WIN

THE CHALLENGE OF NHPA

N National **H** Historic **P** Preservation **A** Act

GOT PROPERTIES?

Your installation will be undertaking a lot of construction and renovation in the next few years to respond to Base Realignment and Closure (BRAC) and Transformation. How you choose to address your compliance requirements for historic properties *(buildings or sites included in, or eligible for, the National Register of Historic Places)* can determine if your projects get done within their timeframe and budget . . . or not.

Rules

The National Historic Preservation Act (NHPA) requires the Army to consider the effects of projects on historic properties. Examples of projects include construction, renovation, training, ground disturbance, or any project that involves Federal funds.

If historic properties will be harmed, installations have to complete mitigation actions.

While outcomes are not dictated, the NHPA process must be followed for every project that occurs on the installation.

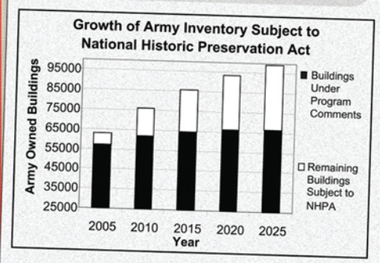
Object of Game: complete needed projects, in compliance with NHPA, in the least number of moves. Bonus points for cost efficiencies!

Things to keep in mind:

The Army has 130,000 historic properties (buildings and archeological sites).

This number will increase by 30,000-40,000 over next 20 years, which will also increase installation compliance responsibilities.

Growth of Army Inventory Subject to National Historic Preservation Act



You have chosen:

STANDARD PROCESS

Installations conduct project-by-project historic preservation compliance in accordance with Title 36, Code of Federal Regulations, Section 800. Each project can include lengthy consultation with stakeholders to evaluate properties and mitigate adverse effects.

STAKEHOLDERS

Installations are legally required to solicit the views of stakeholders, and consult with them to identify and address adverse effects to historic properties. Stakeholders may possess special knowledge about the properties, such as tribal properties of traditional religious and cultural importance.

TRIBES

State Historic Preservation Offices

SHPO

PUBLIC

ACHP — Advisory Council on Historic Preservation

Determine Adverse Effect – SPIN

Notify ACHP of Adverse Effect

Consult To Determine Mitigation - SPIN

Write Memorandum of Agreement or Programmatic Agreement to Resolve Adverse Effect

Prepare Documentation/Data Recovery Of Historic Property

Evaluate Eligibility Of Properties – SPIN

REQUEST OPINION from Regulatory Authority

DISAGREE Terminate Consultation

PROCEED

RECONSULT with Stakeholders

IDENTIFY PROJECT

IDENTIFY CONSULTING PARTIES

INVENTORY FOR HISTORIC PROPERTIES

If Property is covered by Program Comment - ADVANCE TO FINISH!

Standard Mitigation
Standard mitigation practices include excavation, historic contexts, and Historic American Building Survey/Historic American Engineering Record (HABS/HAER) documentation.

Standard Mitigation
WRITE HISTORIC CONTEXT

Standard Mitigation
DATA RECOVERY OF ARCHAEOLOGICAL SITE

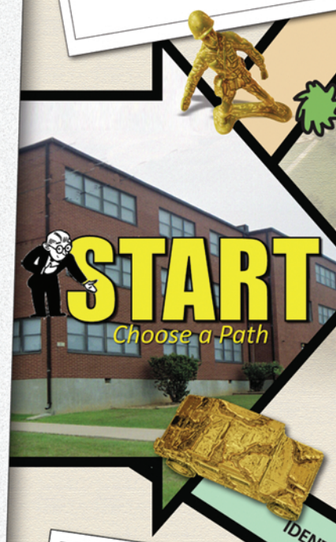
Standard Mitigation
DOCUMENTATION OF HISTORIC BUILDINGS

PROGRAM COMMENTS

Program Comments fulfill NHPA compliance Army-wide for four types of properties: Capehart-Wherry housing, Cold War Unaccompanied Personnel Housing, WWII and Cold War ammo storage, and WWII and Cold War ammo production and Plants. Installations do not have to consult on or mitigate these properties and can proceed with projects.

EXEMPTED UNDERTAKING

The Army Alternate Procedures includes several categories of actions which are exempted from NHPA compliance, including undertakings in existing surface danger zones, and in-place disposal of unexploded ordnance. Installations can develop additional exclusions in consultation with stakeholders.



IDENTIFY PROJECT

If Project is an Exempted Undertaking – ADVANCE DIRECTLY TO FINISH.

You have chosen:

ARMY ALTERNATE PROCEDURES

Installations construct Standard Operating Procedures in consultation with stakeholders (such as the State Historic Preservation Office and tribes) and then operate under the SOPs for five years, completing all NHPA compliance in-house, without project-specific consultation.

Inventory & Evaluate Properties In-House

If Property is covered by Program Comment–ADVANCE TO FINISH!

Mitigate Adverse Effects

Use Innovative Mitigation To Stretch Funding

Innovative Mitigation
IMPLEMENT OFF-SITE MITIGATION

Innovative Mitigation
PRODUCE ORAL HISTORY

Innovative Mitigation
DEVELOP PUBLIC INFORMATION

Innovative Mitigation
A new way of thinking about historic property mitigation on an installation- or region-wide scale, focusing on the most significant properties and projects beneficial to the public rather than typical recordation and data recovery.

For more information, visit the USAEC Cultural Resources Web site at: *aec.army.mil/usaec/cultural/index.html* or call the Environmental Quality Division at **410-436-1200.**