



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

REPLY TO
ATTENTION OF

SEP 16 2016

IMMH-PW

MEMORANDUM FOR SEE DISTRIBUTION

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

1. REFERENCES.

- a. National Historic Preservation Act (NHPA) 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 properties listed on the National Register of Historic Places (NRHP) or properties eligible for listing on the 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 NRHP listed 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 JBM-HH Directorate of Public Works, Environmental Management Division at (703) 696-8055.

DUGGAN.PATRICK
.MICHAEL.1068312
120

Digitally signed by
DUGGAN.PATRICK.MICHAEL.1068312120
DN: cn=US, o=U.S. Government, ou=DoD,
c=US,
ou=DUGGAN.PATRICK.MICHAEL.1068312120
Date: 2016.09.16 14:25:32 -0400

Encl

PATRICK M. DUGGAN
COL, SF
Commanding

DISTRIBUTION:

1

NATIONAL HISTORIC PRESERVATION ACT - SECTION 106 PROCEDURES

1. A Federal undertaking subject to Section 106 process will proceed as follows:
 - 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) *Criteria of adverse effect* and *Examples of adverse effect*, respectively).
 - b. Project proponents shall submit an information package that includes: 1) photographs; 2) the project description or SOW; and 3) architectural drawings, plans and/or elevations. The Environmental Division will refer the materials along with a Section 106 initiation letter 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 Division 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 Division 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 Division so that the cultural resource manager may continue the consultation with the state office.
 - e. If it is determined that the undertaking will have an adverse effect, then Pursuant to 36 CFR 800.6 Resolution of Adverse Effects, the Environmental Division 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*.
 - f. 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, and it has been demonstrated there is no less invasive alternative so that the proposed course of action is the only feasible solution to accomplish the project goals and objectives, the Section 106 process moves

to mitigation. The project proponent shall provide mitigation measures to the Environmental Division to be forwarded to the state office as part of the consultation.

- g. Following an agreement between consulting parties on how the undertaking's adverse effects will be resolved, the Environmental Division 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 State Historic Preservation Office. The document may include other signatories.
- h. The project proponent shall coordinate with the Environmental Division to ensure compliance of the MOA stipulations.
- i. The Section 106 process (and NEPA process) must be complete prior to final submission to the US Commission of Fine Arts and the National Capital Planning Commission.