



DEPARTMENT OF THE ARMY
JOINT BASE MYER – HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

REPLY TO
ATTENTION OF

IMMH-EM

2 Dec 13

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Joint Base Myer-Henderson Hall (JBM-HH) Policy Memorandum EM-4, National Historic Preservation Act

1. REFERENCES.

- a. National Historic Preservation Act of 1966, as amended through 2006.
- b. 36 CFR Part 800, Protection of Historic Properties, incorporating August 2004 amendments.

2. PURPOSE. This memorandum aims to increase awareness of and establish procedures for compliance with the National Historic Preservation Act (NHPA) and its implementing regulation, 36 CFR Part 800.

3. APPLICABILITY. This policy is applicable to all federal or federally-assisted undertakings occurring at Fort Myer, Fort McNair and Henderson Hall, pursuant to the NHPA and implementing regulation 36 CFR Part 800. The provisions of the NHPA address federal agency responsibilities when their activities involve historic properties or properties eligible for the National Register of Historic Places (NRHP). In particular, Section 106 of the NHPA requires that federal agencies, prior to approval of an undertaking, take into account the effects of the undertaking upon historic properties or NRHP-eligible properties.

4. POLICY. The spirit and direction of the nation are founded upon and reflected in its historic heritage. Therefore, all federal undertakings at Fort Myer, Fort McNair and Henderson Hall shall comply with the NHPA, sections 106 and 110.

5. PROCEDURES. For all undertakings at Fort Myer, Fort McNair and Henderson Hall, compliance with federal regulations that are found in the National Historic Preservation Act, specifically Section 106, and the implementing regulations, 36 CFR Part 800, Protecting of Historic Properties, is required. The procedures for complying with the Section 106 regulations are enclosed.

6. PROPONENT. The proponent and POC is the Directorate of Environmental Management, (703) 696-8055.

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Procedures for Complying with the National Historic Preservation Act, Sections 106 and 110

1. As stated in 36 CFR Part 800.1 Purposes, project proponents shall ensure that the Section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.
2. All Federal undertakings shall be subject to Section 106 regulations pursuant to NHPA. The process includes: identifying the undertaking, identifying whether the undertaking will affect a historic property, and avoiding, minimizing or mitigating the effect of the federal undertaking upon the historic property.
3. As stated in 36 CFR Part 800.1 Purposes, the Section 106 process seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation among the agency official and other parties. Section 106 consultations will be conducted by the Environmental Directorate.
4. Fort Myer has a National Historic Landmark (NHL) district and a NHL site, per 36 CFR 800.10 Special Requirements for protecting NHLs states that section 110(f) of the [NHPA] act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking.
5. To assist in meeting its Section 110 responsibilities and to streamline the Section 106 process, the Environmental Directorate will produce a list of properties at Fort Myer, Fort McNair and Henderson Hall that are listed on the NRHP or identified as eligible for the NRHP. Project proponents shall be responsible for maintaining a current property list.
6. All federal undertakings are subject to Section 106 compliance until it is determined that no historic properties are affected. Under 36 CFR 800.4 Identification of Historic Properties, the Environmental Directorate will identify whether historic properties will be affected by the undertaking by reviewing existing information on historic properties as well as seeking information from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area of potential effect.
7. If a federal undertaking is subject to Section 106 regulations, the following steps shall be followed:
 - a. Beginning at the project planning phase, project proponent shall find solutions that will avoid or minimize the effects of the federal undertaking upon historic properties in order to obtain a Section 106 determination of no adverse effect (see 36 CFR Part 800.5 (1) & (2) Assessment of Adverse Effects).
 - b. Project proponents shall comply with Section 106 submission requirements as established by the Environmental Directorate which will consist of an information package that includes: 1) photographs, 2) a project description and 3) architectural drawings such as plans and/or

elevations. The Environmental Directorate will submit an initiation letter, the materials and a map showing the area of potential effect (APE) to Virginia State Historic Preservation Office (VA SHPO) or Washington DC Historic Preservation Office (DC HPO) as appropriate. Following submission, the VA SHPO or the DC HPO will have 30 days from receipt of the initiation letter to concur with the determination of effect of the undertaking on historic properties or will provide comments to continue the Section 106 consultation. The Environmental Directorate will conduct the consultation.

c. For federal undertakings where no historic properties are affected or there are no significant changes to historic properties, the Section 106 initiation letter may include a concurrence signature line for a determination of no effect or no adverse effect, respectively. If the VA SHPO or DC HPO concurs with the JBM-HH determination of no effect or no adverse effect, the Environmental Directorate will notify the project proponent in writing that the Section 106 process is complete.

d. When the VA SHPO or DC HPO continues the Section 106 consultation by requesting additional information, the project proponent shall provide additional drawings or information as requested by the state agency to the Environmental Directorate so that the cultural resources manager may continue the consultation with the state office.

e. The Section 106 process must be complete prior to final submission to the US Commission of Fine Arts and the National Capital Planning Commission.

f. Pursuant to 36 CFR 800.6 Resolution of Adverse Effects, the Environmental Directorate will consult with the DC HPO or the VA SHPO to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.

g. When all alternatives to avoid or minimize the adverse effect have been considered, and it is determined that the adverse effect cannot be avoided or minimized, the project proponent shall demonstrate there is no less invasive alternative and that the proposed course of action is the only feasible solution to accomplish the project goals and objectives. If the undertaking's adverse effect moves to mitigation, the project proponent shall provide mitigation measures to the Environmental Directorate for the cultural resources manager to forward to the state office as part of the consultation.

h. Following an agreement between consulting parties on how the undertaking's adverse effects will be resolved, the Environmental Directorate will record the mitigation measures as stipulations in a written agreement called a Memorandum of Agreement (MOA). The MOA will be forwarded to the state office by the Environmental Division for consultation and completion of the section 106 process. The MOA is a legal and binding document between JBM-HH and the consulting parties, including State and Federal preservation agencies.

i. The project proponent shall coordinate with the Environmental Directorate to ensure compliance of the MOA stipulations.