Permit) of the Secretary of the department which has the jurisdiction over those lands. The FMD will accomplish the objectives of this act by:

- a. Appointing a qualified Federal Historic Preservation Officer;
- b. Establishing an inventory of prehistoric resources on the facility and maintaining an accurate list and maps of those resources;
- c. Establishing a prehistoric preservation plan; and
- d. Consulting with the State Historic Preservation Officer if any undertaking on the facility may impact a prehistoric resource
- e. The project or program conducting the undertaking shall be fiscally responsible for all ensuing investigation, mitigation, and monitoring beyond the initial consultation.

3. Planning and Consideration for New or Renovated Facilities

Any new projects or programs must be coordinated through the S&E, in accordance with NEPA, to determine possible impact to cultural, natural, or historical resources.

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Revision	Effective Date	Description of Changes
Baseline		Initial Release

PRESERVATION AND MAINTENANCE PLAN

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In order to preserve and protect historic resources in the coming years, WFF should develop a Preservation Plan for historic properties, including buildings, structures, and associated landscape features. The plan should promote the preservation of important character-defining features and historic materials while maintaining the installation's mission. The Preservation Plan should identify interior and exterior character-defining features, assess the overall condition of all of the buildings, and develop specific recommendations for repair and maintenance of each building. Additional future recommendations include:

- Maintain historic buildings and structures to preserve their historic integrity and prevent deterioration following the Secretary of the Interior's *Standards for the Treatment of Historic Properties*;
- Make every effort to consider feasible and cost-effective alternatives when projects may affect historic or archaeological resources;
- Implement an annual inspection of all historic buildings and/or structures at WFF to identify and correct conditions that may lead to serious deterioration if left untreated. The table found within this appendix provides a sample Annual Inspection Form;
- Conduct a conditions survey every five years in conjunction with the ICRMP update; and
- Pre-qualify contractors seeking to work on historic properties based on demonstrated experience in the successful application of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

CONSERVATION PRINCIPLES

In general, preservation and maintenance of historic properties is a three stage process:

1. Identify conditions contributing to material deterioration;
2. Stabilize historic materials; and
3. Maintain stabilized conditions.

As a general principle, preservation strategies that require the lowest level of building intervention are preferred. Low-level intervention measures include minor system upgrades and implementation of a preventative maintenance program. Examples include regrading around a building's perimeter or replacing leaking gutters and downspouts. Moderate level intervention should be implemented only if low-level approaches prove ineffective. High-level interventions are the most intrusive and potentially the most disruptive to the building system.

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The Secretary of the Interior's *Standards for the Treatment of Historic Properties* (United States Department of the Interior, 1995) provides the principle guidelines for the treatment of historic properties and outlines practical approaches for preserving the integrity of historic materials and character-defining architectural features. As discussed in Section 3.8.6, preservation and rehabilitation are recommended as the appropriate treatment options at WFF. Preservation of historic structures at WFF should follow the guidance provided by the Secretary of the Interior's *Guidelines for Preserving Historic Buildings*.

The first guideline recommendation is to identify the form and detailing of the architectural materials and features that are important in defining the building's historic character, and which must be retained in order to preserve that character. The character of a historic building may be defined by the form and detailing of exterior materials, such as masonry, wood and metal; exterior features, such as roofs, porches, and windows; interior materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems; and the building's site and setting.

Deteriorated portions of a historic building may need to be protected through preliminary stabilization measures until additional work can be undertaken. Stabilizing may include structural reinforcement, weatherization, or correcting unsafe conditions. Temporary stabilization should always detract as little as possible from the appearance of the historic building. Although it may not be necessary in every preservation project, stabilization is nonetheless an integral part of preservation and maintenance.

Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic materials through treatments such as rust removal; caulking; limited paint removal and re-application of protective coatings; cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems, and other temporary protective measures. Although an historic building usually requires more extensive work, an overall evaluation of its physical condition should always begin at this level.

When the physical condition of character-defining materials and features require additional work, repairing by stabilizing, consolidating, and conserving is recommended. Preservation and maintenance work strives to retain the existing materials and features while employing as little new material as possible. Consequently, guidance for repairing an historic material, such as masonry, begins with the least degree of intervention possible, such as strengthening fragile materials through consolidation, when appropriate, and repointing with mortar of an appropriate strength. Repairing masonry as well as wood and architectural metal features may also include patching, splicing, or otherwise reinforcing them, using recognized preservation methods. Similarly, portions of an historic structural system could be reinforced using contemporary materials such as steel rods. All work should be physically and visually compatible, identifiable upon close inspection, and documented for future research.

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If repair by stabilization, consolidation, and conservation proves inadequate, the next level of intervention involves the limited replacement in kind of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). The replacement material needs to match the old both physically and visually (e.g., wood with wood). Thus, with the exception of hidden structural reinforcement and new mechanical system components, substitute materials are not appropriate. It is important that all new material be identified and properly documented for future research. If prominent features are missing, such as an interior staircase, exterior cornice, or a roof dormer, another treatment may be more appropriate.

In rehabilitation, historic building materials and character defining features are protected and maintained as they are in preservation. However, more repair and replacement may be required. As a result, the Secretary of the Interior's *Guidelines for Rehabilitating Historic Buildings* allows for the replacement of extensively deteriorated, damaged, or missing features using either traditional or substitute materials. Of the four treatment options presented in the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, only rehabilitation provides the opportunity to adapt a building to a contemporary use through alterations or additions.

PURPOSE OF THE PRESERVATION AND MAINTENANCE PLAN

Maintenance is vital to prolonging the life of any building. While building repairs are an inevitable part of a maintenance program, the key to a successful maintenance program is reducing and preventing major repairs. Maintenance includes adopting basic cyclical preventative procedures that are carried out to preserve the historic building material and to prevent the need for repairs to address more serious deterioration. Repair treatments imply a greater degree of intervention into the historic fabric of the structure and are undertaken when regular maintenance is not adequate to halt deterioration.

Building maintenance should not be conducted strictly on an as needed basis. This would be the most expensive approach, since unnecessary deterioration will occur if maintenance is postponed. Instead, a proactive maintenance program should emphasize systematic prevention rather than repair. A regular building inspection program can prevent neglect by identifying conditions before they threaten a building's historic fabric; and inspections can slow the inevitable process of deterioration by identifying potential problems before they escalate into severe failures.

Since inspections help to anticipate problems before they occur, capital projects can be funded in ample time, before damage to historic building materials occurs, thereby streamlining the building maintenance and repair program and avoiding costly budget delays. Routine inspections also ensure that basic maintenance tasks, such as cleaning gutters and downspouts and clearing mulch build-up from a building's foundation, are not overlooked.

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IMPLEMENTATION OF THE PRESERVATION AND MAINTENANCE PLAN

ANNUAL BUILDING INSPECTION FORM

With basic training in the identification and correction of defects in historic resources, WFF's maintenance contractor can conduct an annual inspection; however, a full professional inspection should be undertaken every five years. Use of a formal inspection form is recommended to ensure that important building elements of historic properties are not overlooked and that there is a record of problems or repairs. An example form is included below. During the inspection, the maintenance contractor should have a flashlight, measuring tape, a camera to record any problems, and a set of binoculars to study inaccessible parts of a building's exterior (Weaver 1997:1 – 11).

Action Plan

Systematic inspection examines a building, system by system, beginning with the building's exterior and proceeding to the interior. Four major building components are emphasized during the inspection.

The Roof and Drainage System

The roof should be inspected for signs of material failure and sagging or deflection of the roofline. The drainage system should be inspected to ensure that the flashing is secure and in good condition, and that the drains and gutters are clear of debris, securely attached, and in good condition (Fram 1992:66).

Walls and Foundations

The walls and foundations should be inspected for cracks, spalling, stains or discoloration, signs of rot or insect infestation, and, in the case of wood siding, rot. Exterior trim should be intact and securely attached to the building (Fram 1992: 66 – 67).

Windows and Doors

These elements should be inspected for rot, corrosion, rust, glazing or paint failure, and deteriorating caulking or glazing compound. Gaps should be covered by molding or weatherstripping that is in good condition and securely attached. Condensation on the interior of the window or between double paned glass should be noted as it may be an indication of moisture penetration which can lead to rot or corrosion (Fram 1992:67).

Interiors

The interior should be inspected for other signs of deterioration. Moisture, watermarks, cracks, signs of rot or insect infestation, and condensation are all potential indicators of problems (Fram 1992:67).

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Sample Building Inspection Form

Building Name: _____

Building Number: _____

Inspector: _____

Date: _____

Element	Condition			Comments	Date Corrected
	Good	Poor	N/A		
Exterior Conditions					
<i>Drainage System</i>					
Is the roof watertight?					
Are shingles and tiles in place?					
Has built-up roofing been checked for blistering and cracking?					
Is flashing intact?					
Do gutters retain proper pitch/ are they clean?					
Are downspout joints intact?					
Are drains unobstructed?					
Is site graded to channel water away from the foundation?					
Is vegetation cleared away from the structure to avoid trapping moisture?					
<i>Exterior Walls</i>					
Are masonry walls in good condition to seal out moisture?					
Have walls been checked for cracking, spalling, and/or mortar loss?					
Is wood siding in good condition?					
Are walls free of stains or discoloration?					
Are paint and stucco finishes in good condition?					
Has foundation been checked for leaks?					
<i>Windows and Doors</i>					
Are window, doors, and frames rotted or corroded?					
Have windows and doors been checked for condensation damage?					
Are window panes intact?					
Are screens intact and in place?					
Do windows operate properly?					
Is glazing putty intact?					
Is caulking or weatherstripping around window frames intact?					
Are window/door sills angled properly to shed water?					

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	Condition				
Interior Conditions					
<i>Walls</i>					
Have walls been checked for cracks?					
Are walls free of water stains?					
<i>Ceilings</i>					
Have ceilings been checked for cracks?					
Are ceilings free of water stains?					
<i>Basement</i>					
Has basement been inspected for insect infestation?					
... rodents?					
... water penetration?					
<i>Flooring</i>					
Is flooring material intact?					
Are floor joists intact (check basement)?					
Has flooring been checked for water stains?					
<i>Ventilation</i>					
Is the building properly ventilated?					
Has the building interior been checked for condensation?					

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PRESERVATION AND MAINTENANCE GUIDELINES

Guideline 1: Building Site

When dealing with the building site, WFF's maintenance contractor should:

- Protect and maintain buildings and sites by providing proper drainage to ensure that water does not erode foundation walls, drain toward the building, or damage or erode the landscape;
- Minimize disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying or damaging important landscape features or archaeological resources;
- Survey and document areas where the terrain will be altered to determine the potential impact to important landscape features or archaeological resources;
- Protect (e.g., preserve in place) important archaeological resources;
- Plan and carry out any necessary investigation using professional archaeologists and modern archaeological methods when preservation in place is not feasible;
- Preserve important landscape features, including ongoing maintenance of historic plant material;
- Protect building and landscape features against arson and vandalism before preservation work begins;
- Provide continued protection of historic materials and plant features through appropriate cleaning, rust removal, limited paint removal, and re-application of protective coating systems, and pruning and vegetation management; and
- Evaluate the existing condition of materials and features to determine whether more than protection and maintenance are required; that is, if repairs to building and site features will be necessary.

Guideline 2: Removing Harmful Vegetation

When dealing with vegetation, WFF's maintenance contractor should:

- Regularly clear mulch build-up from the building's foundation;
- Keep vegetation away from the building walls and foundation;
- Avoid the use of chemicals that may stain or deteriorate building materials; and

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- Ensure that equipment does not damage historic buildings.

Guideline 3: Ventilating Buildings and Structures

When dealing with ventilation systems, WFF's maintenance contractor should:

- Use shutters, operable windows, porches, curtains, awnings, shade trees, and other historically appropriate non-mechanical features of historic buildings to reduce the heating and cooling loads;
- Retain or upgrade existing mechanical systems whenever possible. For example, reuse radiator systems with new boilers, upgrade ventilation within the building, and install proper thermostats or humidistats;
- Install insulation in attics and basements to improve the energy efficiency of existing buildings. Add insulation and vapor barriers to exterior walls only when it can be accomplished without further damage to the resource;
- In major spaces, retain decorative elements of the historic system whenever possible. This includes switch-plates, grilles, and radiators. Be creative in adapting these features to work within the new or upgraded system;
- Use space in existing chases, closets, or shafts for new distribution systems;
- Design climate control systems that are compatible with the architecture of the building; use hidden systems for formal spaces, more exposed systems may be possible in industrial or secondary spaces. In formal areas, avoid standard commercial registers and use custom slot registers or other less intrusive grilles;
- Size the system to work within the physical constraints of the building. Use multi-zoned smaller units in conjunction with existing vertical shafts, such as stacked closets, or consider locating equipment in vaults underground, if possible;
- Provide adequate ventilation to the mechanical rooms as well as to the entire building. Selectively install air intake grilles in less visible basement, attic, or rear areas;
- Maintain appropriate temperature and humidity levels to meet requirements without accelerating the deterioration of the historic building materials. Set up regular monitoring schedules;
- Design the system for maintenance access and future systems replacement;
- For highly significant buildings, install safety monitors and backup features, such as double pans, moisture detectors, lined chases, and battery packs to avoid or detect leaks and other damage from system failures;

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- Have a regular maintenance program to extend equipment life and to ensure proper performance; and
- Train staff to monitor the operation of equipment and to act knowledgeably in emergencies or breakdowns.

For more information, refer to the NPS document *Preservation Brief 24: Heating, Ventilating, and Cooling Historic Buildings: Problems and Recommended Approaches*.

Guideline 4: Gutters, Downspouts, and Flashing

When dealing with gutters, downspouts, and flashing, WFF's maintenance contractor should:

- Inspect the roof and drainage system during or shortly after a rainstorm so that clogged gutters, blocked downspouts, and wet walls can be detected easily;
- Examine cladding, flashing, skylights, ventilators, eaves, gutters, downspouts, and drains twice a year;
- Clear all rooftops, drains, gutters, and downspouts of any debris on a regular basis;
- Inspect drains at the bases of buildings to ensure that rainwater is channeled away from the foundation for a minimum of 10 to 13 feet to prevent moisture penetration;
- Ensure that new flashing materials are compatible with the existing roof; and
- Evaluate the existing condition of the gutters, downspouts, and flashing to determine whether more than protection and maintenance are required; that is, if replacement will be necessary.

Guideline 5: Concrete

When dealing with concrete, WFF's maintenance contractor should:

- Protect and maintain concrete by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features;
- Clean concrete only when necessary to halt deterioration or remove heavy soiling;
- Conduct concrete cleaning tests if cleaning is appropriate. Tests should be observed over a sufficient period of time to assess both the immediate and long-range effects of cleaning;

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- Clean concrete surfaces with the gentlest method possible, such as a low-pressure water rinse using a mild detergent applied with natural bristle brushes. Chemicals applied as a poultice may be necessary to remove tenacious stains without abrading surface texture or detail. After treatment, thoroughly rinse the surface of all residual chemicals;
- Not use a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures;
- Inspect painted concrete surfaces to determine whether repainting is necessary;
- Remove damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting;
- Apply compatible paint coating systems following proper surface preparation;
- Repaint with colors that are historically appropriate to the building and district;
- Repair masonry features by patching, piecing-in, or otherwise reinforcing the masonry using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment. Cut damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with, and match, the historic concrete;
- Identify finished surface texture, color, and coatings. Some walls bear the impression of wooden form boards used during construction. Any repairs made to surfaces with such impressions should reproduce the same finish to disguise the repaired area;
- Ensure the rainwater gutter systems and the joints along the perimeter of doors and windows, where a wood or metal frame is fitted into a concrete opening and moisture can infiltrate, are weather tight and/or functioning properly;
- Evaluate and treat the various causes of deterioration, such as leaking roofs or gutters, differential settlement of the building, capillary action (such as rising damp), or chloride contamination;
- Apply new or non-historic surface treatments such as water-repellent coatings to masonry only after repainting, and only if masonry repairs have failed to arrest water penetration problems; and
- Evaluate the existing condition of the concrete to determine whether more than protection and maintenance are required; that is, if repairs to masonry features will be necessary.

For more information, refer to the NPS documents *Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings* and

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Preservation Brief 15: Preservation of Historic Concrete: Problems and General Approaches.

Guideline 6: Stucco

When dealing with stucco, WFF's maintenance contractor should:

- Protect and maintain stucco by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features;.
- Clean stucco only when necessary to halt deterioration or remove heavy soiling;.
- Carry out stucco surface cleaning tests after it has been determined that such cleaning is appropriate. Tests should be observed over a sufficient period of time so that both the immediate and the long-range effects are known to enable selection of the gentlest method possible;
- Clean stucco surfaces with the gentlest method possible, such as low-pressure water and detergents, using natural bristle brushes;
- Repair stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture;
- Evaluate and treat the various causes of deterioration, such as leaking roofs or gutters, differential settlement of the building, capillary action (such as rising damp), or chloride contamination;
- Apply new or non-historic surface treatments such as water-repellent coatings to masonry only after repainting and only if masonry repairs have failed to arrest water penetration problems; and
- Evaluate the existing condition of the stucco to determine whether more than protection and maintenance are required; that is, if repairs to masonry features will be necessary.

For more information, refer to the NPS documents *Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings* and *Preservation Brief 22: The Preservation and Repair of Historic Stucco*.

Guideline 7: Metals

When dealing with metal, WFF's maintenance contractor should:

- Protect and maintain architectural metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved, decorative features;

APPENDIX IX

- Clean architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings;
- Identify the particular type of metal prior to any cleaning procedure and then test to ensure that the gentlest cleaning method possible is selected or to determine that cleaning is inappropriate for the particular metal;
- Clean soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods since their finishes can be easily abraded by blasting methods;
- Use the gentlest cleaning methods for cast iron, wrought iron and steel—hard metals—in order to remove paint buildup and corrosion. If hand scraping and wire brushing prove ineffective, low pressure grit blasting may be used as long as it does not abrade or damage the surface;
- Apply appropriate paint or other coating systems after cleaning to decrease the corrosion rate of metals or alloys;
- Repaint with colors that are appropriate to the historic building or district;
- Apply an appropriate protective coating, such as lacquer, to an architectural metal feature, such as a bronze door, which is subject to heavy pedestrian use; and
- Evaluate the existing condition of the architectural metals to determine whether more than protection and maintenance are required; that is, if repairs to features will be necessary.

Guideline 8: Metal Windows

When dealing with metal windows, WFF's maintenance contractor should:

- Identify, retain, and preserve the existing windows – and their functional and decorative features – that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs and moldings, and interior and exterior shutters and blinds;
- Protect and maintain the architectural metals that comprise the window frame, sash, muntins and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems;
- Make windows weather tight by re-caulking and replacing or installing weatherstripping. These actions also improve thermal efficiency; and
- Evaluate the existing condition of materials to determine whether more than protection and maintenance are required; that is, if repairs to windows and

APPENDIX IX

window features will be required. For more information, refer to NPS document *The Window Handbook: Successful Strategies for Rehabilitating Windows on Historic Buildings*, edited by Charles Fisher.

DRAWINGS

The Coast Guard Lifesaving Station:

Basement Plan [October, 9 1934]

Basement Plan [December 20, 1951]

First Floor Plan [December 20, 1951]

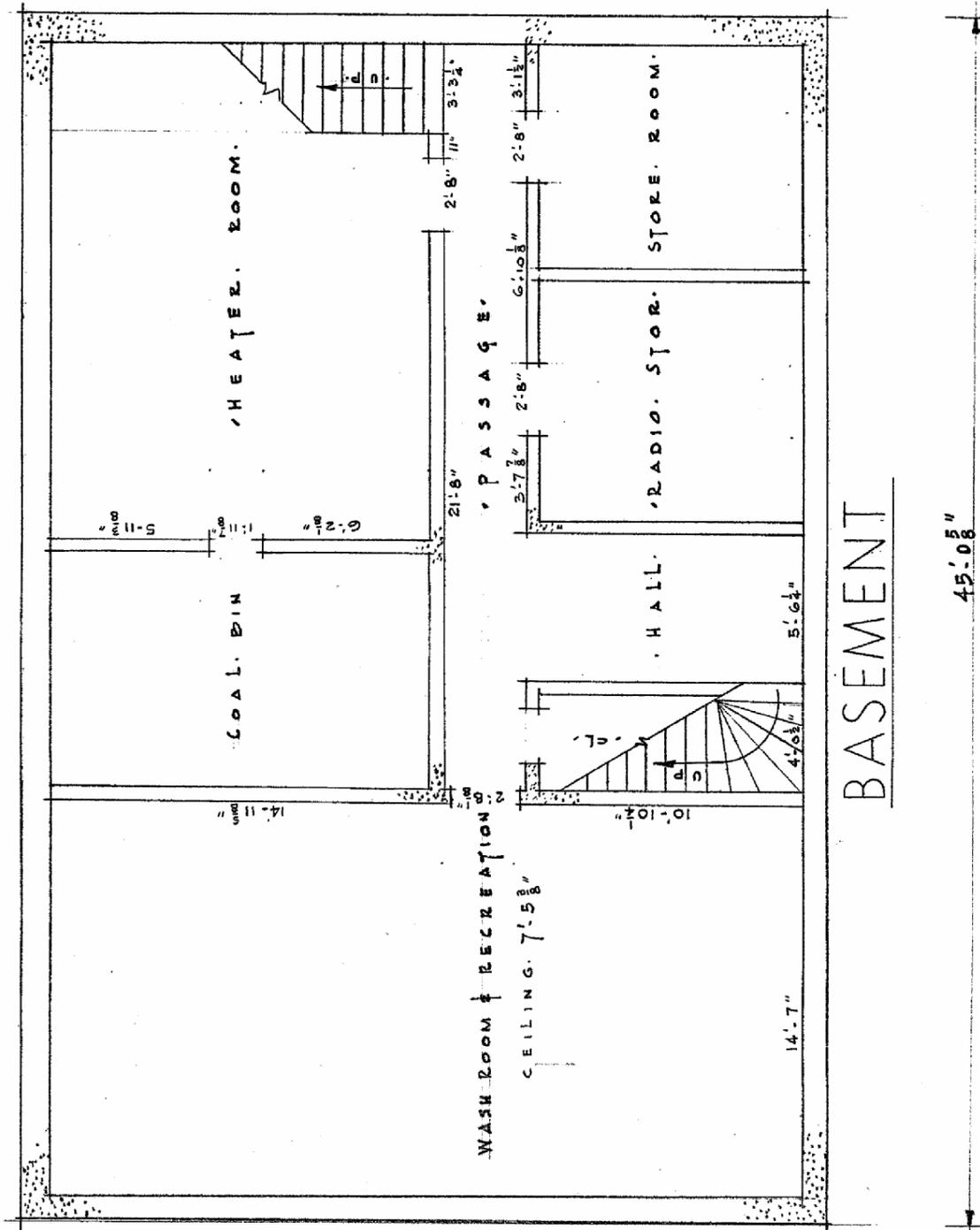
Second Floor Plan [December 20, 1951]

Attic Plan [September 20, 2005]

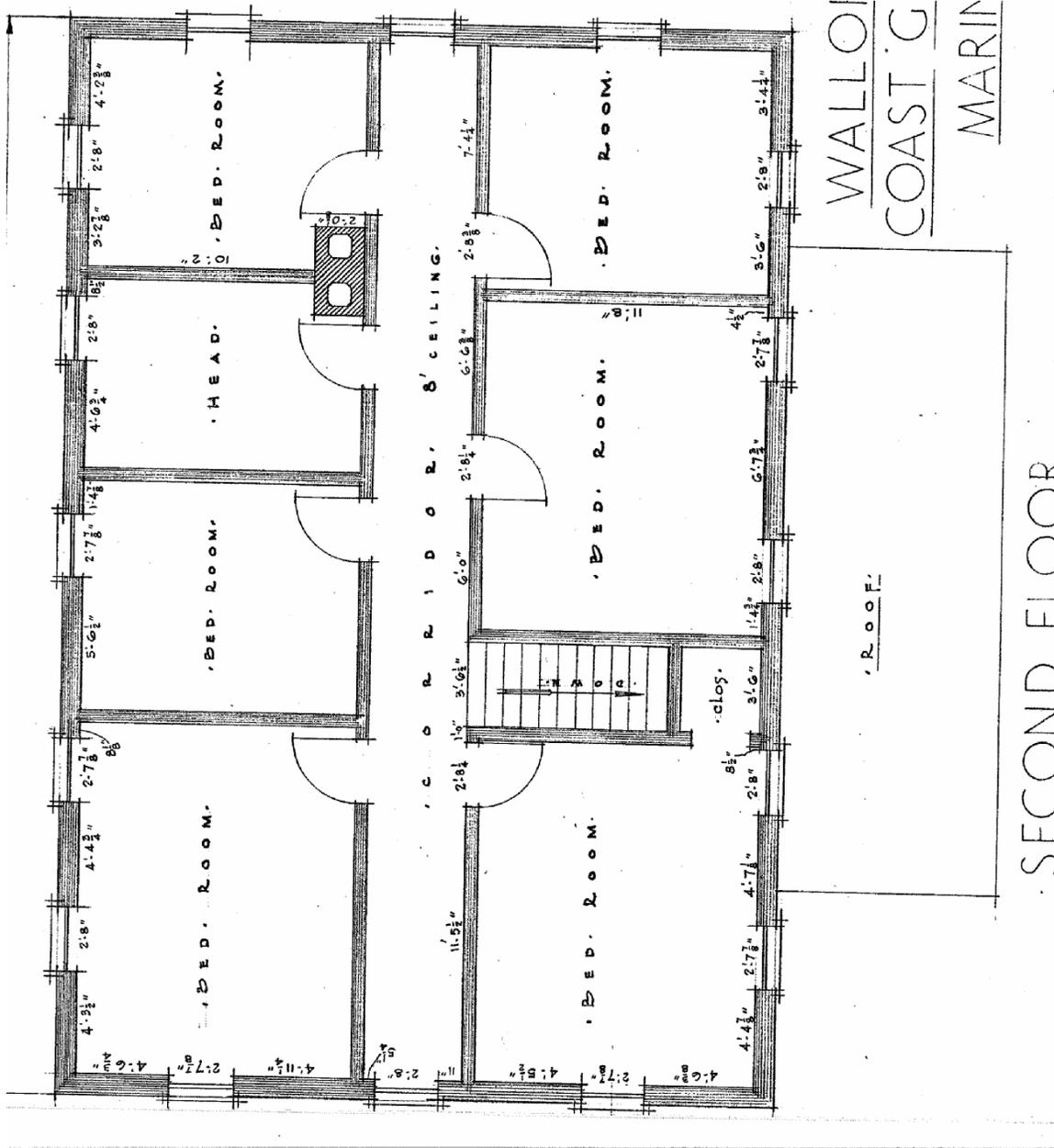
Observation Tower

**Steel Lookout Tower [ca. 1935, source National Archives,
College Park, MD microfiche]**

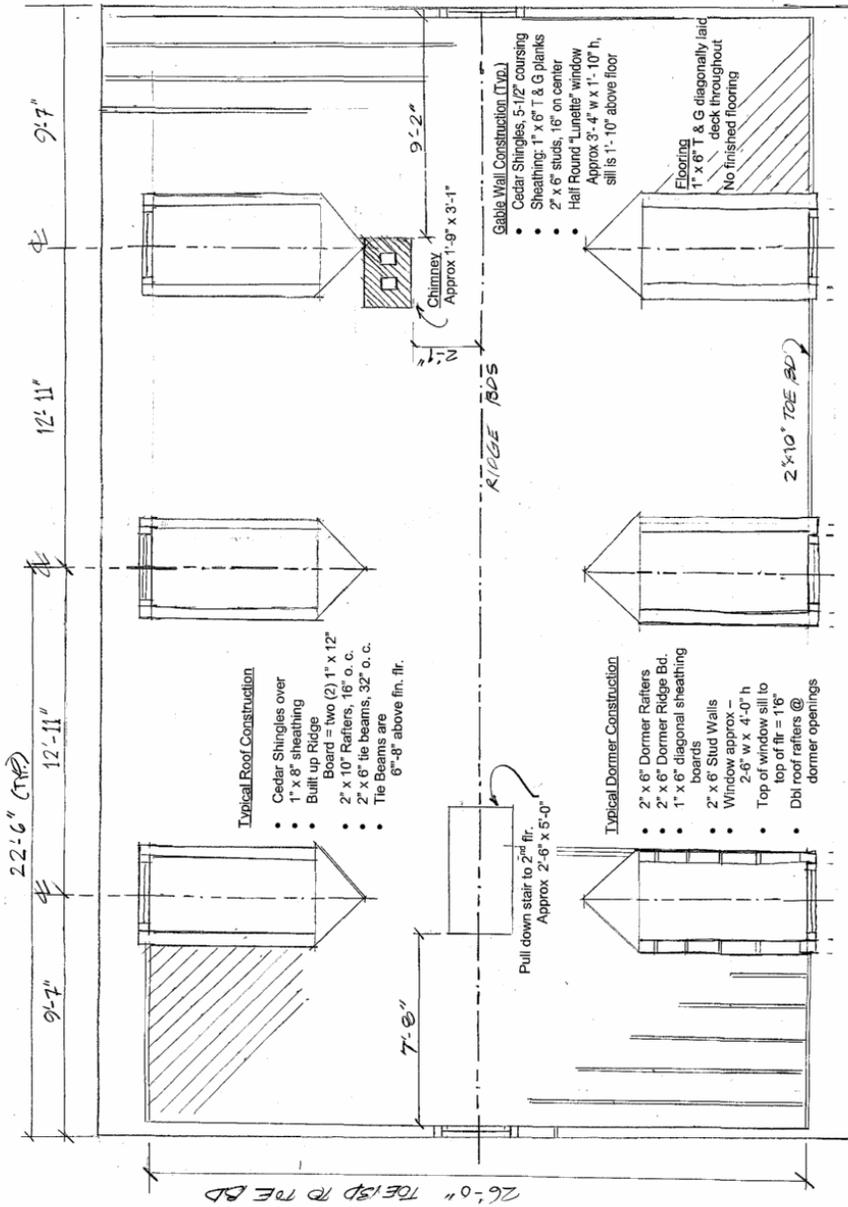
APPENDIX X



APPENDIX X



APPENDIX X



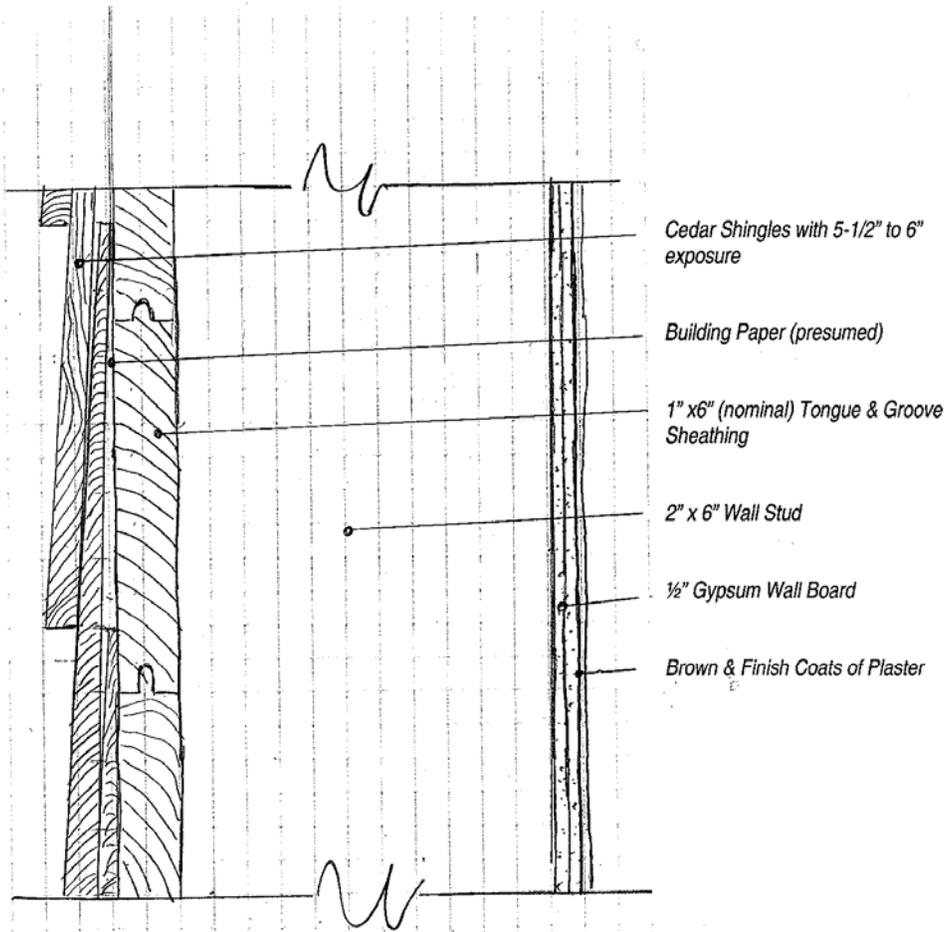
A T T I C P L A N

Scale = NTS

LIFESAVING STATION
Wallops Island, Virginia

Date: June 2005

APPENDIX X



EXTERIOR WALL SECTION DETAIL (typical)

Scale: 1/2" = 1'-0"

LIFESAVING STATION
Wallops Island, Virginia

Date: June 2005

APPENDIX XI

VDHR DSS FORMS FOR ARCHAEOLOGICAL SITES LOCATED ON WFF

DHR ID#: 44AC0089

City/County: Accomack
VDHR Site Number: 44AC0089
Site Name:
Temporary Designation:

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation
Indeterminate

Temporal Designation
Historic/Unknown

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Military/Defense

Example: Earthworks

Comments/Remarks:

Maybe from Revolutionary War or Civil War

Specialized Contexts:

USGS Quadrangle(s): CHINCOTEAGUE WEST

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres):

Boundary UTMs (for 10 acres or more):

Physiographic Province:

Drainage:

Landform: other

Aspect:

Elevation: Slope:

Site Soils:

Adjacent Soils:

Nearest Water Source:

Distance:

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: State: Zip:
Phone/Ext:

Notes:

Ownership type:

Gov't Agency: U.S. National Aeronautics & Space Administration

SITE CHARACTERISTICS

Site Dimensions: 300 feet by 100 feet Acreage:

Survey Strategy: Surface Testing

Site Condition: Site Condition Unknown

Survey Description:

Unknown depth. Poor collecting, briars l
undergrowth.

CURRENT LAND USE

CURRENT LAND USE #

Land Use: Dates of Use:
Example:
Comments/Remarks:

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Specimens Depository:

Assemblage Description:

Specimens Reported?

Assemblage description--reported:

Field Notes Reported? Depository:

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 1980/4/9

Cultural Resource Management Event: Survey: Indeterminate

Organization or Person

First

J. Mark

Last

Wittkofski

Id # Associated with Event:

CRM Event Notes or Comments:

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number:

Photographic Documentation?

Depository:

Type of Photos:

REPORTS, DEPOSITORY AND REFERENCES

Sequence #: 1

Report (s) ? Yes

Depository:

Reference for reports and publications:

Dr. Robert Krieger, Director NASA Wallops Is. has written about this earthworks as a Revolutionary War gun emplacement.

Sequence #: 2

Report (s) ? Yes

Depository: VDHR

Reference for reports and publications:

Archaeological Survey of the Atlantic Coast Shorelines Associated with Accomack County and Northampton County, Virginia
by Darrin L. Lowery
Survey and Planning Report Series No. 7
2003

VDHR Library Reference Number: 42

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0103

City/County: Accomack
VDHR Site Number: 44AC0103
Site Name:
Temporary Designation:

Other VDHR Number: 001-0155

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation
Indeterminate

Temporal Designation
18th Century

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Domestic

Example: Dwelling, single

Comments/Remarks:

Colonial house which was destroyed in 1952.

Sequence Number: 2

Category for thematic context:
Funerary

Example: Grave/burial

Comments/Remarks:

Specialized Contexts:

USGS Quadrangle(s): CHINCOTEAGUE WEST

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres):

Boundary UTMs (for 10 acres or more):

Physiographic Province:

Drainage:

Landform: other

Aspect:

Elevation: Slope:

Site Soils:

Adjacent Soils:

Nearest Water Source:

Distance:

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: State: Zip:
Phone/Ext:

Notes:

Ownership type:

Gov't Agency: U.S. National Aeronautics & Space Administration

SITE CHARACTERISTICS

Site Dimensions: feet by feet Acreage:

Survey Strategy: Informant

Site Condition: Unknown Portion of Site Destroyed

Survey Description:

Dr. Robert Krieger, Director NASA, 1
Wallops Station, reported a colonial 1
grave had been dug up during WW II 1
near the house site. It was then 1
covered over with concrete now part of 1
a runway.

CURRENT LAND USE

CURRENT LAND USE #

Land Use: Dates of Use:
Example:
Comments/Remarks:

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Specimens Depository:

Assemblage Description:

Specimens Reported?

Assemblage description--reported:

Field Notes Reported?

Depository:

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 1980/4 /9

Cultural Resource Management Event:

Survey: Indeterminate

Organization or Person

First

J. Mark

Last

Wittkofski

Id # Associated with Event: VHLC #01-155

CRM Event Notes or Comments:

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number: 1

Photographic Documentation? Yes

Depository:

Type of Photos:

REPORTS, DEPOSITORY AND REFERENCES

Sequence #: 1

Report (s) ? Yes

Depository:

Reference for reports and publications:

Whitelaw, "Virginia's Eastern Shore" p.1337-1339

VDHR Library Reference Number:

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0159

City/County: Accomack
VDHR Site Number: 44AC0159
Site Name:
Temporary Designation:

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation
Indeterminate

Temporal Designation
Indeterminate

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Domestic

Example: Shell midden

Comments/Remarks:

Shell pile

Specialized Contexts:

USGS Quadrangle(s): WALLOPS ISLAND

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres):

Boundary UTMs (for 10 acres or more):

Physiographic Province:

Drainage:

Landform: other

Aspect:

Elevation: Slope:

Site Soils:

Adjacent Soils:

Nearest Water Source:

Distance:

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: State: Zip:
Phone/Ext:

Notes:

Ownership type:

Gov't Agency:

SITE CHARACTERISTICS

Site Dimensions: 150 feet by 150 feet Acreage:

Survey Strategy: Surface Testing

Site Condition: Site Condition Unknown

Survey Description:

Site consists of a large mound of clam l and oyster shell about 3 feet high. No l artifacts were located.

CURRENT LAND USE

CURRENT LAND USE #

Land Use: Dates of Use:

Example:

Comments/Remarks:

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Specimens Depository:

Assemblage Description:

Specimens Reported?

Assemblage description--reported:

Field Notes Reported? Depository:

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 1980/4 /9

Cultural Resource Management Event: Survey: Indeterminate

Organization or Person

First

J. Mark

Last

Wittkofski

Id # Associated with Event:

CRM Event Notes or Comments:

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number:

Photographic Documentation?

Depository:

Type of Photos:

REPORTS, DEPOSITORY AND REFERENCES

Sequence #:

Report (s) ?

Depository:

Reference for reports and publications:

VDHR Library Reference Number:

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0405

City/County: Accomack
VDHR Site Number: 44AC0405
Site Name:
Temporary Designation:

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation
Indeterminate

Temporal Designation
20th Century: 1st half

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Indeterminate

Example:
Comments/Remarks:

Specialized Contexts:

USGS Quadrangle(s): CHINCOTEAGUE WEST

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres):

Boundary UTMs (for 10 acres or more):

Physiographic Province:

Drainage:

Landform: other

Aspect:

Elevation: Slope:

Site Soils:

Adjacent Soils:

Nearest Water Source:

Distance:

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: State: Zip:
Phone/Ext:

Notes:

Ownership type:

Gov't Agency: U.S. Department of Navy

SITE CHARACTERISTICS

Site Dimensions: 131 feet by 197 feet Acreage:

Survey Strategy: Surface Testing

Site Condition: Site Condition Unknown

Survey Description:

Pedestrian transects walked at 10 meter intervals historic artifact scatter easily discernable in 1-3 inch high winter rye crop artifacts collected by transect # within site limits.

CURRENT LAND USE

CURRENT LAND USE #

Land Use: Dates of Use:
Example:
Comments/Remarks:

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained?

Specimens Depository:

Assemblage Description:

Domestic stoneware crock sherds with Albany and Bristol slips 1
yellowware bowl fragments, early 20th c., milk glass canning 1
jar lid liners, brick, oyster shell, window glass jar and 1
bottle fragments, most post 1910 plain whiteware, some 1
ironstone, decal dec porcelain (Sears)

Specimens Reported?

Assemblage description--reported:

Field Notes Reported?

Depository:

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 1990/2 /14

Cultural Resource Management Event: Phase I Survey

Organization or Person

First

Last

Greenhorne & O'Mara-Dinnel

Id # Associated with Event:

CRM Event Notes or Comments:

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number: 1

Photographic Documentation? Yes

Depository:

Type of Photos: Slides

REPORTS, DEPOSITORY AND REFERENCES

Sequence #:

Report (s) ?

Depository:

Reference for reports and publications:

VDHR Library Reference Number:

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0437

City/County: Accomack
VDHR Site Number: 44AC0437
Site Name:
Temporary Designation:

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation

Indeterminate
Indeterminate

Temporal Designation

18th Century
19th Century

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:

Indeterminate

Example:

Comments/Remarks:

Specialized Contexts:

USGS Quadrangle(s): CHINCOTEAGUE WEST

Loran:

Restrict UTM Data?

Center UTM (for less than 10 acres):

Boundary UTMs (for 10 acres or more):

Physiographic Province:

Drainage:

Landform: other

Aspect:

Elevation: Slope:

Site Soils:

Adjacent Soils:

Nearest Water Source:

Distance:

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: State: Zip:
Phone/Ext:

Notes:

Ownership type:

Gov't Agency:

SITE CHARACTERISTICS

Site Dimensions: feet by feet Acreage:

Survey Strategy: Subsurface Testing

Site Condition: Unknown Portion of Site Destroyed

Survey Description:

Surveyed by shovel test pits. Site is 1 highly disturbed by sand 1 quarrying. Artifacts were scarce.

CURRENT LAND USE

CURRENT LAND USE #

Land Use: Dates of Use:

Example:

Comments/Remarks:

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Specimens Depository:

Assemblage Description:

Brick fragments, oyster and clam shells, red bosied 1 earthenware, English flint

Specimens Reported?

Assemblage description--reported:

Field Notes Reported?

Depository:

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 1991/12/12

Cultural Resource Management Event:

Phase I Survey

Organization or Person

First

Edward

Last

Otter

Id # Associated with Event:

CRM Event Notes or Comments:

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number: 1

Photographic Documentation? Yes

Depository: Wallops Flight Facility

Type of Photos:

REPORTS, DEPOSITORY AND REFERENCES

Sequence #: 1

Report (s) ? Yes

Depository:

Reference for reports and publications:

Phase I Archaeological Survey for Property Rights 1
Acquisition of the Fish and Tull Properties West of Runway 1
10/28 Wallops Flight Facility Accomac County, Virginia. by 1
Edward Otter October 1991

VDHR Library Reference Number:

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0459

City/County: Accomack
VDHR Site Number: 44AC0459
Site Name: Historic
Temporary Designation: CG1

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation

Temporal Designation

19th Century: 4th quarter
20th Century

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Military/Defense

Example: Other

Comments/Remarks:

The site is associated with use of the area by the US Coast Guard in the late 19th and early 20th century, as well as more recent use by NASA.

Specialized Contexts:

USGS Quadrangle(s): CHINCOTEAGUE WEST

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres): 18/4192030/460960

Boundary UTM (for 10 acres or more):

Physiographic Province: Coastal Plain
Drainage: Atlantic Ocean
Landform: dune, relict
Aspect: Flat
Elevation: 5.00 Slope: 0-2%
Site Soils: Sand
Adjacent Soils: Sand
Nearest Water Source: Sloop Gut
Distance: 656

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: State: Zip:
Phone/Ext:

Notes:

Ownership type: Public - Federal

Gov't Agency: U.S. National Aeronautics & Space Administration

SITE CHARACTERISTICS

Site Dimensions: 246 feet by 148 feet Acreage: 0.80

Survey Strategy: Historic Map Projection
Observation
Subsurface Testing

Site Condition: Surface Deposits Present And With Subsurface Integrity

Survey Description:

The Phase I field investigation included manual excavation of shovel test pits (STPs). STPs were excavated at a 15-meter (m) interval across the project area in order to identify artifact concentrations and, as necessary, define sites. Pedestrian reconnaissance was conducted within the entire project area.

STPs were approximately 40 centimeters (cm) in diameter and excavated in stratigraphic layers to a depth of 20 centimeters into subsoil. All soil from STPs was screened through ¼-inch hardware cloth for maximum artifact recovery. Artifacts from STPs were collected by provenience. All field data was recorded on standard field forms and in general field notes. A site map depicting location of STPs, above-ground features, and areas of disturbance was prepared. Photographs were taken to document field conditions.

CURRENT LAND USE

CURRENT LAND USE # 1

Land Use: Transportation/Communication Dates of Use: 2004/03/18
Example: Lawn
Comments/Remarks:
Current land use is open grassy field.

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Yes Specimens Depository: URS Corporation Laboratory pending 1. Client's decision, 2. VDHR submittal

Assemblage Description:

The assemblage contains 291 artifacts, including: 1 cut nail, 13 nails, 1 brick fragment, 1 glass jar finish, 6 glass fragments, 1 redware fragment, 1 Albany slip stoneware fragment, 1 scratch blue white salt glazed stoneware fragment, 1 whiteware fragment, 28 clam shell fragments, 199 oyster shell fragments, 35 turtle shell fragments, and 3 coal fragments.

Specimens Reported?

Assemblage description--reported:

Field Notes Reported? Yes

Depository: VDHR

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 2004/03/18

Cultural Resource Management Event: Phase I Survey

Organization or Person

First

URS

Last

Group, Inc.

Id # Associated with Event:

CRM Event Notes or Comments:

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number:

Photographic Documentation?

Depository:

Type of Photos:

REPORTS, DEPOSITORY AND REFERENCES

Sequence #: 1

Report (s) ? Yes

Depository: VDHR

Reference for reports and publications:

Phase I Archaeological Survey of the DD(x) Wetlands Mitigation Project, Wallops Flight Facility, Wallops Island, Accomack County, Virginia. URS & EG&G, 2004. Prepared for NASA Wallops Flight Facility.

VDHR Library Reference Number:

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0556

City/County: Accomack
VDHR Site Number: 44AC0556
Site Name: NOAA Wallops 1
Temporary Designation: NOAA

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation
Indeterminate
Native American

Temporal Designation
19th Century
Late Woodland

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Funerary

Example: Grave/burial

Comments/Remarks:

single grave, unexpected discovery

Sequence Number: 2

Category for thematic context:
Domestic

Example: Trash pit

Comments/Remarks:

shell pit, small amount of Townsend pottery and animal bone

Specialized Contexts:

USGS Quadrangle(s): CHINCOTEAGUE WEST

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres): 18/4199992/459749

Boundary UTM (for 10 acres or more):

Physiographic Province: Coastal Plain
Drainage: Atlantic Ocean
Landform: dune, relict
Aspect: Flat
Elevation: 38.00 Slope: 0-2%
Site Soils: Molena loamy sand
Adjacent Soils: Magotha fine sandy loam
Nearest Water Source: mosquito creek
Distance: 400

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First:
Last:
Suffix:
Title:
Company/Agency:

Address:

City: _____ **State:** _____ **Zip:** _____
Phone/Ext: _____

Notes:

Ownership type: Public - Federal

Gov't Agency: U.S. National Aeronautics & Space Administration

SITE CHARACTERISTICS

Site Dimensions: 220 feet by 220 feet **Acreage:** 1.00

Survey Strategy: Observation

Site Condition: Unknown Portion of Site Destroyed

Survey Description:

unexpected discovery, 19th century burial, found in sewer excavation; Late Woodland pits, found in construction monitoring

CURRENT LAND USE

CURRENT LAND USE # 1

Land Use: Government/Law/Political

Dates of Use: 2005/07/09

Example: Airport

Comments/Remarks:

NOAA satellite positioning radar array, adjacent to runway

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Yes **Specimens Depository:** potentially Smithsonian; potentially Fort Lee

Assemblage Description:

human remains, re-burial preferred
c. 1 dozen small Townsend sherds; small amount of broken animal bone; shell sample

Specimens Reported? No

Assemblage description--reported:

Field Notes Reported? Yes

Depository: NOAA Wallops; copy to go with artifacts

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 2005/07/09

Cultural Resource Management Event: Reconnaissance Survey

Organization or Person

First

Timothy Thompson

Last

Norfolk District, USACE

Id # Associated with Event: 2005-0900

CRM Event Notes or Comments:

Unexpected discovery of human remains; and construction monitoring of the grading for a parking lot.

Butial salvaged; grading for adjacent parking lot monitored

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number: 1

Photographic Documentation?

Depository: NOAA Wallops

Type of Photos: digital

REPORTS, DEPOSITORY AND REFERENCES

Sequence #: 1

Report (s) ? Yes

Depository: NOAA

Reference for reports and publications:

in preparation: Archaeological Investigations at the NOAA Facility, Wallops Island, Virginia (tentative)

VDHR Library Reference Number:

1 RECORD(S) IN THIS REPORT

DHR ID#: 44AC0558

City/County: Accomack
VDHR Site Number: 44AC0558
Site Name:
Temporary Designation: 44WFF01

Other VDHR Number:

CULTURAL/TEMPORAL AFFILIATION

Cultural Designation

Indeterminate
Native American
Native American

Temporal Designation

Historic/Unknown
Middle Archaic
Woodland

Site Class: Terrestrial, open air

THEMATIC CONTEXTS/SITE FUNCTIONS

Sequence Number: 1

Category for thematic context:
Domestic

Example: Camp

Comments/Remarks:

Specialized Contexts:

USGS Quadrangle(s): BLOXOM

Loran: Restrict UTM Data?

Center UTM (for less than 10 acres): 18/4190261/455223

Boundary UTM (for 10 acres or more):

Physiographic Province: Coastal Plain
Drainage: Atlantic Ocean
Landform: terrace, low marine
Aspect: Facing northeast
Elevation: 6.00 Slope: 0-2%
Site Soils: Nimmo Sandy Loam, 0 - 2% slopes
Adjacent Soils: Bojac Loamy Sand, 2 - 6% slopes
Nearest Water Source: Hog Creek
Distance: 10

INDIVIDUAL/ORGANIZATION/AGENCY INFORMATION

Individual Category Codes:

Honorif:
First: Unknown
Last: Unknown
Suffix:
Title:
Company/Agency: NASA Wallops Flight Facility

Address:

City: Wallops Island **State:** Virginia **Zip:** 23337
Phone/Ext: 000-000-0000
000-000-0000

Notes:

Ownership type: Public - Federal

Gov't Agency: U.S. National Aeronautics & Space Administration

SITE CHARACTERISTICS

Site Dimensions: feet by feet **Acreage:** 0.50

Survey Strategy: Subsurface Testing

Site Condition: Site Condition Unknown

Survey Description:

Site was partially excavated by the Eastern Shore Archaeological Society (ESAS) in 1996. Three test units were excavated; site size and field methods are unknown. A one-paragraph summary was written by the ESAS president describing the work, but no formal report is available.

CURRENT LAND USE

CURRENT LAND USE # 1

Land Use: Government/Law/Political

Dates of Use: 2006/99/99

Example: Other

Comments/Remarks:

NASA research facility since 1942

SPECIMENS, FIELDNOTES, DEPOSITORIES

Specimens Obtained? Yes **Specimens Depository:** Unknown

Assemblage Description:

According to ESAS summary: one broken projectile point, flint chips, quartz chips, possible prehistoric pottery, animal bone, and brick.

Specimens Reported? No

Assemblage description--reported:

Field Notes Reported?

Depository:

CULTURAL RESOURCE MANAGEMENT EVENTS

Date: 2006/10/99

Cultural Resource Management Event: other

Organization or Person

First

URS

Last

Corporation

Id # Associated with Event:

CRM Event Notes or Comments:

Integrated Cultural Resources Management Plan; site documented with VDHR as part of Section 110 activities associated with Wallops Flight Facility.

PHOTOGRAPHIC DOCUMENTATION AND DEPOSITORY

Sequence Number:

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GLOSSARY OF TERMS

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ACHP	Advisory Council on Historic Preservation – an independent Federal regulatory commission that establishes standards for, and oversees, Federal compliance with historic preservation laws
AHPA	American Indians Religious Freedom Act
APE	Area of Potential Effect
ARPA	Archaeological Resource Protection Act of 1979
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 preservation remains are deposited.
Cultural affiliation	A relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group
Cultural items	Human remains and <ul style="list-style-type: none">(A) “associated funerary objects” which shall mean objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual remains either at the time of death or later, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects;(B) “unassociated funerary objects” which shall mean objects that, as 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;(C) “sacred objects” which shall mean specific ceremonial objects which are needed by traditional Native American religions by their present day adherents; and(D) “cultural patrimony” which shall mean an object having 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.
Cultural objects	As defined by NAGRPA, these items have “historical, traditional, or cultural importance” to Native American groups or cultures, and may include human remains, funerary or sacred objects, and objects of “cultural patrimony.”
Cultural resources	The historically important components at an installation. These can include archaeological sites, historic buildings, historical records, Native American sacred and cultural areas, and historic landscapes

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EA	Environmental Assessment
EIS	Environmental Impact Statement
Federal agency	Any department, agency, or instrumentality of the United States
Federal lands	Any land other than tribal lands, which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.
FHPO	NASA Center and Facility Historic Preservation Officer
FPO	NASA's Federal Preservation Officer. A designated official responsible for overseeing NASA's compliance with preservation laws.
GSFC	Goddard Space Flight Center
HABS	Historic American Buildings Survey
HAER	Historic American Engineering Record
Historic property	Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and materials remains related to such a property or resource.
ICRMP	Integrated Cultural Resource Management Plan
Indian tribe (or tribe)	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.
Local government	A city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State
MOA	Memorandum of Agreement – a written agreement between a Federal agency, the SHPO, and the ACHP defining how the agency will take into account and mitigate the effects of a project on affected historic properties
NACA	National Advisory Committee on Aeronautics
NAGRPA	Native American Graves Protection and Repatriation Act of 1990
NASA	National Aeronautics and Space Administration

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National Register	The National Register of Historic Places established under Section 101 of the NHPA, a nationwide inventory of significant properties (prehistoric and history) worthy of preservation.
NHPA	National Historic Preservation Act of 1966, as amended
NPS	National Park Service
NRHP	National Register of Historic Places
PA	Programmatic Agreement – an agreement between a Federal agency and one or more regulatory agencies that can be used to reduce the number of cultural resource reviews by determining in advance the appropriate treatment for historic properties that may be affected by recurrent or routine installation activities.
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
Projectile Point	Any stone tool used as a projectile; includes tools such as spear or dart points, and arrows
Section 106	The process by which WFF coordinated with oversight agencies, usually the SHPO and/or ACHP, the course of action that is required for compliance with the NHPA.
SHPO	State Historic Preservation Office – an agency of an individual state that has been designated by the ACHP to oversee historic preservation compliance activities within their state. The SHPO for Virginia is the VDHR.
Undertaking	a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including: <ul style="list-style-type: none">(A) those carried out by or on behalf of the agency;(B) those carried out with Federal financial assistance;(C) those requiring a Federal permit, license, or approval; or(D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.
USCG	United State Coast Guard
VDHR	Virginia Department of Historic Resources
WFF	Wallops Flight Facility

QUALIFICATIONS OF INVESTIGATORS

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Emlen Myers, Ph.D.

Ph.D., Anthropology
Binghamton University,
New York, 1984

MA, Anthropology
Binghamton University,
New York, 1979

BA, Anthropology
University of Michigan, 1975

Dr. Myers specializes in archaeology and has 29 years of professional experience. As the Manager of the URS Cultural Resource Group, he has primary responsibility for directing compliance studies for client projects in the US and internationally. Dr. Myers has played a principal role in over fifty compliance projects for US, State, and Local Governments, and for local and international commercial clients.

Mark Edwards

MS, Historic Preservation
Columbia University Graduate School of Architecture and Planning, 1976

BA, History
Lafayette College, 1974

Mr. Edwards has over 29 years of experience in historic and architectural studies and environmental compliance procedures including historic building and structure analyses and interpretation. His expertise includes programmatic involvement in major historic building restoration programs; direction of preservation planning and emergency response programs at the federal, state, or local level; formulation of tailored stewardship programs for historic property facility managers; development of heritage tourism strategies; and direction of economic benefits, historic preservation, and economic development studies.

Phillip Neuberg, AIA

MA, Architectural History
Certificate in Historic Preservation
University of Virginia, 1981

BA, Architectural Sciences
University of Illinois, 1978

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Mr. Neuberg has more than 20 years of experience in the architectural field. He has been responsible for providing and managing complete professional services from schematic and pre-design through construction documents, bidding, and construction administration. With extensive expertise in historic preservation, Mr. Neuberg has produced several condition surveys to document deterioration and extant historic fabrics.

Kathleen Furgerson

Masters Degree Candidate
University of Leicester, England, 2007

BA, Anthropology
University of Connecticut, 1986

Ms. Furgerson has more than 20 years of experience in cultural resources management and archaeological research in the Mid-Atlantic, Northeast, and Southeast regions of the United States. Mr. Furgerson has experience in management and field direction of all phases of archaeological investigations and project management. She has directed reconnaissance, intensive surveys, and data recovery investigations on prehistoric and historic sites.

Kristin Leahy

MA, Public History
Certificate in Historic Preservation
University of Massachusetts, 2004

BA, History
University of Delaware, 2002

Ms. Leahy has worked with several museums, preservation, and Federal agencies throughout the Northeast and Mid-Atlantic. She has extensive experience in Section 106 compliance, report writing, exhibition development, project management, collections care, museum practice, and public outreach and education programming.

Note: All investigators meet the Secretary of the Interior's Professional Standards (36 CFR Part 61) in their respective disciplines.