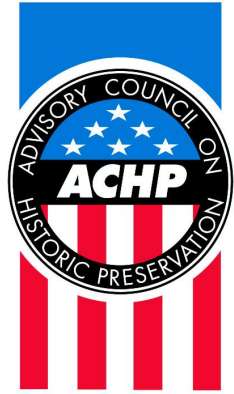


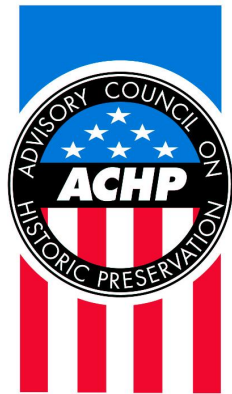
Program Alternatives under 36 CFR Part 800

*Dave Berwick
Army Affairs Coordinator
Advisory Council on
Historic Preservation*



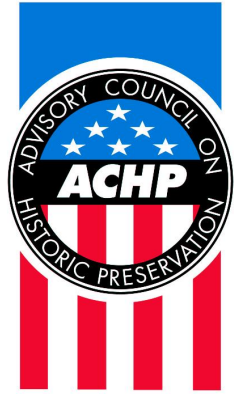
Section 106

- ***The Council, under Section 211 of the National Historic Preservation Act is authorized to promulgate regulations necessary to govern Section 106 implementation***
- ***36 CFR Part 800, Protection of Historic Properties, is the Council's regulation that guides Federal agencies under Section 106 of NHPA***



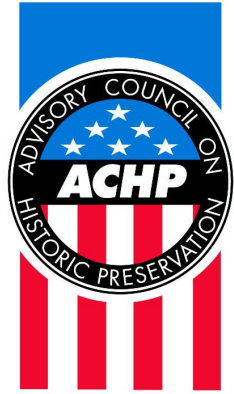
What is Section 106?

- ***A consultative process, set out in §§ 800.3 – 800.6, in which identified consulting parties, including the public, work together with any agency to:***
 - *Identify historic properties and evaluate their significance*
 - *Assess potential adverse effects to significant properties resulting from a Federal undertaking*
 - *Resolve adverse effects by avoiding, minimizing or mitigating harm to historic properties*



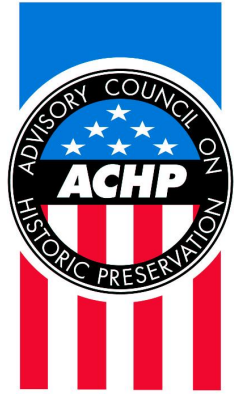
Program alternatives

- ***Section 800.14 allows agencies to use program alternatives in lieu of the standard Section 106 review process -***
 - ***Alternate procedures***
 - ***Programmatic agreements***
 - ***Exempted categories***
 - ***Standard treatments***
 - ***Program comments***



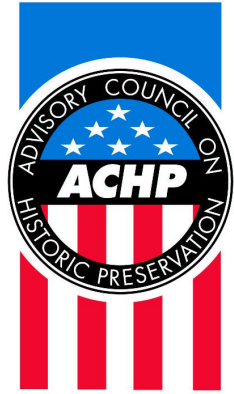
Alternate Procedures – 800.14(a)

- ***Only alternate procedure approved by ACHP is with Army (July 31, 2001)***
- ***Alternate procedures replace subpart B of the ACHP regulations -***
 - ***Initiation of the process***
 - ***Identification and evaluation historic properties***
 - ***Assessment and resolution of adverse effects***
 - ***Emergencies and unanticipated discoveries***
 - ***Integration of NEPA and NHPA***



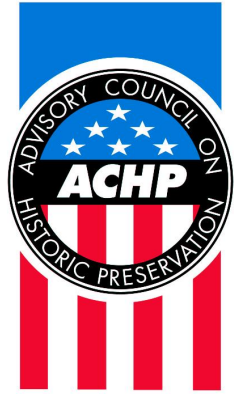
Alternate Procedures – 800.14(a)

- ***Army Alternate Procedures (AAPs)***
 - ***Upfront consultation on management plan rather than case-by-case review***
 - ***Integration of NEPA and NHPA***
 - ***Projects use Standard Operating Procedures for historic preservation compliance***
 - ***Requires monitoring and oversight***
 - ***Provides agency wide exemptions for unexploded ordnance and haz-tox situations***
 - ***Resolution process for stakeholder objections***



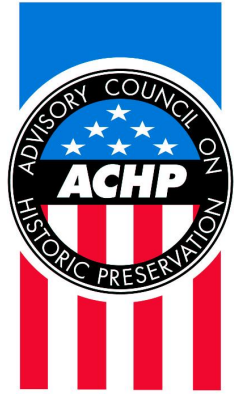
Programmatic Agreements – 800.14(b)

- ***Most often used program alternative***
- ***Some nationwide and regional PAs but most are at installation level***
 - ***Historic Buildings PAs***
 - Used for general maintenance and repair***
 - Usually outline exempted activities***
 - ***Archeology PAs***
 - Used for survey and evaluation***
 - ***Both types typically require additional consultation for adverse effects***



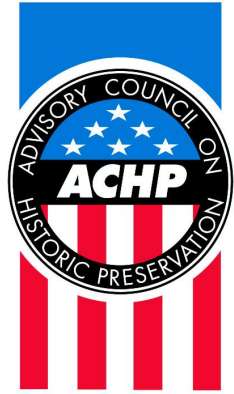
Programmatic Agreements – 800.14(b)

- ***Prototype PAs are a special class of PAs***
- ***ACHP can designate an agreement as a prototype***
- ***Prototype PAs can then be used for similar actions in other areas***
- ***Agency may use prototypes without need for further ACHP involvement or signature on agreement documents***



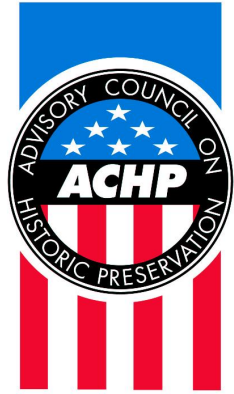
Programmatic Agreements – 800.14(b)

- ***Army has proposed using prototype PA for BRAC. Prototype PA will:***
 - ***Focus on closures***
 - ***Standardize activities associated with typical closure process***
 - ***Allow more centralized control over what is needed and timetables for completion***
 - ***Allow for stakeholder consultation to tailor prototype to specific installation properties and local needs***



Exempted Categories – 800.14(c)

- ***Allows programs or categories of undertakings to be exempt from Section 106 review***
- ***Potential effects on historic properties must be foreseeable and minimal or not adverse***
- ***Can be conditioned to apply or not apply under certain circumstances***



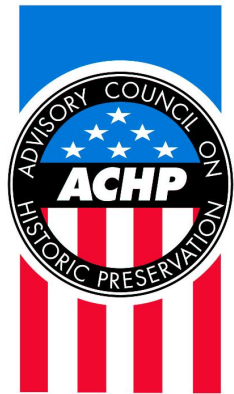
Exempted Categories – 800.14(c)

- ***ACHP issued Exempted Categories***

- ***Natural gas pipelines***



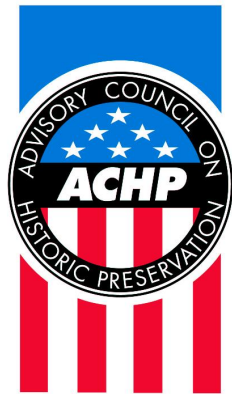
- ***National Interstate Highway System***



Exempted Categories – 800.14(c)

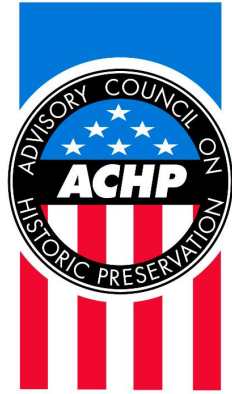
- ***Indirect exemption given through the AAPs for imminent threats to human health and safety***
 - ***In place disposal of unexploded ordnance***
 - ***Ordnance disposal in open burning/detonation areas***
 - ***Emergency response to haz-tox situations***
 - ***Military activities in duded impact areas***
- ***Army is considering request to extend AAP exemption to all Army installations***





Standard Treatments – 800.14(d)

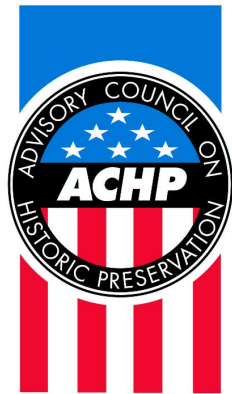
- ***Method of treating in a standardized way***
 - ***A category of historic property***
 - ***A category of undertakings, or***
 - ***A category of effect***
- ***Standard treatments may modify the Section 106 process or simplify its steps to assist agencies in meeting compliance requirements***
- ***No standard treatments currently in place***



Standard Treatments – 800.14(d)

- ***Navy has prepared a DoD Legacy proposal to develop standard treatment for building maintenance***
- ***DoD may request future ACHP approval***
- ***Ultimate goal:***
 - ***Integrate standard treatment into DoD's unified facilities criteria (UFC) which are used for all DoD projects***
 - ***Provide better upfront incorporation of historic preservation treatments into project planning and design***

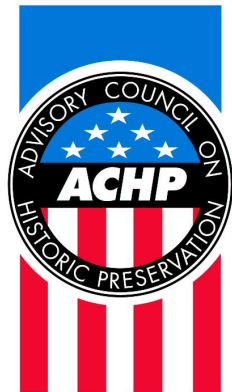




Program Comments – 800.14(e)

- ***Wherry and Capehart military family housing for DoD is only program comment issued by ACHP to date***
- ***Process allows agencies to request a single program comment to cover a large group of similar undertakings***
- ***Replaces the need for case-by-case review of individual undertakings under §§ 800.4 – 800.6***



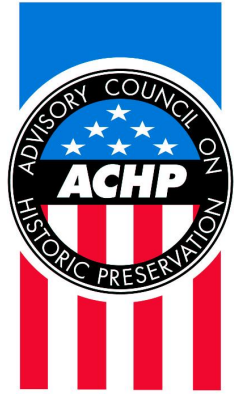


Program Comments – 800.14(e)

■ ***Proposed program comments:***

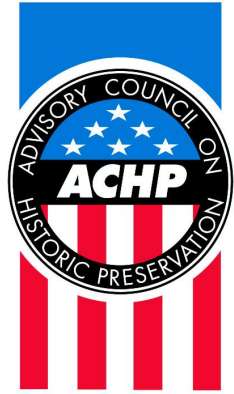
- ***DoD Unaccompanied Personnel Housing***
- ***DoD Ammunition Storage Facilities***
- ***Army Ammunition manufacturing facilities***
- ***Army Dudded impact areas***
- ***Navy Management of National Register Ships***





Why are program alternatives not used more frequently?

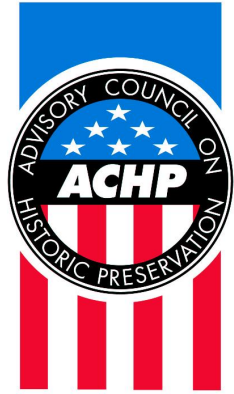
- ***Most program alternatives are geared toward headquarters development for agency-wide use***
- ***Requires agency headquarters to***
 - ***Champion the concept***
 - ***Provide the resources (people and funds)***
 - ***Develop supporting data (historic contexts)***
 - ***Conduct public outreach/consultation***
 - ***Perform required studies/mitigation***



Program Alternatives

What are the benefits?

- ***Streamline section 106 process to:***
 - ***Better meet agency missions & goals***
 - ***Adapt to agency structure***
 - ***Reduce administrative burdens & costs***
 - ***Respond more quickly to project needs***
 - ***Better manage historic assets***



For Further Information

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