

Final

**INTEGRATED CULTURAL RESOURCES MANAGEMENT PLAN
FOR
WALLOPS FLIGHT FACILITY**

**Prepared for
National Aeronautics and Space Administration
Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, Virginia**



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Executive Summary

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 NASA Center and Component Facility to manage its cultural resources in compliance with cultural resources statutes, executive orders, presidential memoranda, regulations, and other requirements.

This Integrated Cultural Resources Management Plan (ICRMP) is an internal management and compliance plan designed to assist WFF in meeting its obligations under Sections 106 and 110 of the NHPA. The ICRMP outlines how WFF 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 resources 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.

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

- Complete a re-evaluation of the efficacy of the 2003 archaeological predictive model.
- Undertake preconstruction archaeological review in a timely fashion for WFF ground-disturbing operations, paying special attention to areas not yet subject to archaeological survey. Conduct each review according to the terms of the Programmatic Agreement (PA) among NASA, the Virginia State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) regarding the management of facilities, infrastructure, and sites at WFF. Depending on review findings, this process could lead to identification and evaluation of archaeological resources, and mitigation measures for significant resources.
- Develop a management plan for the Military Earthworks (44AC0089).
- Identify and evaluate the National Register eligibility of WFF architectural resources that reach the 45 years of age or older and architectural resources less than 50 years old that may have exceptional significance.
- Re-evaluate the National Register eligibility of architectural resources that were previously evaluated prior to their turning 50 years of age to address the passage of time, changing perceptions of significance, subsequent changes to the property, or incomplete prior evaluations.

- Undertake an alternatives analysis to evaluate the future preservation, use, or disposition of the National Register-eligible Wallops Beach Life Saving Station (VDHR #001-0027-0100) and associated Observation Tower (VDHR #001-0027-0101) in accordance with the terms of the PA among NASA, the Virginia SHPO, and the ACHP.

These requirements along with WFF current standard operating procedures address NHPA requirements for WFF.

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Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation	NASA	National Aeronautics and Space Administration
AD	Anno Domini	NEPA	National Environmental Policy Act
AIRFA	American Indian Religious Freedom Act	NHPA	National Historic Preservation Act
AMSL	above mean sea level	NOAA	National Oceanic and Atmospheric Administration
APE	Area of Potential Effects	NPD(s)	NASA Policy Directive(s)
ARPA	Archaeological Resources Protection Act	NPR(s)	NASA Procedural Requirement(s)
BC	Before Christ	NPS	National Park Service
ca.	circa	PA	Programmatic Agreement
CFR	Code of Federal Regulations	R&D	Research and Development
EA	Environmental Assessment	SCS	Soil Conservation Service
EIS	Environmental Impact Statement	SHPO	State Historic Preservation Office/Officer
EO	Executive Order	TIROS	Television Infra-Red Observation Satellite
FPO	Federal Preservation Officer	U.S.	United States
GIS	Geographic Information System	U.S.C.	United States Code
GSA	General Services Administration	USDA	U.S. Department of Agriculture
HPO(s)	Historic Preservation Officer(s)	USDI	U.S. Department of the Interior
ICRMP	Integrated Cultural Resources Management Plan	VDHR	Virginia Department of Historic Resources
MLCC	Mission Launch Command Center	WEMA	Wallops Employee Morale Association
MOA	Memorandum of Agreement	WFF	Wallops Flight Facility
NACA	National Advisory Committee on Aeronautics		
NAGPRA	Native American Graves Protection and Repatriation Act		

1.0 INTRODUCTION

1.1 NATIONAL HISTORIC PRESERVATION PROGRAM

Historic properties in the United States (U.S.) 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, 54 United States Code (U.S.C.) § 300101 et seq. (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 (National Register), 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, Protection of Historic Properties, 36 Code of Federal Regulations (CFR) Part 800, require Federal agencies to consider the effects of their undertakings on historic properties. 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, minimize, or mitigate adverse effects to historic properties. Historic properties include historic or prehistoric buildings, sites, objects, structures, and historic districts listed or eligible for listing 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.

Sections 110 and 111 of the NHPA prescribe additional Federal agency responsibilities, including the ongoing identification, management, maintenance, and use of historic properties. 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.

1.2 NASA HISTORIC PRESERVATION PROGRAM

The National Aeronautics and Space Administration (NASA) maintains an Environmental Management Division that is responsible for developing and disseminating “policies for environmental planning, compliance, restoration, pollution prevention, energy and water conservation; as well as natural, cultural, and historic resource preservation” (NASA 2014). 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 (HPOs), the NASA Tribal Government Consultation Officer, the NASA Senior Policy Official, and NASA program officers. The FPO also serves as a liaison to the Advisory Council on Historic Preservation (ACHP), the National Park Service, other Federal and State agencies and organizations, and Tribal Preservation Officers. The NASA FPO is based at NASA Headquarters in Washington, DC.

1.3 WALLOPS FLIGHT FACILITY CULTURAL RESOURCES MANAGEMENT PROGRAM

The Facilities Management Branch, under the Management Operations Directorate, manages the cultural resources program at the Wallops Flight Facility (WFF). While WFF's HPO leads the program, the HPO regularly collaborates with the Environmental Office in the program's implementation. The Environmental Office and the Facilities Management Branch will use this Integrated Cultural Resources Management Plan (ICRMP) to protect and manage the cultural resources at WFF.

The NASA Procedural Requirements (NPR) 8510.1, included as **Appendix A**, establish requirements, roles, and responsibilities for management and protection of cultural resources at NASA facilities, including WFF. This NPR is applicable to all NASA personnel, facilities, and activities, including tenants, contractors, grantees, licensees, 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 resources management laws and policies. This ICRMP is designed to:

- Update the existing 2006 WFF ICRMP;
- Provide WFF-specific procedures and recommendations for cultural resources management;
- Integrate Federal cultural resources laws and regulations and NASA-specific procedures into the existing framework of WFF's operations and mission; and
- Enhance the existing cultural resources program to more effectively facilitate project planning, coordination, design, and compliance activities.

WFF's ICRMP is organized into six sections. Section 1.0 presents an overview of historic preservation programs relevant to WFF and describes the intent and structure of the ICRMP. Section 2.0 describes the historic and archaeological resources located at WFF and their significance to the cultural life of WFF, the local community, and to the nation as a whole. Section 3.0 assembles cultural resources planning regulations, procedures, and recommendations. Section 4.0 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 5.0. Section 6.0 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:

- Complete a re-evaluation of the efficacy of the 2003 archaeological predictive model.
- Pre-construction archaeological review will 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 Programmatic Agreement (PA) among NASA, the Virginia State Historic Preservation Officer (SHPO), and the ACHP

regarding the management of facilities, infrastructure, and sites at WFF (**Appendix B**). Depending on review findings, this process could lead to evaluation of identified archaeological resources, and mitigation measures for significant resources.

- Develop a management plan for the Military Earthworks (44AC0089). Although this site has not formally been determined eligible for listing in the National Register in consultation with the Virginia SHPO, per the terms of the PA, the site will be treated as a historic property.
- Conduct National Register eligibility evaluations for architectural resources on the WFF that are 45 years of age or older and for architectural resources less than 50 years old that may have exceptional significance.
- Re-evaluate the National Register eligibility of architectural resources that were previously evaluated prior to their turning 50 years of age to address the passage of time, changing perceptions of significance, subsequent changes to the property, or incomplete prior evaluations.
- Undertake an alternatives analysis to evaluate the future preservation, use, or disposition of the Wallops Beach Life Saving Station (VDHR #001-0027-0100) and associated Observation Tower (VDHR #001-0027-0101), currently the only National Register-eligible architectural resources at WFF, in accordance with the terms of the PA among NASA, the Virginia SHPO, and the ACHP.

These requirements along with WFF current standard operating procedures (Section 4.0), address NHPA requirements for WFF. The following sections provide detail useful for the understanding and implementation of these requirements.

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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, and the findings of previous cultural resources investigations.

2.2 DESCRIPTION OF THE FACILITY AND MISSION STATEMENT

NASA Goddard Space Flight Center owns and operates WFF. WFF is located in northeastern Accomack County on the Eastern Shore of Virginia's portion of the Delmarva Peninsula (**Figures 2-1 and 2-2**). The approximately 6,500-acre facility is composed of three separate land masses: Wallops Main Base, Wallops Mainland, and Wallops Island. The Main Base comprises 1,800 acres situated north and west of Watts Bay, Simoneaston Bay, and Jenny's Gut and south of Little Mosquito Creek. 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, National Oceanic and Atmospheric Administration (NOAA) administrative and tracking facilities, U.S. Navy administration and housing as well as U.S. Coast Guard housing, and other miscellaneous facilities.

Wallops Mainland consists of 100 acres with radar, communications, and optical tracking installations. Wallops Mainland is immediately inland across Cat's Creek from Wallops Island, and is connected to the island by a causeway. Wallops Island extends south along the Atlantic Coast from the Chincoteague Inlet, and encompasses 4,600 acres, most of which is marshland. Wallops Island includes launch and testing facilities, blockhouses, rocket storage buildings, assembly shops, dynamic balancing facilities, tracking facilities, U.S. Navy and Mid-Atlantic Regional Spaceport facilities, and other related support structures. The Mid-Atlantic Regional Spaceport is a commercial spaceport operated by the Virginia Commercial Space Flight Authority, which leases the land at WFF from NASA and is licensed by the Federal Aviation Administration for orbital launches.

2.2.1 Mission Statement

During its early history, the mission of the 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 Flight Facility Mission 2005, WFF rebalanced its mission, continuing its strong operation and technology support for the science community, while renewing its emphasis on support to NASA's goals. The Mission 2005 Plan 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).

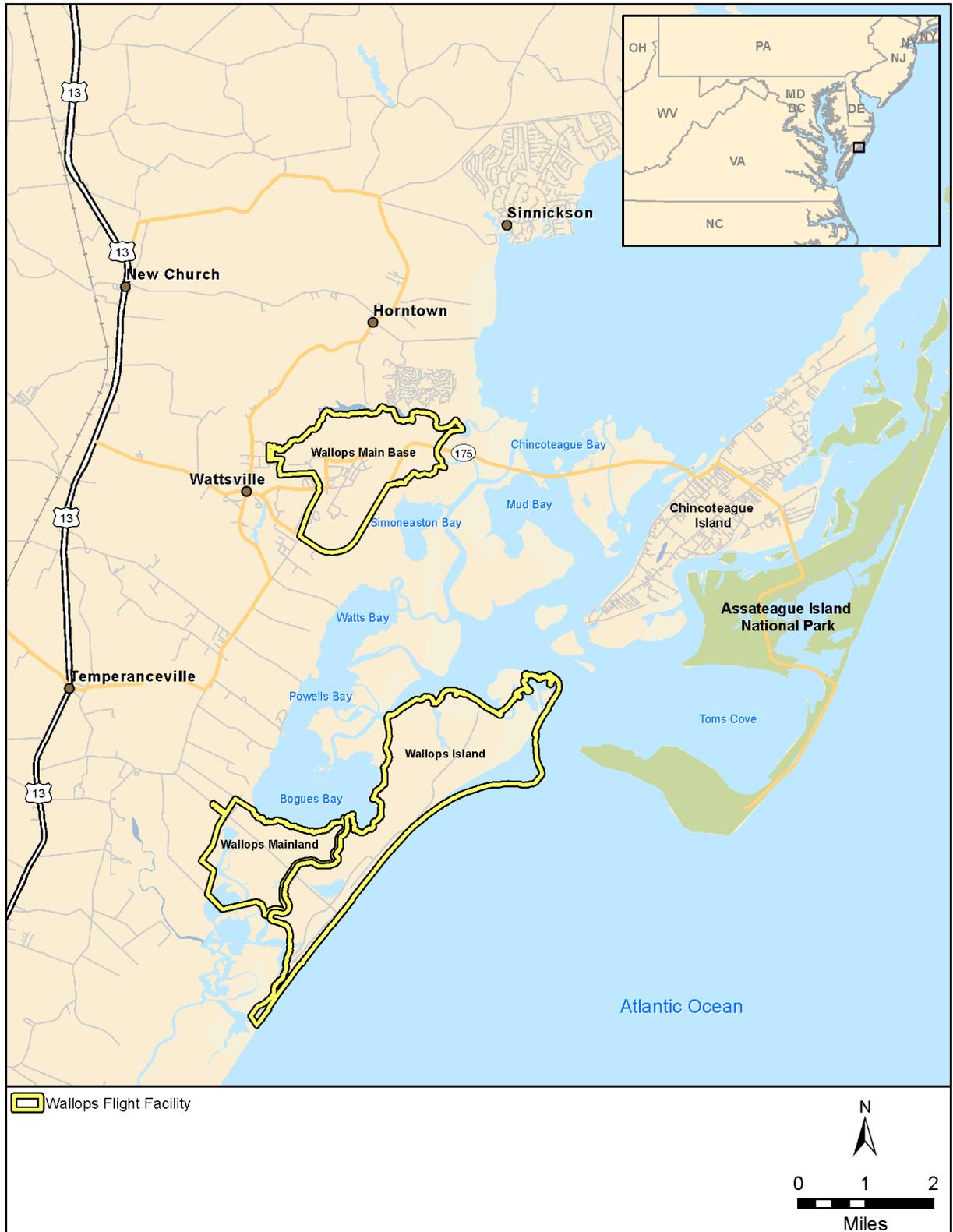


Figure 2-1. Location of Wallops Flight Facility

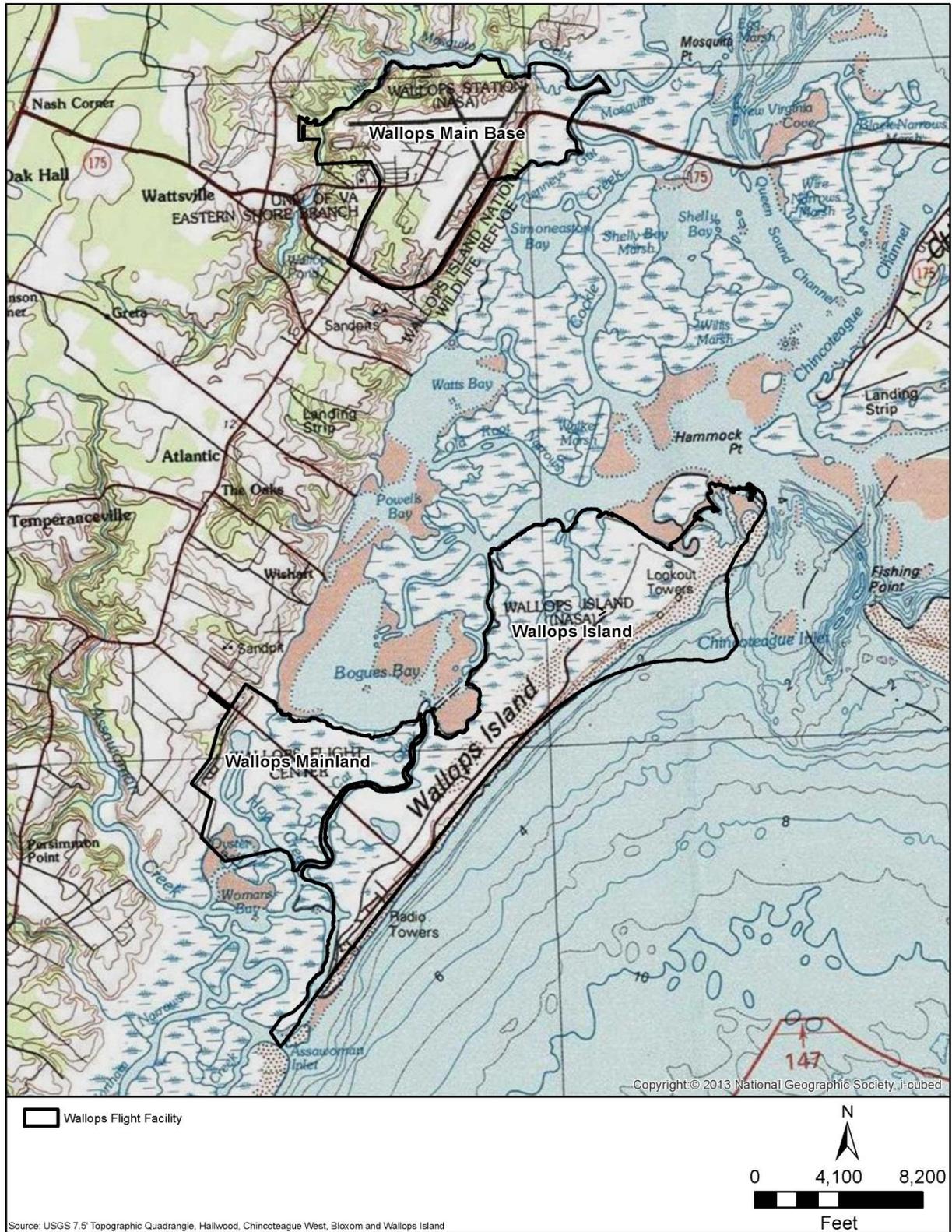


Figure 2-2. WFF Main Base, Mainland, and Wallops Island

WFF recently affirmed that the vision and mission elements in that strategic plan will continue to guide operational priorities in the coming years. WFF has developed a set of strategic management goals with a focus on providing the Center's direction for the future. These strategic management goals include:

- Be the Nation's preferred provider of sub-orbital and small orbital research carriers and mission services;
- Develop and infuse technologies that increase capability and reduce risk or cost of WFF carriers and range systems;
- Conduct and support meaningful science that is appropriate to the carriers, location, special capabilities, and partnerships that are available at or through WFF;
- Provide, through partnerships, hands on authentic experiences in aerospace for students and educators to increase interest in Science, Technology, Engineering, and Mathematics disciplines and careers;
- Provide quality training and leadership development for NASA's workforce, WFF employees, and education stakeholders; and
- Provide a workforce and capabilities that can enable WFF and its tenants and partners to be leaders in the field.

2.3 NATURAL SETTING

2.3.1 Vegetation and Wildlife

Vegetation for the area varies with landform association. The following vegetation areas are found on the Wallops Main Base and Wallops Mainland (mainland landform): 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, common reed, 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 (NASA 1999; URS/EG&G 2005). Areas of lawn are maintained in all three areas of the WFF.

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 sand shark, 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).

A variety of special-status species may occur on or within the vicinity of WFF. Special-status species include those listed under both the Federal Endangered Species Act and the Virginia Endangered Species Act as well as those considered by Virginia to be “Species of Greatest Conservation Need.” Those species known to occur on WFF include the loggerhead sea turtle, piping plover, Wilson’s Plover, red knot, and peregrine falcon.

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.

WFF lies within the Tidewater region of the Embayed section of the Atlantic Coastal Plain Physiographic Province. 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. 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 drainage ways. 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 (U.S. Department of Agriculture, Soil Conservation Service [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 located primarily 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 with the majority of the Island approximately 5 feet AMSL or less. As a barrier island, Wallops Island's topography is influenced by the dynamics of ocean currents, wind erosion, and severe weather conditions but to a different degree than the islands surrounding it. The construction of a rock seawall and regularly nourished beach on the Island's east side has essentially fixed the position of approximately 4 miles of the central and southernmost shoreline.

2.3.4 Stormwater Drainage

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 towards Bogues Bay, Hog Creek, and then to Oyster Bay, Assawoman Creek, and finally the Atlantic Ocean. The northern portion of Wallops Island drains by overland flow to Bogues Bay and Chincoteague Inlet via Sloop Gut and Ballast Narrows. A constructed beach berm on the central and southern portions of the Island and cross-culverts under the Island Road drain stormwater through ditches and flap gates, installed west of Island Road, to Bogues Bay via Hog Creek.

2.3.5 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 (circa [ca.] two million years ago to present) (Bailey 1999; U.S. 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, and Molena 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), the *Historic Resources Survey and Eligibility Report for Wallops Flight Facility, Accomack County, Virginia* (URS/EG&G 2004a), and the *Historic Resources Eligibility Survey, Wallops Flight Facility, Accomack County, Virginia* (TEC Inc. 2011). All three documents were submitted to and approved by the Virginia SHPO. 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 Virginia Department of Historic Resources (VDHR) has defined three major time periods of prehistory: Paleoindian (10,000–8000 Before Christ [BC]), Archaic (8000–1000 BC), and Woodland (1000 BC–Anno Domini [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 Cultural 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

Note: n/a = not applicable.

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, commonly referred to as 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 migrating animal herds. 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 Paleoindian people 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 became increasingly 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. Food surpluses 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 significant role on the Delmarva Peninsula. Hunting, gathering, and fishing, rather than agriculture, formed the basis of a 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 generally continued to follow settlement and subsistence patterns consistent with the Woodland Period. Although records of European interactions with native populations exist for Contact Period eastern North America, little information is available on Eastern Shore groups in

particular as a result of the general lack of European settlement in the vicinity during the early Contact Period. 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).

2.4.2 Historic Context

Based on survey and planning work conducted in the state, as well, as research conducted in the region, the VDHR has defined a sequence of time periods for understanding cultural developments during the historic period in Virginia (VDHR 2011a). These periods are summarized in **Table 2-2** for reference. The discussion that follows is a brief summary of the historic contexts in URS/EG&G (2004a) and TEC Inc. (2011).

Table 2-2. Historic Cultural Chronology	
Culture Period	Date Ranges
Settlement to Society	AD 1607 – 1750
Colony to Nation	AD 1751 – 1789
Early National Period	AD 1790 – 1829
Antebellum Period	AD 1830 – 1860
Civil War Period	AD 1861 – 1865
Reconstruction and Growth	AD 1866 – 1916
World War I to World War II	AD 1917 – 1945
The New Dominion	AD 1946 – present

The first European settlement of the present Wallops Flight Facility occurred in the seventeenth century (Miller 1991). In 1664, King Charles II of England granted a 1,000-acre parcel of land on the nearby Eastern Shore mainland to John Wallop. Two years later, Wallop’s patent was reissued with an additional 700 acres. Wallop continued to add to his land holdings during the last decades of the seventeenth century through land grant from the English monarchy and by purchase. Wallop was appointed the Surveyor-General for the Eastern Shore; thus, many period maps identify land 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) as well as a north-south road through the Eastern Shore, which U.S. Route 13 approximately follows today. Wallop’s plantations grew tobacco and corn, raised pigs and cattle, and supplied lumber (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). Wallop also exported his products to the West Indies. Prior to his death, Wallop divided his land amongst his two children and may have sold off several portions. Wallops Island remained in the hands of Wallop’s descendants through the eighteenth and most of the nineteenth centuries (Turman 1964).

A small fort was established on the north end of the island during the Revolutionary War (Miller 1991). The Eastern Shore, with its inlets, tributaries, marshes, creeks, and streams, provided numerous waterways that could be invaded by the English. Records mention at least two cannons located in the small fort of Wallops, to protect the opening between Wallops Island and Chincoteague Island (Krieger 1976).

The Wallops Island Association was formed by a group of sportsmen who used Wallops Island for hunting, fishing, and swimming. 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). 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, leading to the construction of a replacement 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). 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. NACA initially purchased 85 acres and leased an additional 1,000 acres on the southern end of the island from the Wallops Island Club (NASA 1994; Turman 1964). Temporary facilities were constructed, including several Quonset huts to serve as housing for those stationed at the 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; WFF# X-055), which served as a headquarters and general administration building. In 1946, 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.

While orbital capability put America back in the Space Race, the real goal was to launch a piloted spacecraft. Plans for piloted orbit were being considered at Wallops as early as 1958. Driven by the military's intention to keep piloted spacecraft under their own jurisdiction, representatives from Langley's Research Laboratory approached the president about a piloted space program. The president agreed to place this research under the new space agency in late 1958. The Space Task Group was created and Project Mercury began (Wallace 1997).

Wallops Island provided much needed privacy to conduct testing on Project Mercury. America's perceived lag in the Space Race magnified any failure, even during testing. The trial and error tests on Wallops Island did not need to be highly visible. Research was conducted on the Mercury capsule's stability (this model capsule would become the orbiting vehicle for the first U.S.-piloted space flight) and its reaction to aerodynamic heating. Between 1958 and 1959, 26 full size capsules and 28 scale models were launched at Wallops Island (DeVincent-Hayes and Bennett 2001).

The interest and enthusiasm for piloted spacecraft drew people to Wallops Station. Surprisingly, the facility welcomed the visitors, and even set up bleachers near the launch site. The spectacle reached its pinnacle when Sam and Miss Sam, a pair of chimpanzees, were launched from Launch Area 1 in a test of the Mercury capsule (Shortal 1978). Sam was launched to an altitude of 53 miles and Miss Sam was used to test the reactions and stress caused by a launch aborted through the escape tower (Wallace 1997). Sam was launched on December 4, 1959 and Miss Sam was launched on January 21, 1960. One hundred photographers and celebrities watched the launch, including the astronauts scheduled to fly in a Mercury Capsule in April 1961.

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 (NASA 1994).

In 1961–1962, Wallops underwent a period of transition associated with the reorganization of responsibilities within NASA. When the Space Task Group was moved from Langley to Houston, the testing related to the Space Task Group missions was transferred out of Wallops to White Sands, New Mexico. As a result, Wallops began focusing on space science research (TEC Inc. 2011).

Several government agencies utilized Wallops Station, including the Federal Aviation Administration, the National Bureau of Standards, and most importantly, the Weather Bureau. The Weather Bureau had been interested in the usefulness of Wallops Island for gathering atmospheric data since 1958 or earlier, but the sounding rocket allowed them a more reliable means of gathering information. Sounding rockets launched balloons to high altitudes, allowing the balloon to record data on its slow descent (Wallace 1997). By 1965, the Weather Bureau had a regular launch schedule at Wallops Station.

The use of satellites in gathering atmospheric data was also employed at Wallops Station. The Television Infra-Red Observation Satellite (TIROS) was initially launched at Fort Monmouth, New Jersey, but the placement of Fixed Radar Surveillance 16 (FPS-16) Radar encouraged the move of TIROS to Wallops Island. TIROS allowed pictures of weather systems to be generated and enable the Weather Bureau to track storms. The second TIROS satellite was launched from Wallops Island in June 1961 (Wallace 1997).

In 1974, NASA changed the name of its Wallops facility to Wallops Flight Center, reflecting its new foray into runway surface and aircraft noise reduction research, while continuing its role as a launch site for orbital and suborbital flights (a flight in which a spacecraft follows a trajectory of less than one orbit). In fact the mission of Wallops Flight Center expanded in the 1970s to include management of suborbital projects. Additionally, the facility also added earth studies of ocean processes to its research program.

In 1981, Wallops Flight Center was consolidated with the Goddard Space Flight Center and renamed the Wallops Flight Facility. WFF became NASA's primary facility on suborbital programs. In the 1990s, the

facility’s mission expanded to include shuttle-based and small orbital projects. It continued its relationships with universities, government programs, and commercial clients, and also continued its research into atmospheric conditions and weather (URS/EG&G 2004a).

2.5 PREVIOUS CULTURAL RESOURCES INVESTIGATIONS

2.5.1 Archaeological Investigations

Eleven archaeological sites have been identified on the Wallops Flight Facility (**Table 2-3; Figures 2-3 and 2-4**). These sites are discussed in more detail in URS/EG&G (2003), Espenshade and Lockerman (2009), and Espenshade (2011a). 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. Site 44AC0089 has been subject to additional documentation and re-evaluation since its initial identification in 1980 (Espenshade and Lockerman 2009). Five sites (44AC0405, 44AC0437, 44AC0459, 44AC0556, and 44AC0567) were investigated as part of Section 106 compliance surveys; one of these, site 44AC0556, was an unanticipated find discovered during construction by NOAA. The ninth site (44AC0558) was partially excavated by the Eastern Shore Archaeological Society in 1996 (Greenley 1997).

Site Number	Site Type	Location	National Register Eligible?	Cultural Period
44AC0089	Military Earthworks	Wallops Island/north	Recommended Eligible ¹	Revolutionary War
44AC0103	Matthews House and associated grave/cemetery	Main Base south airfield	Not Evaluated	18 th Century (ca. 1788)
44AC0159	Shell Pile	Wallops Island/south	Determined Not Eligible	Unknown Historic
44AC0405	Artifact Scatter	Main Base/Navy housing	Recommended Not Eligible	19 th Century
44AC0437	Artifact Scatter	Main Base/across Wattsville from Runway 10	Not Evaluated	18 th and 19 th Centuries
44AC0459	Trash scatter associated with U.S. Coast Guard Station	Wallops Island/north	Determined Not Eligible	Late 19 th and 20 th Centuries
44AC0556	Trash pit and Funerary, single grave	Main Base/NOAA	Determined Not Eligible	Late Woodland and 19 th Century
44AC0558	Temporary Camp	Mainland	Recommended Eligible; Have not sought concurrence	Possible Middle Archaic; Woodland; possible Historic
44AC0562	Artifact Scatter	Mainland	Recommended Not Eligible; Have not sought concurrence	18 th and 19 th Centuries
44AC0563	Artifact Scatter	Mainland	Recommended Not Eligible; Have not sought concurrence	18 th and 19 th Centuries
44AC0567	Trash Dump	Mainland	Determined Not Eligible	20 th Century

Sources: Dinnell and Collier 1990; New South Associates 2010; VDHR 2004b, 2010a, 2010b, 2010c, 2011c, 2011d.

Note: 1. Site 44AC0089 was recommended eligible for listing in the National Register (Espenshade and Lockerman 2009), but a formal determination of eligibility, in consultation with the Virginia SHPO, has not been conducted. However, Site 44AC0089 is identified in the PA among NASA WFF, the Virginia SHPO, and the ACHP (refer to Section 3.2.5) as a property that is eligible for inclusion in the National Register.

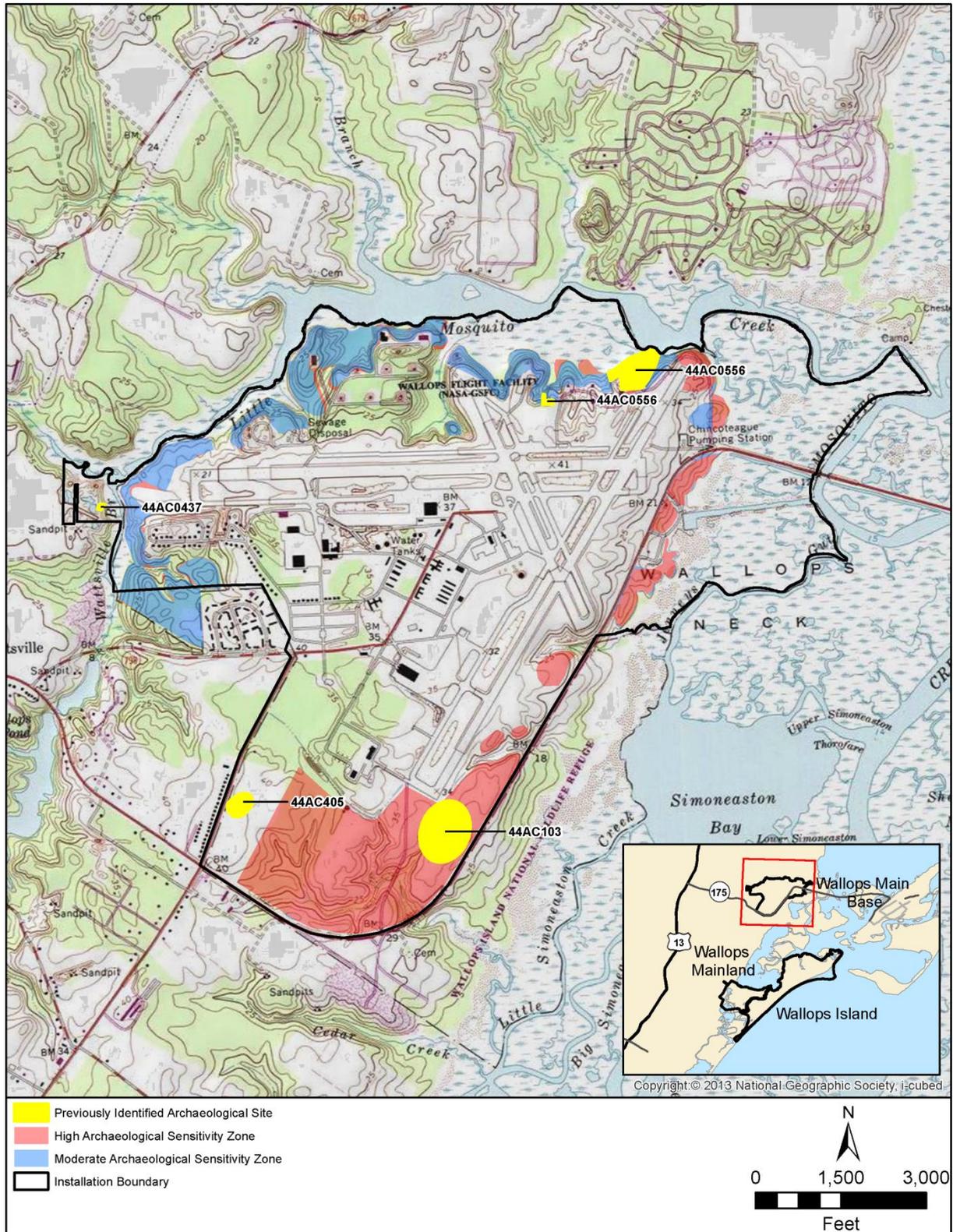


Figure 2-3. Archaeological Sensitivity Areas and Known Archaeological Sites on WFF Main Base

No archaeological sites at WFF have been determined eligible for listing in the National Register. Two sites (44AC0089, 44AC0558) have been recommended eligible for listing in the National Register. Two sites (44AC0103, 44AC0437) have not been evaluated for National Register eligibility. Three sites (44AC0405, 44AC0562, 44AC0563) have been recommended as not eligible for inclusion in the National Register, and four sites (44AC0159, 44AC0459, 44AC0556, 44AC0567) have been determined to be not eligible for listing in the National Register. With regard to sites of concern for planning purposes, the two sites that are recommended as eligible for the National Register (44AC0089, 44AC0558) and the two sites unevaluated for the National Register (44AC0103 and 44AC0437) are located in areas not planned for development.

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 (44AC0103) 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 building 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 and 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 nineteenth century historic trash scatter (44AC0405) was identified and recommended as not eligible for nomination to the National Register.

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). One eighteenth or nineteenth century historic artifact scatter (44AC0437) was 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 served as an expansion and update of the 1991 study. The 2003 study involved conducting 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 the requirements of Sections 106 and 110 of the NHPA.

The 2003 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. 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. In previously disturbed areas of moderate or high archaeological sensitivity, 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 of moderate or high archaeological sensitivity would be subject to more intensive field study in conformance with VDHR's archaeological survey standards (VDHR 2011a). **Appendix C** includes VDHR's letter of acceptance of the WFF archaeological predictive model.

The high, moderate, and low archaeological sensitivity zones and known archaeological sites identified by the study have been incorporated into cultural resources Geographic Information System (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 Virginia SHPO. **Figures 2-3 and 2-4** show the moderate and high archaeological sensitivity zones on WFF.

In March 2004, URS/EG&G (2004b) conducted a Phase I archaeological survey for a proposed wetlands mitigation project located immediately northeast of the Wallops Beach Life Saving Station (VDHR #001-0027-0100) 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 nineteenth through twentieth century site was identified (site 44AC0459). In addition, one eighteenth 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 eighteenth century component on the site. Site 44AC0459 represents late nineteenth and early twentieth century trash disposal associated with the former U.S. Coast Guard Station, as well as mid- to late-twentieth century activities associated with later use of the property by the U.S. Navy and NASA.

Site 44AC0459 was considered to represent the northern fringe of a larger site that included the former U.S. 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 U.S. Coast Guard Station. The mixed context of the artifacts (mid-eighteenth through twentieth 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. The Virginia SHPO concurred with these recommendations (VDHR 2004b).

In June 2005, the U.S. Army Corps of Engineers, Norfolk District conducted salvage archaeology on a human grave (44AC0556) and subsequent monitoring in association with a parking lot and sewer line construction on the NOAA facility (NOAA 2005). Based on the Cultural Resources Assessment, the facility was considered to have moderate sensitivity for both prehistoric and historic archaeological resources (URS/EG&G 2003). In addition to the human remains exhumed from the disturbed grave feature, a wooden stain, likely originating from a decomposed wooden coffin, was noted along with recovered cut nails and evidence of a shroud pin. The age, gender, and race of the individual as well as the age of the burial itself are unknown; however, based on the associated artifacts recovered from the burial, it is likely that the grave dates to the pre-1900 AD era (NASA 2005). The monitoring for the parking lot resulted in the identification of two prehistoric shell pit features, one of which appears to date to the Late Woodland Period (ca. AD 1000–1600) (NOAA 2005). Following excavation of the burial and monitoring of the parking lot construction, NOAA consulted with the Virginia SHPO in July 2005. NOAA summarized the events associated with the inadvertent discovery, the steps taken to mitigate the burial site, and the results of subsequent monitoring of the remaining construction activities, including a finding of no adverse effect, as the prehistoric shell pit features were recommended as not eligible. The Virginia SHPO concurred with this finding on August 8, 2005 (VDHR 2005). NOAA also published a public notice in the local papers for four consecutive weeks in an attempt to inform the public of the discovery and exhumation of the burial, as well as to attempt to elicit additional information regarding the identity or cultural affiliation of the individual (NASA 2005). No responses were received. Site 44AC0556 also fell within the APE of a proposed installation of GOES-R antennas at the Wallops Command and Data Acquisition Station, which was subject to a Phase I survey in 2010 and subsequently identified as the only archaeological site within the APE. The site was again assessed as not eligible for nomination to the National Register, and the Virginia SHPO concurred with this assessment and the finding of no adverse effect to historic properties as a result of the proposed project on August 25, 2010 (VDHR 2010a).

In 2006, URS conducted a Phase I archaeological survey for a mainland security fence replacement project. No archaeological resources were identified as a result of the survey (VDHR 2011c).

Between August 20 and September 20, 2007, archaeologists affiliated with the James River Institute for Archaeology conducted a Phase I cultural resources survey of a 100-acre APE for the proposed NASA, Chincoteague Bay Field Station of the Marine Science Consortium, and Accomack County's joint Wallops Research Park. Three isolated finds were recommended not eligible for nomination to the National Register and no further archaeological work was recommended. The Virginia SHPO concurred with this finding on February 22, 2008 (VDHR 2008).

In June and July 2009, New South Associates conducted a Phase I subsurface survey of a proposed Uninhabited Aerial Systems Airstrip on Wallops Island, and an evaluation of a previously recorded Revolutionary War-era earthwork site. This site (44AC0089) consists of the remnants of a small Revolutionary War earthwork fort, and was the only archaeological resource encountered during the course of the inventory. New South Associates recommended the site as eligible for the National Register (refer to Section 2.5.3 for more information). In addition, future excavation of the site may yield information on the history of military activities on Wallops Island (Espenshade and Lockerman 2009). The undertaking was subsequently redesigned to avoid adverse effects to this site. In a letter dated January 10, 2011, the Virginia SHPO concurred with NASA's treatment of the site and the determination of no adverse effect (VDHR 2011d). During the development of the PA among NASA, the Virginia

SHPO, and ACHP, Site 44AC0089 was identified as National Register-eligible, and for the purpose of NHPA compliance, the HPO will treat the site as a historic property.

In 2010, WFF considered implementing a wetland banking project by either enhancing or creating wetlands in various location on the Mainland and Wallops Island. During May 2010, New South Associates conducted both pedestrian and stratified archaeological surveys of the areas of high and moderate probability for cultural resources within the APE. Three archaeological resources were identified within the APE. Two (44AC0562, 44AC0563) were recommended as not eligible for the National Register. One site (44AC0558) was recommended as potentially eligible under Criterion D. This survey delineated the boundary of 44AC0558, but New South Associates was unable to place the site in a specific temporal period. Further work is recommended at this site prior to any ground disturbing activity (New South Associates 2010).

In September 2011, New South Associates completed two additional archaeological surveys, both on Wallops Mainland: one of the U-012 Tract and another of the proposed Mission Launch Command Center (MLCC) Tract. No archaeological resources were identified during the U-012 Tract inventory (Espenshade 2011a). The survey of the MLCC Tract resulted in the identification of a single archaeological resource consisting of a mid-twentieth century trash dump or specialized activity area, possible representative of a historic still (44AC0567). This site lacked integrity and was recommended not eligible for listing in the National Register (Espenshade 2011b). The Virginia SHPO concurred with this recommendation on November 18, 2011 (VDHR 2011c).

2.5.2 Architectural and Historical Investigations

A total of 201 buildings, structures, and objects have been surveyed and evaluated for National Register eligibility. Two hundred of the resources were inventoried during two different Section 110 surveys, and one resource was evaluated as part of a Section 106 undertaking. **Table 2-4** lists the extant surveyed architectural resources on WFF, and **Appendix D** includes maps identifying the locations of the surveyed resources.

In 2004, URS/EG&G (2004a) conducted a comprehensive architectural survey and National Register-eligibility evaluation of WFF on behalf of NASA. The purpose of the historic resources survey was to identify, record, and evaluate the significance of architectural resources at the WFF in compliance with Section 110 of the NHPA. The study consisted of a reconnaissance-level architectural survey of 124 buildings, structures, and objects at WFF constructed prior to 1955, as well as a historic context. Of the 124 buildings and structures surveyed, 36 are major 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 focused on the development of the facility and its buildings and 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 buildings and 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 survey recommended one historic resource (described below in Section 2.5.3) as eligible for the National Register. The remaining 122 surveyed resources were recommended not eligible for the National Register because they lack historic significance and/or integrity necessary to convey significance. Similarly, no National Register-eligible historic districts were found on the three

areas of the WFF. The Virginia SHPO concurred with these recommendations on November 4, 2004 (VDHR 2004a) (**Appendix E**).

A cultural resource survey for the proposed Uninhabited Aerial Systems Airstrip on WFF evaluated the eligibility of the 1952 Observation Mound (VDHR #001-0027-0125) located on the north end of Wallops Island (Espenshade and Lockerman 2009); additional documentation was completed the following year (NASA 2010). The mound was recommended not eligible for listing in the National Register. Although constructed as part of the Navy's Naval Air Ordnance Test Station, the mound itself does not meet National Register eligibility requirements and has sustained a loss of integrity of design, materials, workmanship, setting, association, and feeling. The Virginia SHPO concurred with WFF's determination that the mound is not eligible for the National Register (VDHR 2011d).

In 2011, TEC Inc. conducted a Section 110 architectural survey of buildings and structures built between 1956 and 1965. Each identified resource was evaluated based on its eligibility for listing on the National Register either individually or as a contributing resource to a historic district. The existing historic context for WFF was augmented for the 1956–1965 period. A total of 76 buildings and structures were identified as being constructed between 1956 and 1965 and were evaluated in this survey. Twenty-four (24) are located on Main Base, 18 on Wallops Mainland, and the remaining 34 are located on Wallops Island. All 76 buildings and structures were determined not eligible and no National Register-eligible historic districts were identified (TEC Inc. 2011). The Virginia SHPO concurred with these findings on June 22, 2011 (VDHR 2011b) (**Appendix E**).

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Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
<i>Wallops Main Base</i>						
A-001	001-0027-0001	Air Traffic Control Operations Building	Air Control Tower	1944	Determined Not Eligible	URS/EG&G 2004a
A-003	001-0027-0002	Taxiway Lighting and Switchgear Building	Electricity - Source (Miscellaneous)	1944	Determined Not Eligible	URS/EG&G 2004a
A-041	001-0027-0003	Runway AN/FPS-16 Radar Operations Building	Operations Buildings (Tracking Stations)	1947	Determined Not Eligible	URS/EG&G 2004a
A-131	001-0027-0006	Source Evaluation Board Building	Administrative Buildings (Miscellaneous)	1955	Determined Not Eligible	URS/EG&G 2004a
B-031	001-0027-0007	General Warehouse Storage Building	General Warehouse - Ready Issue	1944	Determined Not Eligible	URS/EG&G 2004a
B-129	001-0027-0008	Air Control Fire and Crash Building	Fire Station	1955	Determined Not Eligible	URS/EG&G 2004a
C-015	001-0027-0009	Air Control Support/Security Training Building	Aviation Operations Building	1946	Determined Not Eligible	URS/EG&G 2004a
C-094	001-0027-0010	Airfield Lighting Control Vault	Substation	1953	Determined Not Eligible	URS/EG&G 2004a
D-001	001-0027-0011	Aircraft Maintenance Hanger-Avionic	Aircraft Maintenance Hangar	1944	Determined Not Eligible	URS/EG&G 2004a
D-004	001-0027-0012	Water Pumping Station	Water Pump Facility, Potable	1944	Determined Not Eligible	URS/EG&G 2004a
D-008	001-0027-0013	Central Heating Plant	Utility Building	1944	Determined Not Eligible	URS/EG&G 2004a
D-010	001-0027-0014	Gymnasium/Special Operations Office Building	Gymnasium and Physical Conditioning Building	1945	Determined Not Eligible	URS/EG&G 2004a
D-012B	001-0027-0017	Sewage Treatment Plant Comminator	Sewage Treatment Plant	1944	Determined Not Eligible	URS/EG&G 2004a
D-095	001-0027-0023	Water Reservoir	Storage Tanks - Ground Level – Potable	1954	Determined Not Eligible	URS/EG&G 2004a
D-101	001-0027-0030	Balloon Research and Development Lab	Physical Science (Research and Development [R&D] & Test Buildings)	1954	Determined Not Eligible	URS/EG&G 2004a

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
D-103	001-0027-0032	Fuel Oil Storage Tank	Liquid Fuel Storage - Bulk (Miscellaneous)	1954	Determined Not Eligible	URS/EG&G 2004a
D-137	001-0027-0033	FMB Materials Storage Facility	Covered Storage (Miscellaneous)	1955	Determined Not Eligible	URS/EG&G 2004a
E-002	001-0027-0034	Cafeteria and Photo Lab	Photo Laboratory	1944	Determined Not Eligible	URS/EG&G 2004a
E-005	001-0027-0035	Contract Office and Storage Building	Covered Storage (Miscellaneous)	1944	Determined Not Eligible	URS/EG&G 2004a
E-007	001-0027-0036	Records Storage/Post Office/Mail and File	Administrative Buildings (Miscellaneous)	1945	Determined Not Eligible	URS/EG&G 2004a
E-104	001-0027-0037	Management Education Center	Administrative Buildings (Miscellaneous)	1954	Determined Not Eligible	URS/EG&G 2004a
E-105	001-0027-0038	Library/Fiscal/Procurement Building	Administrative Buildings (Miscellaneous)	1954	Determined Not Eligible	URS/EG&G 2004a
E-106	001-0027-0039	Control Center and Range Operations Building	Data Collection & Reduction Center Buildings (Launch Complex)	1954	Determined Not Eligible	URS/EG&G 2004a
E-107	001-0027-0040	Sound Rocket/Balloon Project Building	Data Collection & Reduction Center Buildings (Launch Complex)	1954	Determined Not Eligible	URS/EG&G 2004a
E-134	001-0027-0042	Mobile Radar Shop Office/Storage Building	Covered Storage (Miscellaneous)	1955	Determined Not Eligible	URS/EG&G 2004a
E-144	001-0027-0128	Ionosphere Sounding and Solar Data Center	Physical Science (Structures and Facilities)	1959	Determined Not Eligible	TEC Inc. 2011
F-001	001-0027-0043	Reproduction Facility Building	Printing and Reproduction Building	1946	Determined Not Eligible	URS/EG&G 2004a
F-002	001-0027-0044	Telecommunications Facility Building	Communications Building	1945	Determined Not Eligible	URS/EG&G 2004a
F-003	001-0027-0045	Conference and Morale Activities Building	Administrative Buildings (Miscellaneous)	1946	Determined Not Eligible	URS/EG&G 2004a
F-004	001-0027-0046	Dormitory	Community Facilities - Personnel Support and Service (Miscellaneous)	1946	Determined Not Eligible	URS/EG&G 2004a

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
F-005	001-0027-0047	Dormitory	Community Facilities - Personnel Support and Service (Miscellaneous)	1946	Determined Not Eligible	URS/EG&G 2004a
F-006	001-0027-0048	WFF Administration Building	Administration Buildings	1946	Determined Not Eligible	URS/EG&G 2004a
F-007	001-0027-0049	Multi-Payload Processing Facility	Assembly and Checkout Buildings (Launch Complex)	1946	Determined Not Eligible	URS/EG&G 2004a
F-010	001-0027-0051	Technical Service Shops and Offices	Metal Shop	1944	Determined Not Eligible	URS/EG&G 2004a
F-010A	001-0027-0052	Tool and Equipment Storehouse	General Warehouse - Ready Issue	1947	Determined Not Eligible	URS/EG&G 2004a
F-010B	001-0027-0053	Heat Treating Shop	Metal Shop	1950	Determined Not Eligible	URS/EG&G 2004a
F-015	001-0027-0054	Outdoor Tennis Court	Playing Court	1946	Determined Not Eligible	URS/EG&G 2004a
F-036	001-0027-0057	Wallops Employee Morale Association (WEMA) Storage Building	Community Facilities-Morale, Welfare & Recreational (Miscellaneous)	1952	Determined Not Eligible	URS/EG&G 2004a
F-044	001-0027-0058	Filter Storage Facility	Covered Storage (Miscellaneous)	1953	Determined Not Eligible	URS/EG&G 2004a
F-157	001-0027-0129	Office Furniture Supply Warehouse	General Warehouse - Ready Issue	1957	Determined Not Eligible	TEC Inc. 2011
F-160	001-0027-0130	Health/Quality Verification Lab/Environmental Building	Materials (R&D & Test Buildings)	1957	Determined Not Eligible	TEC Inc. 2011
F-163	001-0027-0131	Chemical Storage Building	Covered Storage (Miscellaneous)	1963	Determined Not Eligible	TEC Inc. 2011
F-170	001-0027-0132	Plant Operations and Maintenance Branch Storage Building	Covered Storage (Miscellaneous)	1957	Determined Not Eligible	TEC Inc. 2011
F-172	001-0027-0059	ACS Pressure Vessel Testing Magazine	Flammables Storehouse - Ready Issue	1955	Determined Not Eligible	URS/EG&G 2004a
H-030	001-0027-0084	Four Car Garage/WEMA	Land Vehicle Shop	1950	Determined Not Eligible	URS/EG&G 2004a
H-114	001-0027-0085	Water Pump House	Water Pump Facility, Potable	1954	Determined Not Eligible	URS/EG&G 2004a

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
J-017	001-0027-0086	Visitor Information Center Exhibit Display Area Building	Administrative Buildings (Miscellaneous)	1953	Determined Not Eligible	URS/EG&G 2004a
J-093	001-0027-0087	Visitor Information Center Concession Building	Administrative Buildings (Miscellaneous)	1953	Determined Not Eligible	URS/EG&G 2004a
M-001	001-0027-0088	Plant Operation and Maintenance Shops Support/Storage Building	Explosive Storage (Miscellaneous)	1945	Determined Not Eligible	URS/EG&G 2004a
M-009– M-012, M-014	001-0027-0093, -0094, -0095, -0096, -0097	Underground Magazine	Underground Storage - Ready Issue	1945	Determined Not Eligible	URS/EG&G 2004a
M-015	001-0027-0133	Rocket Inspection and Storage Shelter	Explosive Storage (Miscellaneous)	1963	Determined Not Eligible	TEC Inc. 2011
M-016	001-0027-0134	Rocket Storage and Inspection Shelter	Explosive Storage (Miscellaneous)	1963	Determined Not Eligible	TEC Inc. 2011
M-017	001-0027-0135	Heating Plant Building	Heating Plant and Other Related Facilities - Oil-Fired	1963	Determined Not Eligible	TEC Inc. 2011
M-025	001-0027-0136	Ready Issue Magazine	Inert Storehouse - Ready Issue	1957	Determined Not Eligible	TEC Inc. 2011
M-183	001-0027-0137	Ready Service Magazine	Small Arms and/or Pyrotechnics Magazine	1957	Determined Not Eligible	TEC Inc. 2011
M-184	001-0027-0138	Ready Issue Storage Magazine	Explosive Storage (Miscellaneous)	1958	Determined Not Eligible	TEC Inc. 2011
N-116	001-0027-0098	Inactive Equipment Storage Building	General Warehouse - Ready Issue	1954	Determined Not Eligible	URS/EG&G 2004a
N-133	001-0027-0139	Credit Union Admin Office Building	Administrative Buildings (Miscellaneous)	1956	Determined Not Eligible	TEC Inc. 2011
N-134	001-0027-0140	VA Commercial Space Flight Authority Office	Administrative Buildings (Miscellaneous)	1956	Determined Not Eligible	TEC Inc. 2011
N-159	001-0027-0141	Research Aircraft and Observation Science Lab	Aeronautical (R&D & Test Buildings)	1957	Determined Not Eligible	TEC Inc. 2011
N-159E	001-0027-0142	Airport Surveillance Radar 7 (ASR-7) Radar Antenna Tower	Communications (Structures)	1961	Determined Not Eligible	TEC Inc. 2011
N-161	001-0027-0099	Facilities Engineering/Range and Mission Management	Administrative Buildings (Miscellaneous)	1953	Determined Not Eligible	URS/EG&G 2004a

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
N-162	001-0027-0143	Telecommunications Facility Building	Operations Buildings (Tracking Stations)	1957	Determined Not Eligible	TEC Inc. 2011
N-162B	001-0027-0144	Frequency Monitoring Antenna Tower	Antenna - Tower Supported	1963	Determined Not Eligible	TEC Inc. 2011
N-163	001-0027-0145	Antenna Calibration Measurement Facility Building	Spacecraft and Vehicle R&D Test Buildings	1963	Determined Not Eligible	TEC Inc. 2011
N-164	001-0027-0146	High Frequency Receiver Antenna	Antenna - Tower Supported	1965	Determined Not Eligible	TEC Inc. 2011
N-166	001-0027-0147	Flammable Storehouse	Covered Storage (Miscellaneous)	1957	Determined Not Eligible	TEC Inc. 2011
N-167	001-0027-0148	X-Band Antenna Central Control Building	Operations Buildings (Tracking Stations)	1965	Determined Not Eligible	TEC Inc. 2011
N-174	001-0027-0149	Boresight and Calibration Tower	Communications (Structures)	1962	Determined Not Eligible	TEC Inc. 2011
N-218	001-0027-0150	Chemical Storage Building	Flammables Storehouse - Ready Issue	1957	Determined Not Eligible	TEC Inc. 2011
N-222	001-0027-0151	Surplus Utilization and Disposal Building	General Warehouse - Ready Issue	1957	Determined Not Eligible	TEC Inc. 2011
<i>Wallops Mainland</i>						
I-004	001-0027-0152	Wallops Island Causeway and Bridge	Vehicular Bridges (Other)	1960	Determined Not Eligible	TEC Inc. 2011
U-005	001-0027-0153	Mainland Terminal Building	Communications Building	1961	Determined Not Eligible	TEC Inc. 2011
U-020A	001-0027-0154	Radar Antenna Pedestal Tower B	Communications (Structures)	1959	Determined Not Eligible	TEC Inc. 2011
U-020B	001-0027-0155	Electric Power Control Building	Support Buildings - Mechanical (Tracking Stations)	1959	Determined Not Eligible	TEC Inc. 2011
U-025	001-0027-0156	Radar Operations Building	Operations Buildings (Tracking Stations)	1959	Determined Not Eligible	TEC Inc. 2011
U-025A	001-0027-0157	Radar Antenna Pedestal Tower A	Communications (Structures)	1959	Determined Not Eligible	TEC Inc. 2011
U-026	001-0027-0158	Projects Maintenance Shop	Operations Buildings (Tracking Stations)	1960	Determined Not Eligible	TEC Inc. 2011

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
U-027	001-0027-1059	Spare Parts Storage Building	Support Buildings - Mechanical (Tracking Stations)	1961	Determined Not Eligible	TEC Inc. 2011
U-030	001-0027-0160	Spandar Radar Operations Building	Operations Buildings (Tracking Stations)	1960	Determined Not Eligible	TEC Inc. 2011
U-030A	001-0027-0161	Spandar Radar Pedestal Tower	Communications (Structures)	1960	Determined Not Eligible	TEC Inc. 2011
U-040	001-0027-0162	Mobile Radar Laboratory	Tracking and Data Acquisition Buildings	1961	Determined Not Eligible	TEC Inc. 2011
U-055	001-0027-0163	Transmitter Building	Communications Building	1964	Determined Not Eligible	TEC Inc. 2011
U-055A	001-0027-0164	High Frequency Antenna Tower	Antenna - Tower Supported	1965	Determined Not Eligible	TEC Inc. 2011
U-060	001-0027-0165	Collimation Beacon and Tower	Communications (Structures)	1964	Determined Not Eligible	TEC Inc. 2011
U-064	001-0027-0166	Communications Antenna Support Tower	Communications (Structures)	1965	Determined Not Eligible	TEC Inc. 2011
U-070	001-0027-0167	AN/FPQ-6 Radar Building	Operations Buildings (Tracking Stations)	1964	Determined Not Eligible	TEC Inc. 2011
U-070A	001-0027-0168	AN/FPQ-6 Radar Antenna Pedestal Tower	Communications (Structures)	1964	Determined Not Eligible	TEC Inc. 2011
U-080	001-0027-0169	Atmospheric Physics Measurement Lab	Tracking and Data Acquisition Buildings	1965	Determined Not Eligible	TEC Inc. 2011
Wallops Island						
V-025	001-0027-0170	Inert Pay Assembly and Checkout Building	Assembly and Checkout Buildings (Launch Complex)	1957	Determined Not Eligible	TEC Inc. 2011
V-030	001-0027-0171	Ammunition Magazine	Underground Storage - Ready Issue	1958	Determined Not Eligible	TEC Inc. 2011
V-042	001-0027-0172	Ready Service Magazine	Solid Fuel Storage - Bulk (Miscellaneous)	1956	Determined Not Eligible	TEC Inc. 2011
V-045	001-0027-0173	Hypergolic Fueling Facility	Test Support Buildings (Vehicle Static Test)	1963	Determined Not Eligible	TEC Inc. 2011
V-050	001-0027-0174	Hypergolic Fueling Control Facility	Control Center (Vehicle Static Test)	1963	Determined Not Eligible	TEC Inc. 2011

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
V-050A	001-0027-0175	Utility Canopy - Dynamic Balance Facility	Test Support Buildings (Vehicle Static Test)	1963	Determined Not Eligible	TEC Inc. 2011
V-052	001-0027-0176	Ready Service Chemical Storage Magazine	Solid Fuel Storage - Bulk (Miscellaneous)	1956	Determined Not Eligible	TEC Inc. 2011
V-055	001-0027-0177	Vertical Dynamic and Static Balance Facility	Test Support Buildings (Vehicle Static Test)	1963	Determined Not Eligible	TEC Inc. 2011
V-065	001-0027-0100	WEMA Recreational Facility (former Wallops Beach Life Saving Station)	Recreation Building	1936	Eligible	URS/EG&G 2004a
V-070	001-0027-0101	Coast Guard Observation Tower	Communications (Structures)	1936	Eligible (Contributing to V-065)	URS/EG&G 2004a
V-080	001-0027-0178	Rocket Motor Ready Storage	Covered Storage (Miscellaneous)	1963	Determined Not Eligible	TEC Inc. 2011
V-090	001-0027-0102	Elevated Water Tank	Storage Tanks - Elevated - Potable	1954	Determined Not Eligible	URS/EG&G 2004a
W-010	001-0027-0179	Terminal Building Launch Area	Service Buildings (Launch Complex)	1960	Determined Not Eligible	TEC Inc. 2011
W-015	001-0027-0180	Assembly Shop #4	Assembly and Checkout Buildings (Launch Complex)	1957	Determined Not Eligible	TEC Inc. 2011
W-016	001-0027-0181	Ready Storage Cubicle	Solid Fuel Storage - Bulk (Miscellaneous)	1957	Determined Not Eligible	TEC Inc. 2011
W-020	001-0027-0182	Blockhouse #3	Blockhouses (Launch Complex)	1960	Determined Not Eligible	TEC Inc. 2011
W-035	001-0027-0183	Terminal Building Launch Area #4	Service Buildings (Launch Complex)	1960	Determined Not Eligible	TEC Inc. 2011
W-035B	001-0027-0104	Cable Terminal Building	Service Buildings (Launch Complex)	1955	Determined Not Eligible	URS/EG&G 2004a
W-040	001-0027-0184	Assembly Shop #5	Assembly and Checkout Buildings (Launch Complex)	1957	Determined Not Eligible	TEC Inc. 2011
W-050	001-0027-0185	Cable Terminal Building Launch Area	Service Buildings (Launch Complex)	1960	Determined Not Eligible	TEC Inc. 2011
W-051	001-0027-0186	Flammables Storehouse	Flammables Storehouse - Ready Issue	1956	Determined Not Eligible	TEC Inc. 2011

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
W-057	001-0027-0187	Microwave Rain Attenuation Tower	Antenna - Tower Supported	1961	Determined Not Eligible	TEC Inc. 2011
W-065	001-0027-0188	Assembly Shop #3	Assembly and Checkout Buildings (Launch Complex)	1963	Determined Not Eligible	TEC Inc. 2011
W-067	001-0027-0189	Ready Issue Explosives Storage Cubical	Explosive Storage (Miscellaneous)	1957	Determined Not Eligible	TEC Inc. 2011
X-005	001-0027-0105	Fire Department Support Building	Land Vehicle Shop	1955	Determined Not Eligible	URS/EG&G 2004a
X-005A	001-0027-0190	Pathfinding Radar Antenna Tower	Communications (Structures)	1966	Determined Not Eligible	TEC Inc. 2011
X-015	001-0027-0106	Payload Processing Facility and Fire Department	Assembly and Checkout Buildings (Launch Complex)	1950	Determined Not Eligible	URS/EG&G 2004a
X-030	001-0027-0107	Paint Shop	Public Works or Maintenance Shop	1955	Determined Not Eligible	URS/EG&G 2004a
X-035	001-0027-0108	Launch Service Shop and Storage Facility	Launch Vehicle Maintenance Facility	1947	Determined Not Eligible	URS/EG&G 2004a
X-055	001-0027-0109	Launch Support Service Building	Service Buildings (Launch Complex)	1946	Determined Not Eligible	URS/EG&G 2004a
X-065	001-0027-0110	Tower Camera Tracking Station #5	Camera Pads & Structures (Launch Complex)	1951	Determined Not Eligible	URS/EG&G 2004a
X-075	001-0027-0191	Island Terminal Building	Communications Building	1960	Determined Not Eligible	TEC Inc. 2011
X-085	001-0027-0192	Special Projects Building	Data Collection & Reduction Center Buildings (Launch Complex)	1963	Determined Not Eligible	TEC Inc. 2011
X-115	001-0027-0112	Plant Operations and Maintenance Branch Shop and Storage	Maintenance Shop (Installation Facilities)	1955	Determined Not Eligible	URS/EG&G 2004a
Y-010	001-0027-0193	Fuel Storage Magazine	Liquid Propellant Storage (Miscellaneous)	1957	Determined Not Eligible	TEC Inc. 2011
Y-015	001-0027-0113	Assembly Shop #1	Assembly and Checkout Buildings (Launch Complex)	1950	Determined Not Eligible	URS/EG&G 2004a
Y-016	001-0027-0194	Ready Service Magazine	Flammables Storehouse - Ready Issue	1957	Determined Not Eligible	TEC Inc. 2011

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number

WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
Y-020	001-0027-0195	Ready Issue Storage Magazine	Dehumidified Warehouse - Ready Issue	1957	Determined Not Eligible	TEC Inc. 2011
Y-025	001-0027-0114	Propellant Magazine	Solid Fuel Storage - Bulk (Miscellaneous)	1950	Determined Not Eligible	URS/EG&G 2004a
Y-030	001-0027-0115	Blockhouse #2	Blockhouses (Launch Complex)	1950	Determined Not Eligible	URS/EG&G 2004a
Y-035	001-0027-0116	Launch Area 2 (Pads A, B, C)	Launch Pad (Launch Complex)	1950	Determined Not Eligible	URS/EG&G 2004a
Y-038	001-0027-0197	Launcher Equipment Shelter	Service Buildings (Launch Complex)	1965	Determined Not Eligible	TEC Inc. 2011
Y-040	001-0027-0117	Igniter and Rocket Motor Facility	Test Support Buildings (Vehicle Static Test)	1952	Determined Not Eligible	URS/EG&G 2004a
Y-045	001-0027-0118	Igniter Magazine	Solid Fuel Storage - Bulk (Miscellaneous)	1950	Determined Not Eligible	URS/EG&G 2004a
Y-050	001-0027-0119	Rocket Flight Hardware Storage Facility	Covered Storage (Miscellaneous)	1950	Determined Not Eligible	URS/EG&G 2004a
Y-055	001-0027-0198	AN-FPS-16 Radar Station	Operations Buildings (Tracking Stations)	1958	Determined Not Eligible	TEC Inc. 2011
Y-060	001-0027-0120	Island Radar Control Building	Operations Buildings (Tracking Stations)	1955	Determined Not Eligible	URS/EG&G 2004a
Y-075	001-0027-0121	Outdoor Electrical Substation	Substation	1952	Determined Not Eligible	URS/EG&G 2004a
Y-095	001-0027-0199	Camera Platform with 12ft AS	Camera Pads & Structures (Launch Complex)	1964	Determined Not Eligible	TEC Inc. 2011
Y-110	001-0027-0200	Camera Platform with 10ft Astrodome	Camera Pads & Structures (Launch Complex)	1964	Determined Not Eligible	TEC Inc. 2011
Z-020	001-0027-0126	Liquid Propellant Storage	Liquid Propellant Storage	1961	Determined Not Eligible	TEC Inc. 2011
Z-025	001-0027-0127	Liquid Propellant Storage	Liquid Propellant Storage	1961	Determined Not Eligible	TEC Inc. 2011
Z-035	001-0027-0122	Tracking Camera Tower with Dome	Camera Pads & Structures (Launch Complex)	1951	Determined Not Eligible	URS/EG&G 2004a
Z-040	001-0027-0201	Launch Area 0 Service Building	Service Buildings (Launch Complex)	1960	Determined Not Eligible	TEC Inc. 2011

Table 2-4. Evaluated Extant Architectural Resources on Wallops Flight Facility Arranged by Property ID Number						
WFF Property ID Number	VDHR Number	Property Name	Description	Year Constructed	NRHP Eligibility	Recorded by and Year
Z-065	001-0027-0123	Blockhouse #1	Blockhouses (Launch Complex)	1952	Determined Not Eligible	URS/EG&G 2004a
Z-070	001-0027-0124	Launch Area #1 (Apron)	Launch Pad (Launch Complex)	1952	Determined Not Eligible	URS/EG&G 2004a
No ID number	001-0027-0125	Observation Mound	Support Structure	1952	Determined Not Eligible	Espenshade and Lockerman 2009

2.5.3 WFF’s Historic Properties

The 2004 *Historic Resources Survey and Eligibility Report* (URS/EG&G 2004a) determined that one resource, consisting of the Wallops Beach Life Saving Station (VDHR #001-0027-0100; WFF# V-065) and its associated contributing Observation Tower (VDHR #001-0027-0101; WFF# V-070) is eligible for listing in the National Register and Virginia Landmarks Register (**Figure 2-5; Table 2-5; Appendix F**). The tower is not significant individually, but as a contributing structure to the Life Saving Station. The station is eligible for local historical significance for its association with the Coast Guard, which had a vital role in protecting shipping and human lives along Virginia’s Eastern Shore, and for local architectural significance for exemplifying the Colonial Revival style.

The 2009 archaeological survey for the proposed Uninhabited Aerial Systems Airstrip on Wallops Island recommended the Revolutionary War Military Earthworks (44AC0089), located on Wallops Island, as eligible for listing in the National Register (**Figure 2-4; Table 2-5**). The site was recommended eligible for local significance as a rare extant engineering example of a small, vernacular Revolutionary War field fortification and for its potential to contribute information regarding the supply, foodways, and fort structure, design, and construction of small Revolutionary War fortifications. The undertaking was subsequently redesigned to avoid adverse effects to this site. Consequently, a formal determination of eligibility has not been conducted in consultation with the Virginia SHPO. However, per the terms of the PA, the HPO will treat the site as a historic property.

VDHR Site Number	WFF Number	Name/Type	Culture Period	National Register Status
44AC0089	Not applicable	Military Earthworks	Revolutionary War	Eligible (per the terms of the PA)
001-0027-0100	V-065	Wallops Beach Life Saving Station	1936–1947	Eligible
001-0027-0101	V-070	Observation Tower	1936–1947	Eligible as a Contributing Structure to the Life Saving Station

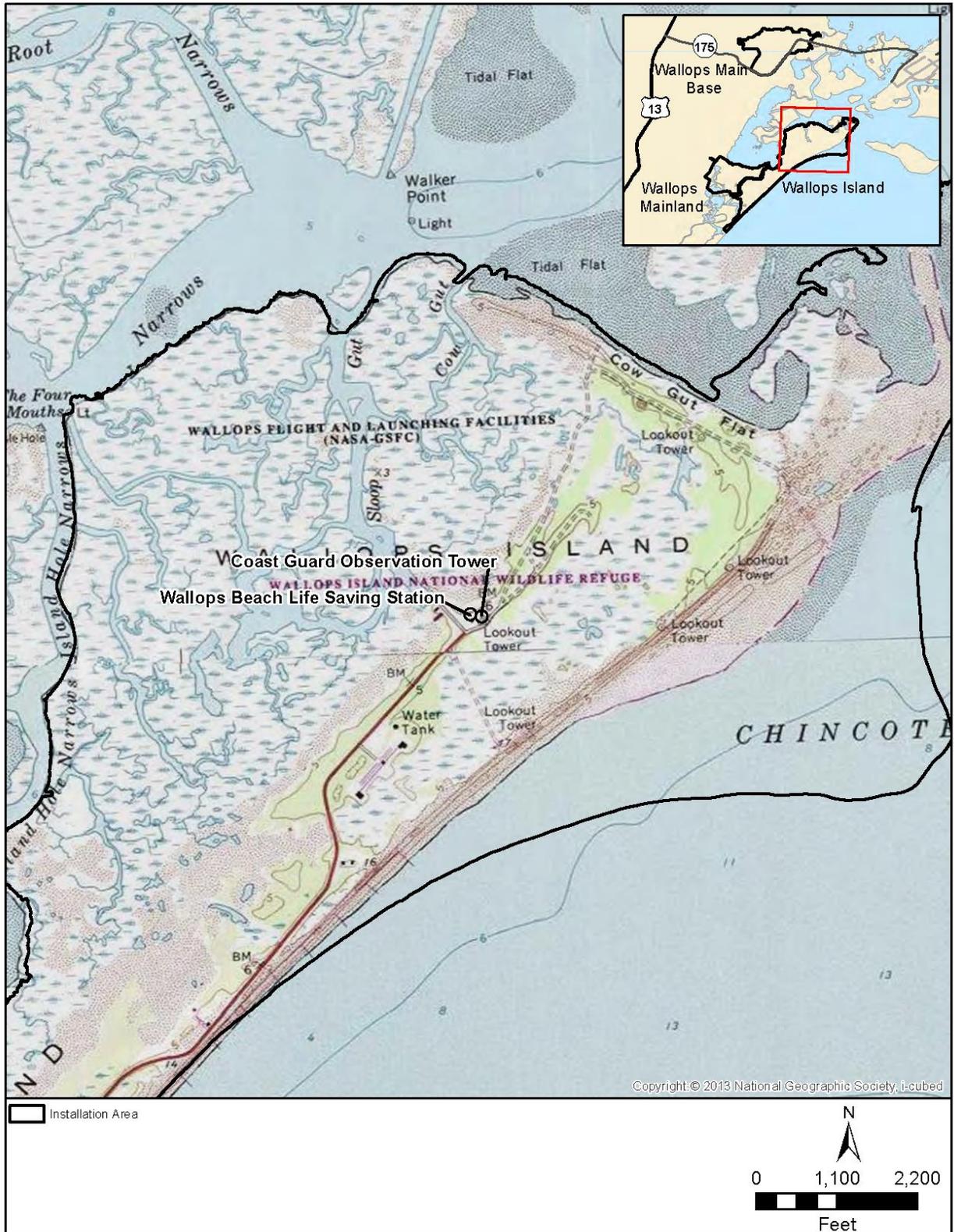


Figure 2-5. Location of Wallops Beach Life Saving Station (VDHR #001-0027-0100) and Associated Observation Tower (VDHR #001-0027-0101)

3.0 CULTURAL RESOURCE PLANNING

3.1 INTRODUCTION

Effective cultural resources management requires project and program managers and planners to understand the regulatory framework guiding their actions. It is also helpful for the unique archaeological and architectural 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 property 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. At the time of this management plan's development there were only two historic properties identified at WFF: Wallops Beach Life Saving Station (VDHR #001-0027-0100) along with the associated Observation Tower (VDHR #001-0027-0101), and, per the terms of the PA, the Military Earthworks (44AC0089). Additional historic properties (archaeological or architectural) may be identified during the five-year duration of this ICRMP, making a discussion of these regulations all the more pertinent. New historic properties may be identified through the Section 106 process, through Section 110 evaluations, or through re-evaluation of previously surveyed properties. New eligible buildings and structures would result from additional resources reaching 45 years of age or older (in anticipation of their turning 50). New eligible archaeological sites could be identified by future project-driven archaeological survey under Section 106 of the NHPA.

Section 3.2 provides a review of applicable cultural resources management legislation, regulations, executive orders, and standards 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 for cultural resources management. Types of undertakings that may affect historic properties and treatment procedures to guide future management activities at WFF are recommended in Sections 3.4 and 3.5. Sections 3.6 and 3.7 provide planning and mitigation strategies for cultural resources 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. NASA Policy Directives (NPDs) and NASA Procedural Requirements (NPRs) clarify NASA policy for management of cultural resources. These directives and procedures are based of federal laws and policies and integrate them with NASA missions.

The following discussion provides an overview of Federal statutes and regulations that are applicable to the management of cultural resources at WFF. More detailed information regarding Federal legislation is located in **Appendix G**. In addition, the National Park Service (NPS) maintains a webpage with pdf versions of cultural resource laws, regulations, and executive orders. These can be downloaded at: <http://www.nps.gov/history/laws.htm>.

3.2.1 Federal Laws and Regulations

3.2.1.1 American Antiquities Act

The American Antiquities Act of 1906, as amended (16 U.S.C. §§ 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 American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) of 1978, as amended (42 U.S.C. §§ 1996 et seq.), establishes U.S. policy to protect and preserve American Indian, Eskimo, Aleut, and Native Hawaiian freedom to believe, express, and exercise traditional religions and ways. This includes access to sacred sites, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rites. Federal agencies must determine whether changes to their policies and procedures are needed to protect such rights and freedoms.

3.2.1.3 Archeological and Historic Preservation Act

The Archeological and Historic Preservation Act of 1974, as amended (16 U.S.C. §§ 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.”

3.2.1.4 Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) of 1979, as amended (16 U.S.C. §§ 470aa et seq.), establishes that excavating, removing, damaging, altering, or defacing archaeological resources located on public or Indian lands unless authorized by a permit, or selling, purchasing, or transferring artifacts obtained in violation of the law is a felony. ARPA requires Federal land-managing agencies to issue a permit prior to the initiation of archaeological investigations on Federal property or property under Federal control. ARPA permits are triggered by the excavation or removal of “any archaeological resource located on public lands or Indian lands,” as well as “activities associated with such removal” (16 U.S.C. § 470cc[a]).

3.2.1.5 Historic Sites Act

The Historic Sites Act of 1935, as amended (16 U.S.C. §§ 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 United States.

3.2.1.6 National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §§ 4321–4370h) requires Federal agencies to consider the effects of their proposed actions on the human and natural environment prior to initiation and to involve the public in the decision-making process. NASA’s procedures and responsibilities for complying with NEPA and the Council on Environmental Quality’s implementing regulations are set forth in NPR 8580.1 (effective August 1, 2012; expiration August 1, 2017).

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, the fulfillment of Section 106 of the NHPA can be coordinated with the NEPA process, or NEPA reviews may be substituted for the Section 106 process. Integrating the Section 106 and NEPA compliance procedures, whether through coordination or substitution, involves beginning both the NEPA and Section 106 reviews early in project planning, and is most effective when both processes are initiated simultaneously.

Coordination of Section 106 compliance and NEPA, as addressed in 36 CFR § 800.8(a), synchronizes Section 106 and NEPA reviews. Each level of NEPA review, i.e., a Categorical Exclusion, Environmental Assessment (EA), or Environmental Impact Statement (EIS), may be coordinated with Section 106. Opportunities for coordination include, but are not limited to:

- Identifying and evaluating cultural resources and determining if a project has a potential effect on them while preparing the NEPA document;
- Developing a communication plan to meet public involvement requirements for both NEPA and Section 106 at the beginning of project review;
- Including information from Section 106 documents in the NEPA document; and
- Referencing any treatment or mitigation measures developed through the Section 106 process in the NEPA document.

Substitution, as outlined under 36 CFR § 800.8(c), allows agencies to use the NEPA review procedures and documentation as an alternative to the standard four-step Section 106 review process set out in 36 CFR §§ 800.3–800.6. Substitution is appropriate for actions requiring preparation of an EA and Finding of No Significant Impact (FONSI) or an EIS and Record of Decision (ROD), but not a Categorical Exclusion. Advance planning is necessary to implement the substitution process in order to ensure the NEPA review meets the standards of the four-step Section 106 review. The substitution process involves:

- Notifying the ACHP and the SHPO of the intent to use the process and documentation for preparing an EA/FONSI or EIS/ROD to comply with Section 106 in lieu of the procedures in 36 CFR §§ 800.3–800.6;
- Identifying consulting parties during NEPA scoping;
- Identifying historic properties in the APE while developing the alternatives for the EA or EIS;
- Using the draft EA or EIS as the basis for consulting on the effects of the project with the SHPO and consulting parties;
- Consulting on alternatives or measures that avoid, minimize, or mitigation adverse effects; and
- Including the results of consultation, a Memorandum of Agreement (MOA) or Programmatic Agreement, or ACHP comments in the final EA/FONSI or EIS/ROD.

A Federal agency cannot sign a NEPA decision document (a FONSI or ROD) prior to the completion of the Section 106 process. In the event that the undertaking is modified subsequent to the approval of the

EIS or EA, the ACHP will be notified that supplemental environmental documents or procedures outlined in 36 CFR §§ 800.3 through 800.6 will be prepared.

The Council on Environmental Quality's and ACHP's (2013) *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106* provides guidance for implementing the regulatory provisions of coordination and substitution of a NEPA process for Section 106. The handbook may be downloaded from: <https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/handbooks>.

3.2.1.7 National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. § 300101 et seq.), is the cornerstone of Federal cultural resources management law. The NHPA 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 the National Register of Historic Places, 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 (54 U.S.C. §302101 and §302103);
- Instituted a system of State Historic Preservation Offices (SHPO) for all states and territories to administer each state's historic preservation program (54 U.S.C. § 302303);
- Established the Section 106 review process, which mandates that any undertaking involving Federal funds or financial assistance (including federal grants) 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” (54 U.S.C. § 306108); and
- Established the Advisory Council on Historic Preservation as an independent agency to advise the President, Congress, and other Federal agencies on historic preservation matters; disseminate information on historic preservation; and encourage public interest in historic preservation (54 U.S.C. §§ 304102).

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 projects and activities on historic properties. 36 CFR Part 800, Protection of Historic Properties, contains the implementing regulations of Section 106. These regulations outline the process for complying with Section 106, and define the roles of the SHPO, ACHP, Tribal Historic Preservation Offices, and other

concerned parties in this process. 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. Proposed projects classified as undertakings under Section 106 may not be located entirely on Federally owned or controlled lands.

The Federal agency responsible for the proposed undertaking must initiate and complete the Section 106 review process. First, all known and potential cultural resources must be identified and evaluated for their eligibility using the National Register Criteria for Evaluation (36 CFR § 60.4[a-d]). Then the potential effects, both direct and indirect, on significant identified resources must be determined. If it is found that a proposed project would have an effect on an historic property, steps must be taken to mitigate the anticipated effect. The review process includes consultation with the SHPO, appropriate Native American tribes, other identified concerned parties, and if necessary, the ACHP. All consulted parties must be afforded a reasonable opportunity to comment.

3.2.1.8 Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, as amended (25 U.S.C. § 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. The NAGPRA implementing regulations (43 CFR Part 10) outline the process for determining the rights of lineal descendants and Indian tribes and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated.

Under NAGPRA, only Federally recognized Native American tribes and Native Hawaiian organizations may claim cultural items. The NAGPRA Review Committee has recognized that there are some instances in which non-Federally recognized tribes may be appropriate claimants for cultural items. Although currently there are no Federally recognized tribes located in Virginia, there are 11 tribal groups officially recognized by the Commonwealth of Virginia. In the event of an unanticipated discovery of human remains or cultural items at WFF, NASA may consult with non-Federally recognized tribes to repatriate the cultural items.

3.2.1.9 Curation of Federally Owned and Administered Archaeological Collections

These regulations (36 CFR Part 79) establish the definitions, standards, procedures, and guidelines to be followed by Federal agencies in preserving collections of prehistoric and historic material remains and associated records recovered under the authority of the American Antiquities Act, the Reservoir Salvage Act (16 U.S.C. §§ 469–469c), chapter 3061 of the NHPA, or ARPA. However, as noted above, the requirements of NAGPRA and 43 CFR Part 10 applies to the disposition of Native American human remains and cultural items, as defined by NAGPRA, in the possession and control of a Federal agency.

3.2.2 Executive Orders and Memoranda

3.2.2.1 Executive Order 11593 – Protection and Enhancement of the Cultural Environment

Executive Order (EO) 11593, issued on May 13, 1971, requires agencies of the executive branch of the Federal government to do the following: 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.

3.2.2.2 Executive Order 13007 – Indian Sacred Sites

EO 13007, dated May 24, 1996, requires Federal agencies to allow access to and ceremonial use of sacred Indian sites located on Federal lands by Indian religious practitioners of federally recognized tribes. In addition, Federal agencies will provide reasonable notice of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.

3.2.2.3 Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments

Issued on November 6, 2000, EO 13175 clarifies the legal relationship between the Federal government and Indian tribal governments and reiterates the sovereignty of tribal governments. In addition, Federal agencies must establish a consultation process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.

3.2.2.4 Executive Order 13287 – Preserve America

Signed on March 3, 2003, EO 13287, Preserve America, 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 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.

3.2.2.5 Presidential Memorandum – Tribal Consultation

The Presidential Memorandum on Tribal Consultation was issued on November 5, 2009, directing each Federal agency to develop a detailed plan of action for implementing the policies and directives of EO 13175, Consultation and Coordination with Indian Tribal Governments. The Presidential Memorandum requires Federal agencies to formalize a process for consulting with tribal governments and considering tribal interests in carrying out their policies and programs.

3.2.3 Historic Preservation Standards and Guidelines

3.2.3.1 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. These standards are found in **Appendix H**.

3.2.3.2 The Secretary of the Interior’s Professional Qualification Standards

The Secretary of the Interior’s Professional Qualification Standards (48 Federal Register 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 resources management professionals, and those retained on a contractual basis. These standards are found in **Appendix H**.

3.2.4 NASA Policy Directives and Procedural Requirements

3.2.4.1 NPR 4310.1A – Artifact Identification and Disposition

This NPR (effective May 12, 2014; expiration May 12, 2019) outlines the process for identifying, reporting, and transferring NASA artifacts, which are defined as “items of personal property that represent important aspects related to the history of aeronautics and astronautics.” Examples of aeronautical and astronautical artifacts include items such as space launch vehicles, spacecraft, rocket engines, training devices, simulators, personal equipment, instruments, operating handbooks, drawings, photographs, film, audio and video tapes, and memorabilia. This NPR stipulates that “Prior to removal or excessing of historically significant elements/equipment (i.e., artifacts) that could alter or change the character of the historic property that contributes to its historic significance, the Center’s HPOs shall comply with the Advisory Council on Historic Preservation’s implementing regulations, 36 CFR Part 800, Protection of Historic Properties.”

3.2.4.2 NPD 8500.1C – NASA Environmental Management

NPD 8500.1C (effective December 2, 2013; expiration December 2, 2018) sets forth NASA’s policies for environmental management, planning, and responsibilities. The NPD includes cultural resources as a component of NASA’s environmental management program, which “supports NASA’s missions, protects mission resources, and mitigates environmentally driven mission risks, while maintaining environmental stewardship of assets, controls over environmental responsibilities, and compliance with applicable legal and other requirements.”

3.2.4.3 NPR 8510.1 – NASA Cultural Resources Management

This NPR (effective June 20, 2012; expiration June 20, 2017) establishes the requirements of NASA’s cultural resources management program under NPD 8500.1C and in accordance with applicable legal and other requirements, and outlines the purpose and scope of the ICRMP and its contents. In recognition of NASA’s role in cultural resources stewardship, this NPR establishes practices and procedures that will “ensure preservation of [significant cultural resources] to NASA’s mission, communities, and the history of our Nation.” NPR 8510.1 is included in **Appendix A**.

3.2.4.4 NPR 8553.1B – NASA Environmental Management System

NPR 8553.1B (effective September 22, 2009; expiration September 22, 2019) provides guidance on developing, implementing and maintaining NASA’s Environmental Management System. The Environmental Management System provides a standard process and quantifiable framework for identifying environmental aspects and impacts and determining high-priority environmental aspects associated with activities, products, and services of each NASA Center and Component Facility. Cultural resources comprise one of the categories of environmental aspects that are included in the Environmental Management System.

3.2.5 Programmatic Agreement (PA)

A PA establishes alternate procedures for consultation, review, and compliance with federal laws and regulations on historic preservation and the protection of historic properties that differs from the standard Section 106 process. According to 36 CFR § 800.14(b), the ACHP and the agency official may negotiate a PA to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings. Typically PAs are multi-year agreements.

NASA WFF has a PA in place regarding the Section 106 process that addresses the planning and treatment of historic properties at WFF. The PA is included in **Appendix B**. Management procedures established by this PA are identified in Section 4.0.

3.2.5.1 Programmatic Agreement Regarding the Management of Facilities, Infrastructure, and Sites at Wallops Flight Facility

This PA among NASA, Virginia SHPO, and the ACHP regarding the planning, treatment, and management of historic properties at WFF was executed on December 17, 2014. The PA outlines specific procedures to be followed with regard to the management of cultural resources on WFF, including roles and responsibilities, activities not requiring review under the scope of the PA, a standard review process for Section 106 compliance, planning for the Wallops Beach Life Saving Station (VDHR #001-0027-0100), public benefit and education, archaeology, resolution of adverse effects, emergency actions, preparation and review of documents, curation, post review discoveries, human remains, dispute resolution, and the handling of sensitive but unclassified data. The procedures and requirements outlined in the PA are based on a comprehensive history of WFF's cultural resource surveys, inventories, plans, and management measures, taking into account known and potential cultural resources, as well as anticipated needs in terms of management review and actions. The PA further establishes consulting parties and consultation requirements with regard to the management of cultural resources at WFF; these consulting parties include the Virginia SHPO, the ACHP, the Catawba Indian Nation, and the Pocomoke Indian Nation.

The PA is in effect for five years after the date of execution (December 17, 2014), and will automatically renew for another five years unless NASA, the Virginia SHPO, or the ACHP provides a written objection to its renewal within 60 calendar days prior to the date it would otherwise expire. In the ninth year of the PA, NASA, the Virginia SHPO, or the ACHP may consult and agree to an extension of the PA. An extension would involve executing a written modification for an agreed upon period.

3.3 FRAMEWORK FOR CULTURAL RESOURCES MANAGEMENT AT WFF

3.3.1 Facility Historic Preservation Officer

WFF's HPO, which is within the Facilities Management Branch, manages the cultural resources program at Wallops Flight Facility.

The HPO job includes coordinating WFF's cultural resources responsibilities with programs and tenant organizations at WFF. These duties are included in NPR 8510.1, which describe requirements, roles, and responsibilities for management and protection of cultural resources at NASA facilities, including WFF. The NPR is applicable to all personnel, facilities, and activities, including tenants, contractors, grantees, clubs, and other parties operating under the auspices of WFF. The NPR is included as **Appendix A**. 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.

According to NPR 8510.1, the HPO has numerous responsibilities for establishing and maintaining NASA CRM Program requirements at WFF. Those requirements generally correspond to one of the following categories of management actions:

- Integrating cultural resources management goals and procedures into other components of WFF's administrative and planning structure;
- Overseeing compliance with NHPA, ARPA, NAGPRA, and all other relevant Federal laws and regulations;
- Ensuring that NASA cultural resource responsibilities are understood and carried out;
- Maintaining a current inventory of cultural resources;
- Coordinating communication and fostering relationships between WFF and outside agencies, Native American tribes, and the public who have an interest in cultural resources at WFF; and
- Ensuring that projects involving historic properties follow as closely as practical the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

As WFF develops its cultural resources program, the HPO must take part in ongoing cultural resources 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 3.6.5 of this ICRMP makes several recommendations for such training.

3.3.2 The Role of External Agencies in WFF Cultural Resources 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 the 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 the 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 effects to historic properties, comment on proposals, or the review of MOAs or PAs under Section 106. The ACHP typically is not involved in Section 106 review of individual cases; however, it may elect to enter into an individual Section 106 review when an undertaking has substantial impacts on important historic properties; presents important questions or

policy or interpretation; has the potential for presenting procedural problems; or presents issues of concern to Indian tribes or Native Hawaiian organizations (36 CFR Part 800, Appendix A).

3.3.2.2 Virginia State Historic Preservation Officer (SHPO)

The Virginia SHPO is responsible for administering cultural resources programs within the Commonwealth of Virginia. The Virginia Department of Historic Resources (VDHR) is the Commonwealth of Virginia's designated historic preservation agency, and is the staff office of the Virginia SHPO. The mission of the department is to "foster, encourage, and support the stewardship of Virginia's significant historic architectural, archaeological, and cultural resources" (VDHR 2014). 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 five 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 three 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 Virginia SHPO 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. Under Section 106, the Virginia SHPO has the ability to enter into an MOA or PA with WFF regarding the treatment of historic properties.

3.3.2.3 Catawba Indian Nation and Pocomoke Indian Nation

There are no Federally recognized tribes in Virginia. Nonetheless, the Catawba Indian Nation and the Pocomoke Indian Nation were identified as consulting parties in conjunction with the development of the PA. As identified in the PA, the Catawba Indian Nation and the Pocomoke Indian Nation participate in the Section 106 review process and the resolution of adverse effects, review and comment on draft and final technical reports, and participate in consultation in the event of a post-review discovery.

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 launches, maintenance, repair, and construction projects. Some undertakings may affect historic or archaeological resources that are potentially eligible or eligible for listing in the National Register. Depending upon the location and kind of undertaking, undertakings can affect properties outside WFF boundaries. Activities that include ground disturbance in the vicinity of archaeological resources, extensive building modifications or 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 4.2 provides a standard operating procedure for the Section 106 consultation process at WFF, which includes following the provisions of Stipulation IV, Standard Review Process, of the PA for Section 106 review consultation of undertakings at WFF that may affect historic properties.

Some projects, including general maintenance and repair, may be determined to have “no effect” to historic properties (an “effect” results in changes to the characteristics of the historic property that qualify it for inclusion in or eligibility for the National Register [36 CFR § 800.16(i)]). Refer to Appendix G of the PA for a list of activities that have been identified in consultation with the Virginia SHPO and ACHP as having limited potential to affect historic properties and, therefore, do not require Section 106 review.

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; and those requiring a Federal permit, license, or approval” (36 CFR § 800.16[y]). The term encompasses a broad range of activities, including demolition, construction, repair, and maintenance. In general, when WFF carries out an undertaking that may affect historic properties, the HPO must conduct a review and consultation under Section 106.

Building Maintenance/Minor Repair

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 National Register, it 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.

Building Modification

Building modification projects include rehabilitations, major repairs, accessibility improvements, and additions. These types of projects generally include replacement of materials, and/or construction. Although building modification projects will have an effect on historic buildings, the effect is not always adverse. All work on buildings and structures eligible for or listed in the National Register 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. Similarly, accessibility projects must seek to balance increased accessibility with preservation of historic building materials and features. For more information refer to NPS Preservation Brief 32, *Making Historic Properties Accessible* (Jester and Park 1993). Modification projects confined to a building’s interior generally do not have an impact on archaeological resources. However, modification projects that involve excavation or ground disturbing activities (i.e., enlarging the building footprint, excavating basements, or installing drainage systems) have the potential to affect adjacent archaeological resources.

New Construction

New construction generally includes extensive subsurface disturbance and landscape modification. As a result, these projects may adversely affect unidentified archaeological resources. Construction of a new building may also introduce visual, audible, or atmospheric elements 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 additional properties within the APE of an undertaking.

Building Demolition

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

Closure or Transfer of Buildings

The closure 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 may result and lead to increased deterioration of the structure and ultimately the destruction of the property. Transfer of ownership or control of a historic property is oftentimes considered an adverse effect unless protective measures are included in the transfer agreements. If the property is transferred by NASA to another party that does not have a cultural resources 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. In this case, an agreement for stewardship should be executed prior to the transfer.

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 generally does 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 architectural resource.

3.5 TREATMENT OF HISTORIC PROPERTIES

3.5.1 Treatment of Archaeological Resources

The HPO 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 HPO for the potential to adversely affect archaeological resources, both known and unknown. The existing documentation of archaeological resources at WFF 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 National Register. 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; and

Other treatment methods include preservation in situ of significant or potentially significant archaeological sites. Preservation methods may include the use of specialized protective techniques, such as placing geotextile fabric across a site, which would minimize, or altogether prevent, an undertaking's adverse effects to the archaeological resource. Additional preservation methods may also include site stabilization in which significant archaeological resources could be treated to ensure long-term preservation. Stabilization may involve placing fill over a site or shoring eroding sites. Site specific treatment strategies would be developed by WFF through consultation with the Virginia SHPO and, as necessary, 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, NASA and the Virginia SHPO may decide to excavate the site. 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. Phase I surveys generally consist of the excavation of shovel probes across a defined area of potential effect in order to identify the presence or absence of archaeological sites, or to determine site boundaries or site significance of a previously identified site. More detailed investigation of sites previously identified by field study generally takes the form of a Phase II evaluation, which can consist of the excavation of vertically and horizontally-controlled test units, and of which the purpose is to evaluate the significance of an identified site, i.e., whether or not it is National Register-eligible and merits further preservation measures. A 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 2011a). Phase III data recovery includes the excavation of a proportional volume of sediment in relation to total site dimensions in the form of vertically and horizontally-controlled test units. If a site cannot be avoided and preservation in situ is not a feasible alternative, Phase III excavation may be required. In such a case, WFF will follow the procedures outlined in Stipulation VIII, Resolution of Adverse Effects, of the PA, including accounting for the Minimum Standards for Archeological Data Recovery Plans at NASA Wallops Flight Facility (Appendix I of the PA) in the course of developing a data recovery plan.

3.5.2 Treatment and Protocols for Historic Buildings

The Secretary of the Interior's Standards for the Treatment of Historic Properties (U.S. Department of the Interior [USDI] 1995) (**Appendix H**) include 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 information to help guide the rehabilitation or reconstruction of historic properties. The level of intervention necessary to preserve a building is based on the results of these investigations. It should be noted that implementation of the above guidance has begun for the one National Register-eligible architectural property at WFF, the Wallops Beach Life Saving Station (VDHR #001-0027-0100). Current conditions and further preservation suggestions for the National Register-eligible Wallops Beach Life Saving Station (VDHR #001-0027-0100) and Observation Tower (VDHR #001-0027-0101) are found in Section 5.0.

3.6 RECOMMENDED CULTURAL RESOURCES MANAGEMENT STRATEGIES AND ACTIONS

This section discusses general and specific cultural resources management procedures at WFF and makes recommendations to enhance the facility's treatment of cultural resources and ensure compliance with regulatory responsibilities. Each recommendation includes a discussion of findings describing the identified area, 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 Resources Management Program, it is recommended that WFF:

- Integrate the ICRMP into future WFF Master Plan Updates;
- Integrate cultural resources 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; and

- 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 facility and the specific regulatory obligations that come with being located in or near National Register-eligible properties. The Facilities Management Branch should maintain communication with other WFF divisions and tenants about cultural resources through its HPO to integrate cultural resources information into the overall planning process at WFF. 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 project planners, designers, engineers, and managers consult with the HPO in the earliest stages of project planning to determine if cultural resources may be affected;
- Include a pre-qualification clause in all project specifications for undertakings that affect cultural resources stating that “Work should only be done by personnel who meet the Professional Qualification Standards, as established by the Secretary of the Interior and published in 36 CFR Part 61, Appendix A”; and
- Implement the Standard Operating Procedures contained in Section 4.0 of this ICRMP.

3.6.3 Planning for the Wallops Beach Life Saving Station (VDHR #001-0027-0100)

The Wallops Beach Life Saving Station (VDHR #001-0027-0100) and associated Observation Tower (VDHR #001-0027-0101) currently are not occupied or utilized by WFF. WFF has secured and maintains both historic resources in accordance with NPS Preservation Brief 31, Mothballing Historic Properties. No plans for the future adaptive reuse of this historic property have been identified. If NASA determines that disposition (demolition, relocation, transfer, lease, or excess) of the station or tower is the future course of action, WFF will implement the provisions included in Stipulation V, Planning for the Wallops Beach Life Saving Station (VDHR #001-0027-0100), of the PA for assessing the effect and, as determined necessary, mitigating an adverse effect of the proposed action.

3.6.4 Periodic Re-evaluation 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 provide guidance on a wide range of HPO issues and situations for the coming years. In order for the document to continue to be a useful tool, the ICRMP should be reviewed every five years and revised as necessary. Further, as time passes, a periodic re-evaluation 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. In accordance with NPR 8510.1 and Section 110 of the NHPA, resources 45 years in age or older and resources less than 50 years old that may have exceptional significance at WFF should be evaluated to determine their potential eligibility for listing in the National Register. In addition, resources that have previously been determined eligible or ineligible for listing in the National Register prior to their turning 50 years of age should be re-evaluated to address the passage of time, changing perceptions of significance, subsequent changes to the property, or incomplete prior evaluations. All identification and evaluation surveys should be undertaken by personnel

who meet the Professional Qualification Standards, as established by the Secretary of the Interior and published in 36 CFR Part 61, Appendix A (**Appendix H**).

The HPO should review the WFF real property inventory to develop the priorities for these identification and evaluation efforts based on integration with Sections 106 and 110 responsibilities and funding availability. Properties in likely APEs for known upcoming WFF undertakings, properties at risk from damage from natural processes or deterioration, and properties for which WFF lacks sufficient information to make informed management decisions should be given priority. Certain structures may be excluded from future identification and evaluation efforts at WFF because they possess virtually no potential for significance under NASA themes, are ubiquitous to any NASA facility, and generally are not associated with significant events, people, or design. These structures include utility infrastructure such as electrical substations, sewage pumping stations, and aboveground water mains, and ancillary infrastructure such as street lighting, roads, curbs, sidewalks, and fences.

3.6.5 Training for Cultural Resources Management Personnel

As WFF develops its cultural resources program, it will be necessary for the HPO and other personnel involved in planning and engineering to take part in cultural resources 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 (<http://www.npi.org/>).

Table 3-1. Courses and Training Opportunities		
Course Title and Duration	Description	Participants
Cultural Resources Management Compliance for Non-Specialist 3 Days	Discuss how to survive and thrive wearing the “second hat” of cultural resources manager when you have 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 NHPA and other cultural resources authorities and examine how this relates to laws such as NEPA, CERCLA, and the Endangered Species Act.	Managers in agencies, tribes, and citizens' groups with backgrounds in disciplines such as biology, contracting, engineering, facilities management, geology, law, real estate, and soils science.
NEPA Compliance and Cultural Resources 1 Day	Learn about environmental impact analysis, cultural resources management, and historic preservation responsibilities and relationships. Assess practical applications for effectively integrating the analyses required by NEPA, related environmental regulations, and the NHPA.	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 NHPA. 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 NEPA and other laws.	Cultural resources and environmental consultants; Federal, State, local, and tribal officials and planners.

Table 3-1. Courses and Training Opportunities		
Course Title and Duration	Description	Participants
GIS: Practical Applications for Cultural Resource Projects 2 Days	Review introductory geographic information system (GIS) concepts combining spatial technologies and database management systems in the area of historic preservation. Learn how to use GIS applications for identification, evaluation, protection, and preservation of cultural resources. From assisting with inventories, to mapping historic districts and battlefields, to mitigating the impact of disasters on historic areas, GIS technology can be used to provide a better basis for planning and decision making for the nation's heritage.	Archaeologists, cultural resource managers, planners, landscape architects, and historians.
Native American Cultural Property Law 2 Days	Review the federal laws intended to preserve Native American heritage through the protection of cultural practices and sacred lands. Examine the use of statutes as tools to manage tangible and intangible cultural property. Discuss government-to-government obligations, court decisions, and case studies to illustrate federal policies and practice. Consider the legal, cultural, and historical perspectives resulting from decisions affecting Native American cultural property. Learn how the consultation process enables tribes, federal entities, and other parties to achieve resolution.	Members and staff from Indian tribes, Native Hawaiian groups, indigenous communities, Tribal Historic Preservation Offices, SHPOs, government agencies, and preservation and environmental specialists.
The Secretary of the Interior's Standards: Treatment Considerations 2 Days	The Secretary of the Interior's Standards for the Treatment of Historic Properties form the basis for historic property rehabilitation for all federal projects, for federal tax benefits, and often for state, local, and private rehabilitation projects. Explore the standards in detail with particular attention to the preservation of historic fabric, sustainability, green rehabilitation, and the use of renewable materials. Participants have the opportunity to discuss the application of the Standards to their projects.	Property owners, developers, cultural resource managers, architects, and design professionals involved in developing or reviewing rehabilitation projects.

3.6.6 Management Strategies for Archaeological Resources

Management of archaeological resources at WFF may present unique planning considerations. Projects involving ground disturbance should be carefully examined for their potential to adversely affect archaeological sites or human remains. The most serious threat to potentially significant archaeological resources is the inadvertent disturbance of such resources. 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 HPO. Specific options for

addressing these management issues, such as avoidance or preservation 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 HPO to ensure compliance with contractual specifications. Archaeological investigations, in accordance Stipulation VII, Archaeology, of the PA, should be conducted where potential adverse effects may occur. If a site cannot be avoided and preservation in situ is not a feasible alternative, Stipulation VIII, Resolution of Adverse of Effects, of the PA will be followed.

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 HPO will follow Stipulation XI, Curation, of the PA regarding archaeological materials and appropriate field and research notes, maps, and drawing and photographic records collected as part of projects carried out under the PA (with the exceptions of human skeletal remains and associated funerary objects, which shall be treated in accordance with Stipulation XIII, Human Remains, and management of artifacts having such historical and educational or other value that have emerged and will emerge from the aeronautical and space programs, which fall under the Agreement Between NASA and the Smithsonian Institution Concerning the Transfer and Management of NASA Historical Artifacts).

In accordance with the provisions in Stipulation II of the PA between NASA, the Virginia SHPO, and ACHP, NASA WFF will need to re-evaluate the efficacy of the archaeological predictive model developed as a result of the 2003 Cultural Resources Assessment (URS/EG&G 2003), and establish a formal plan for the management of the Revolutionary War Military Earthworks (44AC0089) archaeological resource.

3.7 MITIGATION STRATEGIES

3.7.1 Historic Buildings

When restoration, reconstruction, preservation, or rehabilitation of a building is not feasible, mitigation measures may be negotiated in accordance with Stipulation VIII, Resolution of Adverse Effects, of the PA. There are eight standard techniques that can be used to mitigate adverse 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 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*.

3.7.1.4 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.

3.7.1.5 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.

3.7.1.6 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.

3.7.1.7 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 resources programs and to mitigate negative public sentiment due to misinformation, or due to the perceived destruction of historical sites or properties. WFF will follow the procedures outlined in Stipulation VI, Public Benefit and Education, of the PA, with regard to implementing public outreach and education initiatives related to historic buildings.

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 HPO 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, in accordance with Stipulation VIII, Resolution of Adverse Effects, of the PA, the HPO, in consultation with the Virginia SHPO and other consulting parties, will carefully review the nature and extent of the effects of the undertaking and the importance of the resources affected to determine whether standard treatments such as data recovery or documentation should be carried out, or if alternative or creative mitigation approaches should be considered.

3.7.2.1 Data Recovery Investigation

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; available at http://www.cr.nps.gov/local-law/arch_stnds_0.htm):

- 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 ARPA permit has been issued and/or as mitigation measures under an MOA, which should address all necessary levels of archaeological study (Section 4.5 contains more detailed information about ARPA compliance). WFF will follow the procedures outlined in Stipulation VIII, Resolution of Adverse Effects, of the PA, including accounting for the Minimum Standards for Archeological Data Recovery Plans at NASA Wallops Flight Facility (Appendix I of the PA) in the course of developing data recovery plans.

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 WFF 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. WFF will follow the procedures outlined in Stipulation VI, Public Benefit and Education, of the PA, with regard to implementing public outreach and education initiatives related to archaeological investigations.

3.7.2.3 Geographic Information Systems

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 HPO utilizes a robust GIS for WFF to assist in effectively managing all preservation aspects of both archaeological and architectural resources.

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4.0 STANDARD OPERATING PROCEDURES

4.1 INTRODUCTION

Prior to initiating the Standard Operating Procedures described below, refer to the *Programmatic Agreement Among the National Aeronautics and Space Administration, the Virginia State Historic Preservation Office, and the Advisory Council on Historic Preservation Regarding the Management of Facilities, Infrastructure, and Sites at the National Aeronautics and Space Administration's Wallops Flight Facility, Wallops Island, Accomack County, Virginia* (the PA) (**Appendix B**). The PA is intended to facilitate the management of certain cultural resources actions generally requiring review by consulting parties. In certain cases, the requirements set forth by the PA may supersede the procedures outlined by the ICRMP.

4.2 PROCEDURE 1: WFF PROJECT REVIEW PROCESS

The WFF HPO, in collaboration with the Environmental Management Division, uses two different project review processes, dig requests and project funding requests and approvals, to look at all the different types of undertakings that are planned at WFF and identify whether or not they will require SHPO review under the terms of the PA. Environmental reviews must be completed before the project can proceed. The cultural resources review process takes place during the environmental review.

NASA WFF project managers are required to submit a dig request for all maintenance, repair, or construction projects that will involve excavating more than 6 inches into the ground. Project specifics are included with the dig request. The dig request is distributed to the Environmental Management Division for review to determine if the project has the potential to affect historic properties. The review should include overlaying GIS layers of the architectural and historical inventories and archaeological sensitivity zones with the project location to determine the cultural sensitivity of the area. Further, the review should identify whether the project is one of the activities included in Appendix G of the PA, Activities That Have Limited Potential to Effect Historic Resources, and does not require SHPO review. All projects in the vicinity of a historic building or structure or involving disturbing soils must be identified to the WFF HPO.

The Facilities Management Branch, which includes the WFF HPO, and Environmental Management Division review all proposed demolition, construction, and building modification projects in which funding is requested. This allows for early identification of projects in areas of concern for cultural resources. Monthly planning meetings with Environmental Management Division and Facilities Management Branch staff, including the WFF HPO, are held to go over those projects in which funding was approved, and to review project drawings and specifications. The WFF HPO will review the pre-project documentation to determine whether the proposed project will or will not require SHPO review under the terms of the PA.

For undertakings at WFF identified through either review process as having the potential to affect historic properties, the WFF HPO will coordinate with the SHPO and other consulting parties in accordance with the provisions of Stipulation IV, Standard Review Process, of the PA (see Procedure 2). Undertakings identified in the list of activities included in Appendix G of the PA, or that do not have the potential to cause effects to historic properties will be documented in accordance with the provisions in Stipulation

III, Activities Not Requiring Review Under this Agreement, of the PA, and included in the annual status report to the SHPO, per Stipulation XV, Annual Reporting, of the PA.

4.3 PROCEDURE 2: SECTION 106 COMPLIANCE

The provisions of Stipulation IV, Standard Review Process, of the PA outline procedures to follow for Section 106 review consultation of undertakings at WFF that may affect historic properties either at or outside of WFF. These procedures should be implemented in addition to the requirements set forth by Standard Operating Procedure 2 of this management document.

The HPO 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. All tenant organizations will follow an appropriate Section 106 review process and will include the WFF HPO in all Section 106 actions. 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. Appendix G of the PA identifies activities that have limited potential to affect historic properties, and do not require Section 106 review per the terms of the PA. For all undertakings at WFF not otherwise excluded from review under the PA, the Section 106 process must be completed 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 National Register (36 CFR § 800.16[y]). Currently, WFF includes two historic properties, the Wallops Beach Life Saving Station (VDHR #001-0027-0100) and associated Observation Tower (VDHR #001-0027-0101), and the Revolutionary War Military Earthworks (44AC0089). The Life Saving Station and Observation Tower were evaluated in 2004 and determined eligible for listing in the National Register in consultation with the Virginia SHPO. Eleven archaeological sites have been identified on the WFF. The Military Earthworks, although recommended eligible for the National Register, has not been formally determined eligible for listing in the National Register in consultation with the Virginia SHPO. Per the terms of the PA, however, the HPO will treat the site as a historic property. Of the 10 other identified archaeological sites at WFF, one is recommended as eligible for the National Register, two sites are unevaluated for National Register eligibility, and the remaining seven archaeological sites have been either recommended or determined to be not eligible (refer to Dinnell and Collier 1990; URS/EG&G 2003; Espenshade and Lockerman 2009; New South Associates 2010; Espenshade 2011a; and VDHR 2004b, 2010a, 2010b, 2010c, 2011c, 2011d for details).

WFF is responsible for initiating the Section 106 process (36 CFR § 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 4). Consulting parties include those individuals or organizations with an interest in the effects of the undertaking on the historic properties (36 CFR § 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 Virginia SHPO. The VDHR 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. Determine APE and Initiate the Section 106 Process;
2. Identify Historic Properties;
3. Assess Adverse Effects;
4. Resolve Adverse Effects; and
5. Proceed

4.3.1 Step 1. Initiate the Section 106 Process

1. *Establish undertaking.* The HPO 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 § 800.16[y]).

The provisions of Stipulation III, Activities Not Requiring Review Under this Agreement, and Appendix G of the PA, Activities That Have Limited Potential to Effect Historic Resources, delineate undertakings that may be conducted without further review. All undertakings not included in Stipulation III or Appendix G of the PA, or any undertakings that may adversely affect historic properties, must follow the standard review process as outlined in Stipulation IV of the PA (**Appendix B**).

Tenant organizations and agencies must consult with the HPO 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 (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 § 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.

The determination of whether the proposed action or activity is an undertaking under Section 106 will result in one of two outcomes:

- a) *No potential to cause effects.* If the undertaking falls within the list of activities included in Stipulation III or Appendix G of the PA, or does not have the potential to cause effects on historic properties, the HPO has no further obligations under Section 106 and the action may proceed. The HPO provides documentation of this finding, as set forth in Stipulation III and Appendix J of the PA.
- b) *Potential to cause effects.* The undertaking is determined to have the potential to cause effects on historic properties. **Go to Step 2.**

2. *Coordinate with other reviews.* The HPO coordinates the Section 106 review, as appropriate, with WFF's planning schedule and any other required reviews (e.g., NEPA, NAGPRA). The HPO may use information from other review documents to meet Section 106 requirements.
3. *Plan for public involvement.* In consultation with the SHPO, the HPO will plan for involving the public in the Section 106 process (see Section 4.5, Procedure 4).
4. *Identify other consulting parties.* In accordance with the PA, consult as appropriate with the ACHP, Catawba Indian Nation, and the Pocomoke Indian Nation. For complex or potentially controversial undertakings or undertakings with an APE that extends outside of WFF, the HPO will use the list of contacted parties in Appendix D of the PA to help identify other potential consulting parties (see Section 4.5, Procedure 4).

4.3.2 Step 2. Identify Historic Properties

1. *Determine scope of identification efforts and identify historic properties.* In accordance with the provisions of Stipulations IV and VII of the PA, the HPO, 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 APE in conformance with VDHR guidelines. Identification of historic properties will include examination of resources that are 45 years of age or older and have not previously been evaluated and resources less than 50 years old that may have exceptional significance. Additionally, all records and personal property associated with such a building will be included in the evaluation of that property's historic significance. The HPO may also seek information from consulting parties, as appropriate. **Select option a or b.**
 - a) *Historic properties affected.* The HPO determines that historic properties will be affected by the undertaking and/or are located within the APE. **Go to Step 3.**
 - b) *No historic properties affected.* The HPO determines that there are no historic properties present, or there are historic properties present but the undertaking will have no effect upon them. The HPO provides documentation of this finding, as set forth in Stipulation IV of the PA.

All undertakings not included in Stipulation III or Appendix G of the PA must follow the standard review process as outlined in Stipulation IV of the PA. In such a case, the HPO notifies all consulting parties of the decision and makes the documentation available to the public.¹ **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.

¹ The NHPA and the ARPA mandate that federal agencies only disclose the locations of cultural resources to the public if the disclosure would not create risk of harm to the resources. The HPO will comply with these mandates when making cultural resource documentation available to the public.

- ii. The SHPO disagrees with WFF's determination and the proposed undertaking is considered to have an effect on historic properties. **Go to Step 4.**

4.3.3 Step 3. Assess Adverse Effects

1. *Apply criteria of adverse effect.* The HPO, 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 § 800.5. **Select option a or b.**

- a) *Finding of no adverse effect.* The HPO, in consultation with the SHPO, determines that the proposed undertaking does not meet the criteria of adverse effect (see Section 4.4.3, Procedure 3) 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 HPO documents the finding of no adverse effect following standards set forth in 36 CFR § 800.11(e). The HPO 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 will 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, then disputes will be resolved in accordance with Stipulation XIV of the PA.
- b) *Finding of adverse effect.* If it is determined that the proposed undertaking will have an adverse effect on historic properties, the HPO will conduct further consultation to resolve the adverse effect in accordance with Stipulation VIII of the PA. **Go to Step 4.**

4.3.4 Step 4. Resolve Adverse Effects

1. *Continue consultation.* The HPO continues consultation with the SHPO and consulting parties as appropriate to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties. The HPO will follow the procedures established in Stipulation VIII, Resolution of Adverse Effects, of the PA, and notify the ACHP of the adverse effect finding and determine whether the ACHP will participate in the consultation to resolve adverse effects.
2. In addition to the consulting parties identified under the PA, including the Catawba Indian Nation and Pocomoke Indian Nation, other individuals and organizations can be invited to become consulting parties on a project-specific basis. The HPO makes information available to the public, including documentation specified in 36 CFR §

800.11(e), and provides an opportunity for comment about resolving the adverse effects of the proposed undertaking.

3. *Resolve adverse effect.* WFF, SHPO, and consulting parties will consult to address adverse effects and prepare a MOA in accordance with Stipulation VIII of the PA. In order to meet the requirements of Section 106, the HPO must submit a copy of the executed MOA, along with the documentation specified in 36 CFR § 800.11(f), to the ACHP prior to approving the undertaking. **Go to Step 5.**

- c) *Failure to resolve adverse effect.* Any dispute regarding the development of MOA stipulations will be resolved in accordance with Stipulation XIV of the PA.

4.3.5 Step 5. Proceed

Once the ACHP receives the signed MOA for filing, then WFF has discharged its compliance under Section 106 and the proposed undertaking can proceed, subject to the terms of the MOA. This is the end of the Section 106 compliance process. All documentation and correspondence regarding the process should be kept on file in the HPO office. **Figure 4-1** illustrates the Section 106 process.

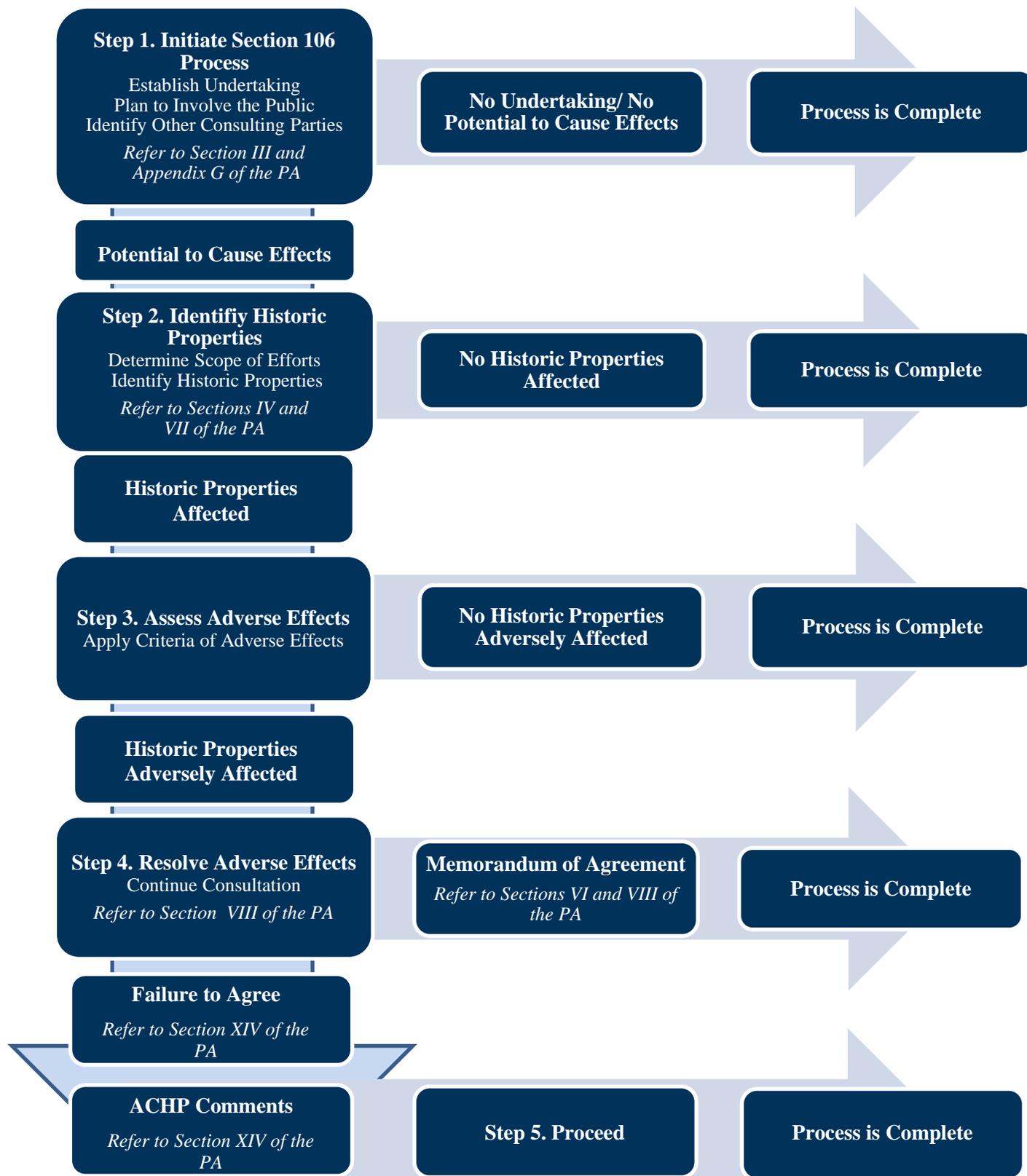


Figure 4-1. Section 106 Flow Chart

4.4 PROCEDURE 3: 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 HPO should be informed of any actions that may affect cultural resources at, or in the vicinity of, WFF prior to initiating work.

4.4.1 Criteria of Effect

According to 36 CFR § 800.4(d), undertakings can be determined to have no effect, no adverse effect, or an adverse effect upon historic properties. WFF must first determine if an effect would occur. When WFF determines there would be an effect to historic properties, then WFF must apply the Criteria of Adverse Effect to determine whether the effect is harmful to the significance and integrity of the affected historic property. The process of determining effect should be carried out in consultation with the SHPO.

4.4.2 No Effect/Effect

An undertaking is determined to have no effect or no effects on historic properties when no historic properties are directly or indirectly impacted by an undertaking. Stipulation III and Appendix G, Activities Not Requiring Review Under this Agreement, of the PA, detail those activities conducted at WFF that have limited potential to affect historic properties. In accordance with Stipulation XV and Appendix J, Annual Reporting, of the PA, the HPO will provide an annual status report to the SHPO, ACHP, and the Catawba and Pocomoke Indian Nations that includes a list of historic properties treated during the reporting period including activities not requiring review and activities resulting in no effect or no adverse effect to National Register-eligible or listed properties.

A proposed undertaking is determined to have an effect if it alters the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register [36 CFR § 800.16(i)]. 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.

4.4.3 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 HPO should apply the Criteria of Adverse Effect in making this determination. An adverse effect is found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualify it for the National Register. 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.

4.4.4 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.

The provisions of Stipulation VIII, Resolution of Adverse Effects, of the PA, outline the process and procedures to follow in identifying mitigation measures. Examples of alternative mitigation measures are provided in Stipulation VI, Public Benefit and Education, of the PA.

4.4.5 Summary of Procedure

1. *Determine APE in consultation with SHPO.*
2. *Determine if historic properties are present.* An undertaking will have no effect when no historic properties are determined to be present.
3. *Determine nature of proposed undertaking.* When there is any doubt about the effects of a proposed undertaking on cultural resources, the undertaking should be submitted to the HPO for internal review.
4. *Notify the HPO of proposed undertaking.* The HPO is responsible for determining what action is required under the stipulations of the PA.
5. *The HPO will initiate Section 106 consultation in accordance with the provisions of the PA.* All Section 106 consultation required for historic properties located at WFF will be initiated and conducted by the HPO or individual tenant organizations, who will ensure communication and coordination on all Section 106 consultation with the HPO.

4.5 PROCEDURE 4: PUBLIC PARTICIPATION DURING SECTION 106 CONSULTATION PROCESS

In accordance with chapter 3061 of the NHPA, WFF has established a preservation program for the identification, evaluation, protection, and nomination of its historic properties to the National Register. To that end, WFF has conducted numerous studies of its historic properties, including: surveys to identify archaeological sites and historic buildings; and evaluation studies to determine the eligibility of sites and buildings for listing in the National Register.

WFF's commitment to the stewardship of its historic properties includes compliance with 36 CFR § 800.2(c), which requires the inclusion of consulting parties in the Section 106 process. During the process for establishing the PA, WFF identified potential consulting parties to participate in the development of the PA pursuant to 36 CFR § 800.2(c)(3) and 36 CFR § 800.2(c)(5). Contacted parties are listed in

Appendix D of the PA. With the exception of the Catawba and Pocomoke Indian Nations, all other parties declined to participate.

For future studies conducted at WFF that are not included in Stipulation III and Appendix G, Activities That Have Limited Potential to Affect Historic Resources, of the PA, the HPO will follow the provisions of Stipulation IV of the PA, Standard Review Process, and coordinate with the SHPO and other consulting parties.

For proposed undertakings by NASA WFF that have the potential to affect historic properties located off the facility, the HPO will:

- Identify those parties that may be reasonably expected to have a substantive interest in a WFF undertaking (refer to Appendix D in the PA) 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.

4.6 PROCEDURE 5: ARCHAEOLOGICAL RESOURCE PROTECTION ACT COMPLIANCE

Under the ARPA, NASA is required to protect archaeological resources 100 years old or older on property under its jurisdiction from knowing sources of destruction without adequate review under ARPA or other federal statutes. NASA must issue permits for non-governmental exceptions to ARPA. 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 HPO will ensure that:

- Stipulations in Stipulations VII and VIII of the PA are satisfied;
- 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 for Section 110 or 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 accordance with Stipulation XI, Curation, of the PA;
- The activity pursuant to the permit is consistent with any management plan applicable to the public lands concerned; and
- Information on the nature and location of archaeological resources will be handled in accordance with Stipulation XIX, Handling of Sensitive but Unclassified Data, of the PA.

Further details on the terms and conditions of archaeological permits issued under ARPA are stipulated in the Act, which is provided in **Appendix G, Federal Legislation**.

4.7 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.

4.7.1 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 will carry out consultations with Native American tribal governments in a manner that respects the sovereign status of each such Federally recognized tribe. In accordance with NPR 8510.1 and the provisions of the PA, WFF will consult to the greatest extent practical with the Catawba Indian Nation and the Pocomoke Indian Nation, who were identified as consulting parties in conjunction with the development of the PA. Consultations will be conducted with sensitivity to cultural values, socioeconomic factors, and the administrative structure of these Nations.

4.7.2 Existing Collections

NAGPRA requires Federal agencies and Federally funded museums to inventory collections of human remains and certain cultural items in their possession or control, and identify the Federally recognized 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. Federal agencies and Federally funded museums that want to return Native American human remains and cultural items to a non-Federally recognized tribe must formally request a review of a proposed disposition to the NAGPRA Review Committee. The summary, inventory, and repatriation of human remains and cultural items defined in NAGPRA will 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 or other cultural item. Future projects should consider the need for NAGPRA compliance in case of inadvertent discoveries of Native American cultural items. If future investigations reveal the possibility of Native American sites being discovered, WFF will consult with the appropriate parties and follow the procedures outlined in Stipulations XII and XIII of the PA. WFF may consult with non-Federally recognized tribes that may be appropriate claimants for cultural items.

4.7.3 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 U.S.C. § 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, WFF will consult with the Catawba and Pocomoke Indian Nations 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 Stipulations VII, VIII, XI, XII, and XIII of the PA will be followed.

4.7.3.1 Intentional Excavations

The following procedures should be followed for intentional excavations:

- Any planned excavations will be coordinated with the HPO;
- 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 will proceed in accordance with Stipulations VII, VIII, XI, XII, and XIII of the PA;
- Prior to issuing any approvals or permits for activities not included under Stipulation III or Appendix G of the PA, WFF must notify in writing the Catawba Indian Nation and Pocomoke Indian Nation. 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.

4.7.3.2 Inadvertent Discoveries

In the event an inadvertent discovery is determined to be human remains, then the stipulations of Stipulation XIII, Human Remains, of the PA (**Appendix B**) will be implemented. If the remains are determined to be of Native American origin, then the HPO, in accordance with the procedures outlined in Stipulation XIII of the PA, will immediately notify the Catawba and Pocomoke Indian Nations and comply with the provisions of NAGPRA (refer to **Appendix G**). **Figure 4-2** illustrates the NAGPRA process.

4.8 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 WFF.

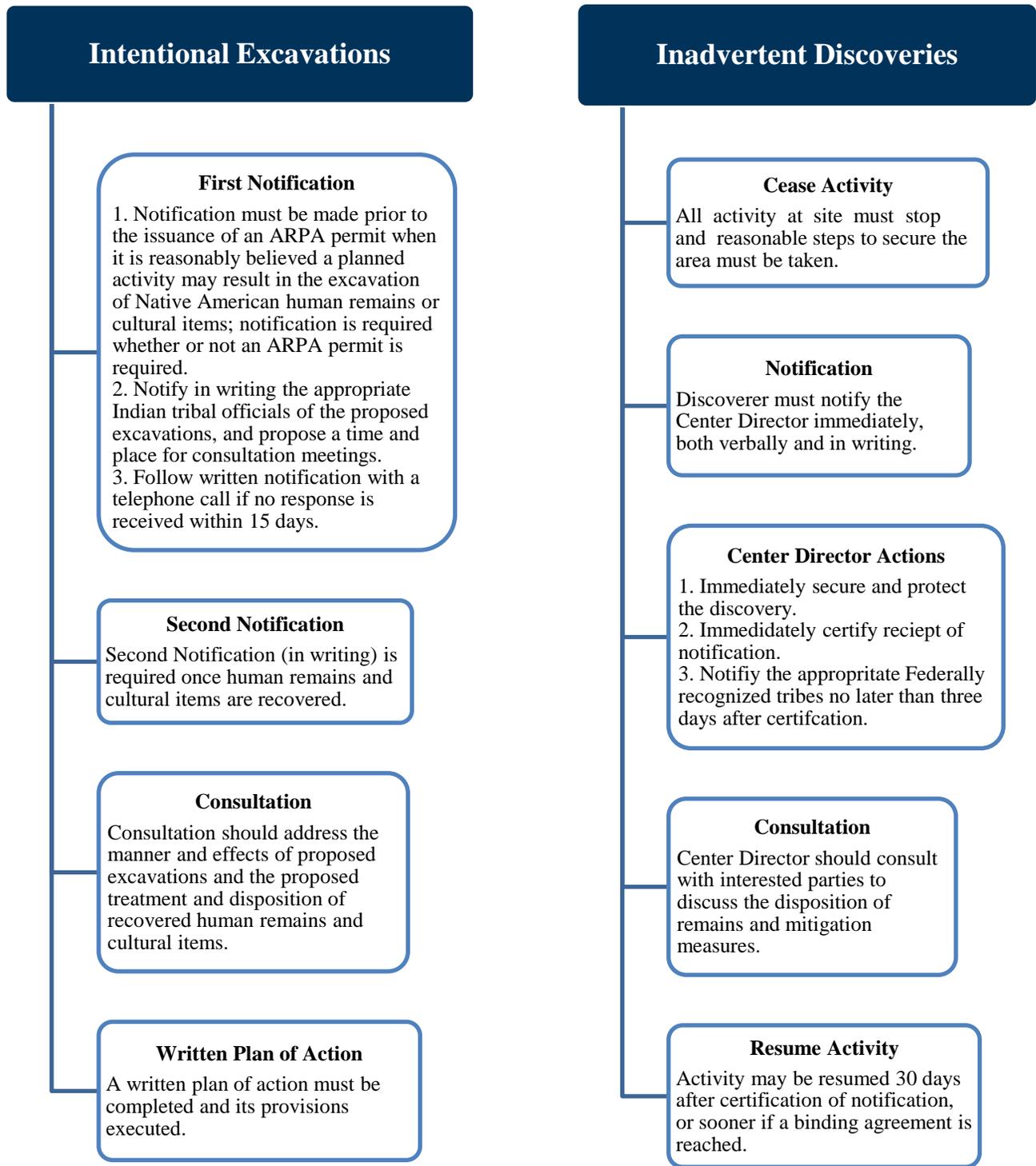


Figure 4-2. NAGPRA Process Flowchart

4.9 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. Stipulation XII, Post Review Discoveries, of the PA outlines the procedures to follow in the event of post-Section 106 review discoveries of previously unidentified historic properties or unanticipated effects to historic properties.

4.9.1 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 Code of Virginia, and is a felony crime on Federally owned lands.

If any human remains are unexpectedly discovered at WFF and the remains are determined to be of Native American origin, then the HPO must follow the provisions in Stipulation XIII, Human Remains, of the PA (refer to Procedure 7 for additional information). If the remains are determined not to be of Native American origin, the procedures set forth in Stipulation XIII, Human Remains, of the PA should be implemented in addition to following these steps:

1. Stop work immediately.
2. Contact the HPO.
3. Notify the VDHR and the Virginia State Police.

4.10 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. Per the stipulations of Stipulation XI, Curation, of the PA (**Appendix B**), WFF will deposit archaeological materials and appropriate field and research notes, maps, and drawing and photographic records collected as part of either intentional archaeological investigations or from unexpected discoveries with a facility that meets the requirements in 36 CFR Part 79, *Curation of Federally Owned and Administered Archaeological Collections* (refer to Section 3.2.1.9), to ensure stable long-term storage of the materials. In the case of WFF, VDHR has agreed to curate archaeological resources for the facility. Additionally, NASA has an existing Agreement with the Smithsonian Institution regarding the transfer and management of artifacts having such historical and educational or other value that have emerged and will emerge from the aeronautical and space programs administered by NASA.

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 Historic Resources Survey in Virginia” (VDHR 2011a).

4.11 PROCEDURE 10: EMERGENCY PROCEDURES FOR ARCHITECTURAL RESOURCES

The provisions of Stipulation IX, Emergency Actions, of the PA (**Appendix B**) outline procedures to follow for emergency actions that may be necessary in direct response to an emergency situation that has the potential to affect historic properties at WFF. These procedures should be implemented in addition to the following requirements:

- Emergency actions will be initiated as required by the situation. Emergencies are those disasters or emergencies declared by the President of the United States or the Governor of the Commonwealth of Virginia, or other immediate threats to life or property as determined by the NASA WFF Director. Examples of emergency situations include fire, flood, and acts of nature, such as falling trees or hurricanes. Appropriate emergency personnel, including fire and police, should be contacted.
- The HPO should be informed of the emergency as soon as possible and determine whether or not there is appropriate time to consult with the SHPO prior to undertaking emergency actions. If there is time to consult with the SHPO prior to addressing the emergency situation, the HPO, in conjunction with the SHPO, will determine the appropriate emergency actions. The SHPO will have a seven-calendar-day review period to provide comments regarding the emergency actions. Should the SHPO fail to provide comments, the HPO will implement the emergency actions.
- If there is not time to consult, the HPO 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 HPO will inform the SHPO of the nature of the emergency affecting historic properties and of the stabilization measures that have been implemented within five calendar days after the initiation of the emergency action.
- Once the building has been stabilized, the HPO 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 HPO will coordinate necessary review of the proposed permanent repairs with the SHPO, following Procedure 2, Section 106 Compliance.

4.12 PROCEDURE 11: DEMOLITION OF HISTORIC BUILDINGS

In accordance with Stipulation V, Planning for the Wallops Beach Life Saving Station, of the PA, if the proposed disposition of the Life Saving Station (VDHR #001-0027-0100) and associated Observation Tower (VDHR #001-0027-0101) is demolition or dismantling, NASA will provide the documentation specified in Stipulation V.E.6-7 of the PA and will develop a short documentary video of the history of the Wallops Beach Life Saving Station and Observation Tower. In the future, if other buildings are identified as historic properties, the WFF HPO will follow the stipulations listed in Stipulation VIII, Resolution of Adverse Effects, of the PA.

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5.0 PRESERVATION GUIDANCE

5.1 INTRODUCTION

This section specifies current condition issues and detailed maintenance suggestions for the Wallops Beach Life Saving Station (VDHR #001-0027-0100) and Observation Tower (VDHR #001-0027-0101), the only National Register-eligible architectural resources at WFF to date. Further details regarding planning for the Wallops Beach Life Saving Station and Observation Tower can be found in Stipulation V of the PA (**Appendix B**).

In June 2005 an architectural historian and historical architect were contracted by WFF to conduct on-site inspections of the Wallops Beach Life Saving Station (VDHR #001-0027-0100) and Observation Tower (VDHR #001-0027-0101) for the purpose of assessing conditions, recommending any corrective measures, and creating a building maintenance plan. Because the Life Saving Station and Observation Tower have been determined eligible for listing in the National Register (refer to Section 2.5.3), NASA is required under Section 110 and Executive Order 11593, Protection and Enhancement of the Cultural Environment, to take steps to preserve and maintain these historic properties. A preservation and maintenance plan was developed to provide NASA staff with an overall approach to prioritizing building maintenance needs for stabilization and thwarting further deterioration (**Appendix I**). 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 General Services Administration's (GSA) Historic Preservation Technical Procedures, available at <http://www.gsa.gov/portal/hp/hpc/category/100371/hostUri/portal>, and the NPS series of technical preservation briefs, available at <http://www.nps.gov/tps/how-to-preserve/briefs.htm>.

NASA has not been actively utilizing or occupying the Wallops Beach Life Saving Station (VDHR #001-0027-0100) since about 1999. Asbestos and lead paint abatement at the Wallops Beach Life Saving Station was completed in 2008. The Wallops Beach Life Saving Station has been mothballed according to NPS standards since 2009, thereby protecting and securing this historic property from further deterioration. As stipulated in Stipulation V of the PA, NASA will continue to inspect and maintain the Life Saving Station and Observation Tower in accordance with the NPS Preservation Brief 31, Mothballing Historic Properties, for as long as the property remains in the possession of WFF.

The 2005 on-site inspections included examining and evaluating the Life Saving Station's roof, drainage system, exterior walls, windows, doors, and building interiors. For the Observation Tower, the overall steel structure was inspected and evaluated. Copies of the Life Saving Station's floor plans are included in **Appendix J**.

5.2 CONDITION ISSUES OF THE WALLOPS BEACH LIFE SAVING STATION (VDHR #001-0027-0100) AND OBSERVATION TOWER (VDHR #001-0027-0101)

The following observations and notes were gathered during the 2005 on-site inspections, and were predicated upon a treatment method that aimed 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 focused 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.nps.gov/tps/standards/four-treatments/treatment-preservation.htm>.

A brief discussion of each of the various conditions of materials and building components noted during the 2005 inspection is provided below and has been updated to reflect current conditions. Where removal of materials has occurred since 2005 and been documented by WFF, those changes have been noted in the description.

5.2.1 Life Saving Station (VDHR #001-0027-0100)

5.2.1.1 Exterior

Roof

The main roof consists of a simple gable structure, whose ridge is oriented parallel with the primary east façade (**Figure 5-1**). The shorter north and south façades of the building form the gable ends (**Figure 5-2**). 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 are in relatively good condition, with the exception of occasional areas of warping and discoloration from paint and metal staining. Both the east and west roof portions are punctuated by three symmetrically placed dormers. All six dormers are 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 south side into a corrugated, 3½-inch 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 5-1**). The condition of this roof also appears to be worn, but satisfactory.

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

Drainage Systems

At the base of the roofline, a copper gutter runs along the primary (east) façade, around to the north and rear (west) elevations. There is no gutter along the south elevation, perhaps in deference to a desired architectural homogeneity of the three-part elevational composition (**Figure 5-2**). 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-foot unit is an immediate imperative because it will retard future deterioration of the shingle siding by the concentration of water



Figure 5-1. Wallops Beach Life Saving Station (VDHR #001-0027-0100), East Façade and North Elevation, January 2010



Figure 5-2. South Elevation, January 2010

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.

Lightning Protection System

The building does not include a complete lightning protection system. Typically, such a system consists of a rod or pole attached to the highest element of a building, connected to a heavy gauge, stranded copper wire, mounted and run down the building to a point several feet away and terminating in a pole driven into the earth for grounding. Evidence of a former grounding cable was northeast of the building, but its integrity could not be ascertained.

Shingle Siding

The building is clad entirely in uniformly coursed cedar shingles, with a 5½- to 6-inch exposure. Although previously painted white, the shingles no longer retain any paint due to the removal of all lead-based paint in 2008, exposing the grains. The shingles are rippled or warped in some areas and/or cracked at the edges. Weathering is most severe on the south and east elevations (**Figures 5-1 and 5-2**).

Windows and Exterior Doors

All doors and windows were removed from the building and placed into storage in October 2008 for lead paint abatement and the existing openings covered in plywood in accordance with mothballing procedures. The predominant window unit type is a six-over-six light, double-hung sash. Windows were in fair condition, with only an occasional unit showing broken or missing glazing and or glazing compound. Most were fully operable and contained the original lead counter weights. Basement windows consist predominantly of three-over-three light, double-hung units. Attic sash consist of six double-hung dormer units as described earlier as well as two gable end lunettes or half round, three fixed light units.

The two front doors off the porch each comprise three raised panels with a fixed three-over-three light above (**Figure 5-3**). A similarly configured wood door provided access to the north side of the house. All three doors were in good condition, despite excessively peeled paint. Inset to the west foundation wall was a pair of small doors, each door with three fixed lights over a rectangular raised panel (**Figure 5-4**). Because they are so wide relative to their height, the doors were attached to their jambs with broad strap hinges.

Foundations

Foundation walls on the 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 begin. Approximately 3 feet below the first course of shingles, just above grade, the foundation walls project outward approximately 8 inches so that the wall is thicker as it enters the earth. The foundation walls exhibit remnants of white paint.



Figure 5-3. Center Door, East Elevation, June 2005



Figure 5-4. Detail View of West Elevation, June 2005

Front Porch

The raised front porch is a single bay deep by three bays across, and is 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 5-5**). It consists of entirely unfinished space, although there is a diagonally laid tongue and groove subfloor 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 twentieth 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 5-6**). 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 5-5. Attic, View Looking North, June 2005



Figure 5-6. Typical Dormer Construction, June 2005

Plaster Surfaces

The surfaces of the walls of the first and second floor rooms originally featured paint on plaster (**Figures 5-7 and 5-8**); however, in 2008, all plaster was removed from the walls as part of lead paint and asbestos abatement. Each wall was outfitted with what appeared to be an original chair rail of the simplest, rectangular section. However, as part of the lead paint abatement, all trim in the building was removed and placed into storage.



Figure 5-7. North Wall of Mess Hall, June 2005



Figure 5-8. Second Floor Corridor, January 2010

Interior Doors

As with the exterior doors, all interior doors were removed from the building and placed into storage as part of the lead paint abatement. Interior doors are typically solid core, stile and rail construction with five raised similar, horizontally arranged panels. Most of the doors exhibited functional, usually original, hardware (handsets, hinges, strike plates, etc.).

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 5-9**). It has an open stringer. The small exposed banister consists of 1-inch square balusters and a simple, 4 x 4-inch newel post. Paint was removed from the stair components for the lead paint abatement project in 2008. The staircase is in fair to good condition.



Figure 5-9. Stair to Second Floor, June 2005

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 5-10**). This fully enclosed stair has a landing adjacent to an exterior door, which was removed in 2008 for lead paint abatement. It is in good to fair condition.



Figure 5-10. Kitchen Stair to Exit and to Basement Below, June 2005

Full height custom cabinetry units and shelving can be found in the former mess hall and kitchen pantry (**Figures 5-11 and 5-12**). The pantry also has built in, fixed wood shelving. The southeast chamber on the first floor also has a full height custom cabinet. Lead paint was removed from the cabinets and shelves as part of the 2008 abatement project. Overall, 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 5-11. China Cabinet in Mess Hall, June 2005



Figure 5-12. China Cabinet and Shelves in Pantry, June 2005

The basement level boiler room equipment (**Figure 5-13**), as well as extant floor tile and pipe wraps, were all surveyed and tested for asbestos by certified industrial hygienists, and all samples came back positive for asbestos-containing materials. Consequently, the floor tile, pipe and pipe fitting insulation, boiler breaching insulation, and tank insulation from the boiler room equipment were removed as part of the asbestos abatement project in 2008.



Figure 5-13. Boiler Detail – Basement Level Boiler Room, June 2005

5.2.2 Observation Tower (VDHR #001-0027-0101)

The Observation Tower (VDHR #001-0027-0101) was specified to be constructed of galvanized structural steel sections, composed primarily of 4 x 4-inch angle sections (**Figures 5-14 and 5-15**). 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 U.S. 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 14feet 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 a 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 5-14. General View of Observation Tower (VDHR #001-0027-0101), June 2005



Figure 5-15. Observation Tower (VDHR #001-0027-0101) looking Southwest, January 2010

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 Wallops Beach Life Saving Station (VDHR #001-0027-0100) and Observation Tower (VDHR #001-0027-0101). Because NASA is not using either structure, 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.nps.gov/tps/standards/four-treatments/standguide/preserve/preserve_index.htm). The express goal of this treatment method, as defined by the NPS, is "the retention of the building's existing form, features and detailing...protection, maintenance and repair are emphasized while replacement is minimized" (USDI 1995:19).

As stipulated in Stipulation V, Planning for the Wallops Beach Life Saving Station, of the PA, actions providing for the preservation of the building in-place in accordance with the Secretary of the Interior's Standards, will have no adverse effect on historic properties and no further compliance with Section 106 will be necessary. However, 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 Section 106.

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, Technical 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 Federal agencies with historic structures.

A maintenance task schedule has been produced to facilitate scheduling of activities for WFF operations staff. This schedule or scheduled activities checklist accompanies the maintenance narrative that follows.

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.

Table 5-1. Summary Matrix for the Life Saving Station (VDHR #001-0027-0100)				
	URGENCY			
	Near-Term	Long-Term	As Required	Notes
Maintenance Tasks By Area				
Exterior				
Design lightning protection system		•		Do not reuse existing; SHPO consultation
Install lightning protection system	•			SHPO consultation
Inspect roof shingles for attachment and excessive warping/cracks	•	•		
Replace roof shingles in kind		•	•	SHPO consultation
Verify continuity of all flashing at chimney and valleys and roof/wall junctures	•			
Make necessary flashing and counter flashing repairs		•	•	SHPO consultation
Inspect gutters, gutter straps and methods of attachment	•	•	•	
Attach rainwater leader to scupper replacement on north side	•			SHPO consultation
Furnish and install 48-inch horizontal leader extenders		•		
Engage professional to remove all birds', bees', hornets', and wasps' nests	•			
Professional repair of all holes/damage to wood envelope made by pests		•		SHPO consultation
Inspect all shingles for attachment, excessive warping, and checking	•			
Replace cedar shingles in kind		•	•	SHPO consultation
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		•		
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
Interior				
Engage pest control specialist to prevent entry of rodents, reptiles, birds and other animals	•			

Table 5-1. Summary Matrix for the Life Saving Station (VDHR #001-0027-0100)

Maintenance Tasks By Area	URGENCY			Notes
	Near-Term	Long-Term	As Required	
Remove all non-fixed equipment and furnishings and dispose of properly		•		SHPO consultation
Broom clean interiors to remove accumulated dirt, debris, and animal droppings			•	
Evaluate cost/benefits of installing smoke alarms with a remote sensing and notification system		•		

Note: Annual maintenance plans can be reviewed as a group based on brief letter to the Virginia SHPO describing intended approach to each item.

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.

5.3.4 Concrete

No specific actions are required at this time. For more detailed discussions of repairing historic concrete see NPS 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, Guidelines for Rehabilitating Historic Buildings: Wood, available online at <http://www.gsa.gov/portal/content/112194>.

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 Structural Steel

Structural steel members of the Observation Tower (VDHR #001-0027-0101) 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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**APPENDIX A
NASA PROCEDURAL REQUIREMENTS:
NASA CULTURAL RESOURCES MANAGEMENT**

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NASA Procedural Requirements

NPR 8510.1Effective Date: June 20, 2012
Expiration Date: June 20, 2017**COMPLIANCE IS MANDATORY**

NASA Cultural Resources Management

Responsible Office: Office of Strategic Infrastructure Capabilities

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Preface

P.1 Purpose

- a. This NASA Procedural Requirement (NPR) implements applicable requirements for the Cultural Resources Management (CRM) Program under NASA Policy Directive (NPD) 8500.1, NASA Environmental Management, in accordance with the National Historic Preservation Act of 1966 (NHPA), as amended, 16 U.S.C. 470 et seq.; its implementing regulations (Protection of Historic Properties, 36 C.F.R. Part 800); the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470; Executive Order (Exec. Order No.) 13287; Preserve America, and the National Environmental Policy Act of 1970 (NEPA), 42 U.S.C. 4321 and 4331-35; and its Council on Environmental Quality (CEQ) regulations.40 C.F.R. Part 1501.
- b. This NPR establishes requirements, roles, and responsibilities for Native American Consultation (NAC) in accordance with the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq. and its Final Rule (43 C.F.R. Part 10); the American Indian Religious Freedom Act, as amended, 42 U.S.C. 1996 and 1996a; Religious Freedom Restoration Act, 42 U.S.C. §2000bb - 42 U.S.C. § 2000bb-4; Exec. Order No. 13007, Indian Sacred Sites; Exec. Order No. 13175, Consultation and Coordination with Indian Tribal Governments; and other laws, regulations, and Exec. Orders related to cultural resources.
- c. NASA is committed to be a steward of cultural resources, and implementation of this NPR will ensure preservation of their significance to NASA's mission, communities, and the history of our Nation in accordance with The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act, 63 Federal Register (Fed. Reg.) 20496 (April 24, 1998).

P.2 Applicability

- a. This NPR applies to NASA Headquarters and all Centers, including Component Facilities and to the Jet Propulsion Laboratory (JPL); other contractors; grant recipients; and licensees or parties to agreements only to the extent specified or referenced in the appropriate contracts, grants, or agreements.
- b. NASA Mission Directorates will reference this NPR in policy and guidance affecting NASA's cultural resources, including the requirement to fund programs and projects to meet NHPA compliance requirements.
- c. NASA institutional and support offices will reference this NPR in policy and guidance documents that involve or affect NASA's cultural resources and will support the Cultural Resources Management Program through appropriate public outreach and events.
- d. In this NPR, the language "shall" denotes a mandatory action, "may" or "can" denote discretionary privilege or permission, "should" denotes good practice that is recommended but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.
- e. In this NPR, all document citations are assumed to be the latest version, unless otherwise noted.

P.3 Authority

- a. The National Aeronautics and Space Act, 51 U.S.C. § 20113(a)
- b. National Historic Preservation Act, 16 U.S.C. 470 et seq. (1966)
- c. Archaeological Resources Protection Act, 16 U.S.C. § 470aa-470mm (1979)
- d. Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq. (1990)
- e. Federally Recognized Indian Tribe List Act, 25 U.S.C. 479a (1994)
- f. Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-42 U.S.C. § 2000bb-4 (1993)
- g. National Environmental Policy Act, 42 U.S.C. § 4321 and §§ 4331-4335 (1970)
- h. American Indian Religious Freedom Act, 42 U.S.C. (1996)
- i. Protection and Enhancement of the Cultural Environment, Exec. Order No. 11593, 3 C.F.R. 8921, 1971-1975 Comp., p. 559 (1971)
- j. Environmental Effects Abroad of Major Federal Actions, Exec. Order No. 12114, 44 FR 1957, 3 C.F.R., Comp., p. 356 (1979)
- k. Indian Sacred Sites, Exec. Order No. 13007, 3 C.F.R., 1996 Comp., p. 196 (1996)
- l. Protection of Historic Properties (The Advisory Council on Historic Preservation's Regulations for Implementing Section 106 of NHPA), 36 C.F.R. pt. 800
- m. Consultation and Coordination with Indian Tribal Governments, Exec. Order No. 13175, 65 Fed. Reg. 67249, p. 67249-67252 (2000)
- n. Preserve America, Executive Order No. 13287, 68 Fed. Reg. 43, p. 10635-10638 (2003)
- o. Federal Real Property Asset Management, Executive Order No. 13327, 73 Fed. Reg. 2167, p. 2167-2168 (2004)
- p. Locating Federal Facilities on Historic Properties, Executive Order 13006, 61 Fed. Reg. 35736, p. 35736 (1996)
- q. NPD 8500.1, NASA Environmental Management

P.4 Applicable Documents and Forms

- a. National Register of Historic Places, 36 C.F.R. pt. 60 (1981)
- b. Procedures for State, Tribal, and Local Government Historic Preservation Programs, 36 C.F.R. pt. 61 (1999)
- c. National Historic Landmarks Program, 36 C.F.R. pt. 65 (1983). Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 C.F.R. pt. 68 (1995)
- d. Curation of Federally-Owned and Administered Archaeological Collections, 36 C.F.R. pt. 79 (1990)
- e. Native American Graves Protection and Repatriation Act Regulations, 43 C.F.R. pt. 10 (1995)
- f. Presidential Memorandum, Government-to-Government Relations with Native American Tribal Governments, Fed. Reg. Doc. 94-10877, May 4, 1994

- g. Presidential Memorandum, Tribal Consultation, Fed. Reg., Nov. 9, 2009, pp. 57879-57882
- h. Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation, 63 Federal Register Doc. 20496 (1998)
- i. NPD 1000.0, Strategic Management and Governance Handbook
- j. NPD 1000.3, The NASA Organization
- k. NPD 1440.6, NASA Records Management
- l. NPD 8500.1, NASA Environmental Management
- m. NPD 8800.14, Policy for Real Estate Management
- n. NPD 8820.2, Design and Construction of Facilities
- o. NPR 1441.1, NASA Records Retention Schedules
- p. NPR 4200.1, NASA Equipment Management Procedural Requirements
- q. NPR 4310.1, Identification and Disposition of NASA Artifacts
- r. NPR 7120.5, NASA Space Flight Program and Project Management Requirements
- s. NPR 8553.1, NASA Environmental Management System
- t. NPR 8800.15, Real Estate Management Program
- u. NPR 8820.2, Facility Project Requirements
- v. NPR 8820.2, Design and Construction of Facilities
- w. Statement of Federal Financial Accounting Standards No. 29, Heritage Assets and Stewardship Land, July 7, 2005

P.5 Measurement/Verification

- a. For Agency-level requirements, metrics are to be developed to reflect existing and future reporting requirements of Congress, the Office of Management and Budget, the Advisory Council on Historic Preservation, the Department of the Interior, and other external oversight agencies, as needed.
- b. The NASA Headquarters Environmental Management Division (EMD) conducts an Environmental Functional Review (EFR), including an audit of the Environmental Management System, in accordance with NPR 8553.1 every three years.

P.6 Cancellation

NASA Interim Directive (NID 8500-80), Cultural Resource Management Policy, dated Sept. 21, 2009.

/S/

Dr. Woodrow Whitlow, Jr.
Associate Administrator
Mission Support Directorate

Chapter 1. Cultural Resources Management (CRM) Program Roles and Responsibilities

1.1 Introduction

1.1.1 The roles and responsibilities of senior management are defined in NPD 1000.0, Strategic Management and Governance Handbook, NPD 1000.3, The NASA Organization, and NPD 8500.1, NASA Environmental Management. The following are key roles and responsibilities for establishing, assigning, and maintaining CRM Program requirements. Responsibilities specific to a position title may be delegated by the responsible person.

1.2 Headquarters

1.2.1 The Assistant Administrator for the Office of Strategic Infrastructure (OSI) shall:

- a. Serve as and fulfill the Senior Policy Official (SPO) responsibilities specified in EO 13287, Preserve America, including appointing a Federal Preservation Officer (FPO).
- b. Promulgate CRM policy and guidance, and promote cultural resources management requirements across NASA.
- c. Represent NASA in establishing a Government-to-Government relationship with Federally recognized tribes unless otherwise delegated to Center and Component Facility Directors. (See Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a and Presidential Memorandum, Government-to-Government Relations with Native American Tribal Governments, Fed. Reg. Doc. 94-10877, May 4, 1994.)

1.2.2 Headquarters CRM Program Manager shall:

- a. Fulfill the requirements of the FPO in accordance with the NHPA and Exec. Order No. 13287, Preserve America.
- b. Serve as the Agency liaison for Native American affairs.
- c. Oversee and coordinate NASA's activities under NHPA and other applicable laws, regulations, Exec. Orders, and Presidential Memoranda regarding cultural resources.
- d. Prepare the Agency CRM policy and guidance.
- e. Monitor CRM Program implementation through the issuance of data calls; EFRs, at least every three years; and metrics.
- f. Establish a CRM awareness program to educate and inform NASA of its historic properties and CRM responsibilities.
- g. Ensure the Agency NASA Environmental Tracking System (NETS) CRM database is validated and maintained by Center and Component Facilities Historic Preservation Officers (HPOs).
- h. Provide direction and guidance on the Agency's CRM Program and NAC to Centers and Mission Directorates.
- i. Sign nominations of NASA-administered historic properties to the National Register of Historic

Places (NRHP).

- j. Promote the mission, economic, and social benefits of the CRM Program within Agency leadership.
- k. Develop Programmatic Agreements (PAs) and Memoranda of Agreement (MOAs) on behalf of the Agency.
- l. Monitor Agency compliance with the management and reporting requirements of NHPA and other applicable statutes, regulations, and Executive Orders (EOs) related to CRM.
- m. Review and concur with Center and Component Facility Integrated Cultural Resources Management Plans (ICRMPs), NHPA PAs or MOAs, Native American Graves Protection and Repatriation Act (NAGPRA) Comprehensive Agreements and Plans of Action, and other cultural resources agreements and actions after legal review.
- n. Coordinate with NASA procurement office to include contract and grant clauses that cover cultural resources issues, as appropriate.
- o. Represent the Agency and CRM Program at external and internal meetings (e.g., FPO meetings, CRM Panel Meetings, and Advisory Council on Historic Preservation (ACHP) meetings).
- p. Ensure that the Agency's cultural resources records are retained in compliance with NHPA requirements, 36 C.F.R. pt. 79, NPD 1440.6, and NPR 1441.1.
- q. Assist Center and Component Facility HPOs in interaction with the ACHP, Secretary of the Interior, Native Americans, and NASA Administrator with matters regarding CRM.
- r. Update and prepare reports on heritage assets for financial reporting in accordance with Statement of Federal Financial Accounting Standards No. 29, Heritage Assets and Stewardship Land, July 5, 2005 (SFFAS No. 29) and NPR 9250.1, Property, Plant, and Equipment and Operating Materials and Supplies.

1.2.3 The Headquarters Facilities Engineering Division shall:

- a. Support the implementation of NASA's CRM Program through policy pursuant to NPD 8800.14, Policy for Real Estate Management, NPD 8820.2, Design and Construction of Facilities, and guidance pursuant to NPR 8800.15, Real Estate Management Program, and NPR 8820.2, Facility Project Requirements.
- b. Reference this NPR in Agency policy, guidance, and training material that relate to the management of real property.
- c. Consider cultural resources requirements when implementing the Agency Construction of Facilities (CoF) Program.

1.2.4 The Headquarters Technical Capabilities and Real Property Management Division shall:

- a. Provide real property data to HPOs for use in the NETS database CRM Module.
- b. Utilize data provided in the NETS CRM Module to populate the historic status and heritage asset fields in the Agency real property database.
- c. Maintain up-to-date information for heritage assets for financial reporting in accordance with SFFAS No. 29.

1.2.5 Mission Program and/or Project Managers shall:

- a. Coordinate with NASA's FPO or Center HPO, as appropriate, prior to development of project budgets and planning documents to ensure cultural resources management issues both within and outside the United States and are considered and programmed for during project formulation phase and reevaluated throughout implementation in accordance with NHPA, Exec. Order 12114, NPR 7120.5, NASA Space Flight Program and Project Management Requirements, and NPR 8820.2, Facility Project Requirements.
- b. Coordinate NASA's FPO or Center HPO regarding any closeout activities associated with programs and projects that are terminating to identify potential NHPA and NAC cultural resources management issues that may require budget and compliance considerations.
- c. Notify the FPO or the Center HPO immediately if an activity is likely to affect an historic property or results in discovery of archaeological resources or human remains, or impact to a property that has been identified as culturally significant by Federally recognized tribes, Alaskan Natives, or Native Hawaiian Organizations.

1.3 Centers and Component Facilities

1.3.1 Center or Component Facility Directors shall:

- a. Comply with the applicable laws, regulations, and EOs related to cultural resources.
- b. Ensure funding is available to implement and maintain NASA CRM Program activities at the Center or Component Facility.
- c. Serve as the Federal Agency Official in accordance with NHPA, as defined in 36 C.F.R. pt. 800, Protection of Historic Properties.
- d. Serve as the Federal Land Manager for complying with the Archaeological Resources Protection Act of 1979 (ARPA).
- e. Serve as the Federal Agency Official, as defined in 36 C.F.R. pt. 79, with management authority over the Center or Component Facility's archaeological collections.
- f. Ensure funding is available to coordinate the disposition of archaeological collections and associated records in curation facilities that comply with the requirements in 36 C.F.R. pt. 79, NHPA, ARPA, and other applicable regulations.
- g. Ensure that Center procedures are aligned with the Agency requirements for cultural resources compliance, records retention, and disposal of artifacts. (See NPR 4310.1, Identification and Disposition of NASA Artifacts.)
- h. Appoint an HPO for the Center or Component Facility to manage and implement the CRM Program.
- i. Notify, in writing, the Headquarters CRM Program Manager and the respective State Historic Preservation Officer (SHPO) of the HPO appointment.
- j. Ensure that the HPO has the authority and resources to carry out their role and responsibilities to comply with applicable CRM regulations and this NPR and has funding to conduct periodic inventory and evaluation of historic facilities. (See NHPA and Exec. Order No. 11593.)
- k. Ensure that the HPO is included in the process for collecting, identifying, retaining, and disseminating historic and cultural resources documentation, records, and artifacts.

- l. Establish a process for integrating CRM into Center master and mission planning that includes early coordination with other programs, tenants, and projects.
- m. Submit to the FPO nominations to the NRHP of those historic properties whose designation the Center Director deems to be a net benefit to NASA and the community.
- n. Support initiatives to educate and inform Center or Component Facility personnel of CRM and NAC compliance responsibilities and include Center Native American employees, as appropriate.
- o. Ensure the integration of CRM responsibilities within program and project requirements.
- p. Obtain appropriate training regarding Government-to-Government consultation to qualify for delegated authority from the Assistant Administrator.

1.3.2 Center or Component Facility Historic Preservation Officers shall:

- a. Implement NASA CRM Program activities in compliance with this NPR and sections 106 and 110 of NHPA.
- b. Develop and implement an ICRMP that meets the requirements of this NPR to identify, manage, and maintain cultural resources.
- c. Ensure the ICRMP is integrated with other Center and Component Facility documents (e.g., Environmental Management System, Master Plan, and asset management plans).
- d. Submit the ICRMP to the Headquarters CRM Program Manager for review and concurrence.
- e. Review and update the ICRMP every five years or when directed by the Headquarters CRM Program Manager.
- f. Ensure that unanticipated archaeological discoveries are managed in compliance with NAGPRA, ARPA, state regulations, and NASA internal procedures.
- g. Notify the Headquarters CRM Program Manager and State and local authorities in accordance with NAGPRA, state laws and regulations, and NASA internal procedures regarding discovery of human remains.
- h. For those who consult regularly with Indian Tribes or Native Hawaiian Organizations, as defined by NAGPRA, develop a Comprehensive Agreement or Plan of Action to assist with compliance with NAGPRA.
- i. Ensure that identification and evaluation of historic properties, including properties of traditional religious and cultural importance to Native Americans, are completed in compliance with Section 106 of NHPA prior to an undertaking.
- j. Ensure that impacts of proposed actions and undertakings that might affect cultural resources are considered pursuant to NEPA and NHPA.
- k. Serve as the Center or Component Facility point of contact to maintain and foster relationships with the Headquarters CRM Program Manager; SHPO; Tribal Historic Preservation Officer (THPO), for activities affecting tribal lands; Native Americans; ACHP; other consulting and interested parties; and the public, for activities related to the CRM Program.
- l. Provide timely responses to Agency CRM data calls (e.g., EO 13287, Preserve America, and ARPA).
- m. Track cultural resources and maintain up-to-date records and reports (i.e., documentation of

cultural resources surveys and studies, MOAs/PAs, and official correspondence) in the NETS CRM Module for compliance with NHPA, the Archaeological Resources Protection Act of 1979, Exec. Order No. 13327, and Exec. Order No. 13287.

n. Consult with the regional National Park Service (NPS) regarding National Historic Landmarks (NHL), as appropriate, and NRHP nominations. (See 36 C.F.R. pt. 65, National Historic Landmarks Program.)

o. Notify Headquarters of any proposed undertaking that is likely to directly and adversely affect any NHL.

p. Obtain necessary training to fulfill CRM responsibilities. If the employee is not a CRM professional, as defined by 36 C.F.R. pt. 61, the HPO will complete training on NHPA within 12 months of designation to allow the HPO to perform their duties.

q. Determine when official CRM records need to be retained or scanned and uploaded into NETS prior to submission to the National Archives and Records Administration or other disposition in accordance with NPR 1441.1, NASA Records Retention Schedules.

r. Notify the Headquarters CRM Program Manager prior to any Section 106 consultation under NHPA that requires consultation with the ACHP, Native Americans, or in the development of any other agreement with these consulting parties prior to such consultation.

s. Safeguard information about the location, character, or ownership of an historic property or archaeological sites if such disclosure might cause harm or might impede the access to or use of properties of traditional religious and cultural importance.

t. Encourage development of partnerships in accordance with Exec. Order No. 13287, Preserve America, to support and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties.

u. Review all construction and demolition projects that pertain to historic properties to determine likely effect of the proposed activity on the historic property and initiate compliance procedures, as appropriate.

v. Ensure the Secretary of the Interior's Standards for the Treatment of Historic Properties are followed as closely as practical for Center projects involving historic properties.

w. Report existing condition of NHLs to NPS, as requested.

1.3.3 Center and Component Facility Project Managers shall:

a. Reference this NPR in applicable program and project planning documents in accordance with NPR 7120.5, NASA Space Flight Program and Project Management Requirements, and NPR 8820.2, Design and Construction of Facilities.

b. Coordinate with the HPO to identify potential NHPA and NAC requirements when planning new mission needs and construction, renovation, or demolition/deconstruction activities.

c. Include cost and schedule needs for NHPA compliance and NAC activities in proposed project plans at the earliest stages of planning.

d. Ensure applicable forms are completed and permits obtained during the project planning phase and prior to project startup (e.g., environmental checklists, siting requests, and dig permits).

e. Notify the HPO immediately if an activity results in discovery of archaeological resources or human remains, or the activity impacts an historic property that has been identified as culturally

significant by Native Americans.

f. Consider alternatives for historic properties that are not needed for current or projected Agency or Center mission requirements in accordance with NASA's sustainability goals and Section 111 of NHPA, including adaptive reuse or lease. (See Exec. Order No. 13423.)

g. Ensure that contracts, licenses granted by NASA, and grant requirements include NHPA and NAC compliance activities and limit the issuance of notice-to-proceed orders in accordance with appropriate compliance activities. h. Consult with the HPO to identify requirements for NAC and consideration of potential impact to properties of tribal significance when planning construction, demolition, or deconstruction activities.

Chapter 2. Integrated Cultural Resources Management Plan

2.1 Overview

2.1.1 A key component of a Center's management responsibilities is the ICRMP. Each NASA Center and Component Facility is responsible for implementing NASA CRM and stakeholder engagement practices, as described in a Center or Component Facility ICRMP. The ICRMP establishes cultural resources management practices and procedures pursuant to Section 110 of NHPA for historic properties. The ICRMP should be developed in coordination with the Center or Component Facility's other significant planning documents, such as Master Plans.

2.2 Integrated Cultural Resources Management Plan

2.2.1 The ICRMP shall contain a summary of the Center and Component Facility's mission and history.

2.2.2 The ICRMP shall include, at a minimum, standard operating procedures (SOP) for:

- a. Identifying and evaluating resources that are 45 years of age or older (in anticipation of their turning 50) and resources less than 50 years old that may have exceptional significance in accordance with Section 110 of NHPA.
- b. Reassessing resources that have previously been determined eligible or ineligible for listing in the NRHP prior to their turning 50 years of age to address the passage of time, changing perceptions of significance, subsequent changes to the property, or incomplete prior evaluations.
- c. Maintaining, repairing, altering, demolishing, leasing, or transferring existing buildings or structures.
- d. Identifying, evaluating, and treating the effects of all undertakings on historic properties through Section 106 of NHPA consultation to include the public, Native Americans, SHPOs/THPOs, and other consulting parties in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties.
- e. Protecting archaeological resources.
- f. Responding to inadvertent discovery of archaeological resources.
- g. Treatment of human remains and funerary objects.
- h. Consulting with Native Americans. (See Exec. Order No. 13175 and Presidential Memoranda.)
- i. Curating archaeological collections and records of historic properties.
- j. Emergency procedures in the event of natural or other disasters.

2.2.3 The ICRMP shall outline procedures that Centers and Mission Programs will follow for real estate actions, construction projects, and planning to ensure that stewardship responsibilities of the Agency are considered in accordance with relevant laws, Exec. Orders, and Presidential Memoranda.

2.2.4 The ICRMP shall document management practices to:

- a. Develop Center historical context information using broad thematic studies, such as Man in Space, the former U.S. Space Shuttle Program, and Center histories.
- b. Ensure that personal property and associated records are considered when evaluating historic properties.
- c. Participate in the identification and disposition of artifacts with appropriate Center and Component Facility organizations and Property Disposal Officers and/or Artifact Managers, especially as it relates to the management of these artifacts as potential historic properties.
- d. Account for heritage personal property in the NASA Personal Property, Plant, and Equipment System when valuation meets the Agency accountability threshold in accordance with NPR 4200.1, NASA Equipment Procedural Requirements and NPR 9250.1, Property, Plant, and Equipment and Operating Material and Supplies.
- e. Ensure that action of the Center or Component Facility and its tenants are planned and carried out in ways that protect and enhance its cultural resources.
- f. Maintain all eligible or listed (i.e., registered) historic properties in accordance with Section 110 of NHPA.
- g. Safeguard locations of archaeological resources in accordance with the requirements of existing ARPA and NHPA regulations.
- h. Identify the Area of Potential Effect for Section 106 of NHPA undertakings, and identify and evaluate historic properties to include archaeological sites and places of traditional religious and cultural importance prior to the commencement of any undertaking.
- i. Delineate treatment and mitigation measures in a MOA or PA with SHPO/THPO, other consulting/interested parties, and the ACHP.
- j. Integrate historic properties into comprehensive master planning and project development.
- k. Identify the location of and manage archaeological collections and associated records in facilities that meet the requirements of 36 C.F.R. Part 79.
- l. Develop comprehensive agreements and/or plans of action in consultation with Federally recognized tribes, in accordance with NAGPRA.
- m. Provide access to and use of sacred sites in order to accommodate ceremonial use by Indian religious practitioners. (See Exec. Order No. 13007.)

Appendix A. Definitions

Advisory Council on Historic Preservation. The independent Federal agency charged by NHPA to advise the President, Congress, and Federal Agencies on matters related to historic preservation. The Council also administers Section 106 of NHPA through 36 C.F.R. Part 800, Protection of Historic Properties.

Archaeological Resources. Material remains of human life or activities that are capable of providing understanding of behavior and cultural adaptation through the application of scientific or scholarly techniques, such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

Consultation. A reasonable and good-faith effort to involve affected parties in the findings, determinations, and decisions made during the Section 106 review of the NHPA process and other processes required under NAGPRA, NEPA, ARPA, and other statutes and regulations. Consultations with Federally recognized tribes will be on a Government-to-Government level to respect tribal sovereignty and to recognize the unique legal relationship between the Federal Government and Indian Tribes set forth in the U.S. Constitution, treaties, statutes, and court decisions.

Consulting/Interested Parties. Those groups or individuals who have a consulting role in the Section 106 process in accordance with 36 C.F.R. Part 800.2, such as SHPOs, THPOs (for undertakings concerning tribal lands), and Native Americans. The term also includes representatives of local government; the public; and applicants for Federal assistance, permits, licenses, and other approvals.

Cultural Resources. Archaeological and Native American built resources, heritage assets, Historic Properties, NASA artifacts, and NHLs, including, but not limited to, buildings, structures, objects, districts, and sites.

Cultural Resources Professional. A person who meets qualifications in anthropology, archaeology, history, historical architecture, preservation planning, or other preservation specialties set forth in Section 112 of NHPA, Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and 36 C.F.R. Part 61.

Eligible Historic Properties. Those properties that meet the criteria of the NRHP and have concurrence from the SHPO/THPO regarding their eligibility to the NRHP.

Federal Preservation Officer. The Agency official that NHPA charges with coordinating the Agency CRM Program including interactions with the other agencies, states, Native Americans, National Park Service, the Advisory Council on Historic Preservation, and others.

Heritage Asset. Property, plant, or equipment that is unique for its historical or natural significance; cultural, educational, or artistic importance; and/or significant architectural characteristics. Consists of: (1) collection types, such as objects gathered and maintained for exhibition, (for example, museum collections, art collections, and library collections); or (2) non-collection-types, such as parks, memorials, monuments, and buildings. It is reported in Agency financial statements in accordance with the Federal Accounting Standards Advisory Board (FASAB), Statement of Federal Financial Accounting Standards No. 29, Heritage Assets and Stewardship Land. (Heritage assets are defined in SFFAS No. 29, Heritage Assets and Stewardship Land.) NASA's heritage assets include real properties that also are historic properties. These are reported by the Office of the Chief Financial Officer (OCFO) in NASA's annual financial report.

Historic Preservation or Preservation. Section 301(8) of NHPA, 16 U.S.C. Part 470 w(8), states that historic preservation "includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training" regarding cultural resources. The Secretary of the Interior's Standards for the Treatment of Historic Properties (NPS 1992) defines historic preservation as "the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property."

Historic Preservation Officer. A NASA employee who is designated by the Center Director and given the responsibility to manage cultural resources at the Center or Component Facility, if any, pursuant to NHPA, ARPA, NAGPRA, and other legal authorities.

Historic Property. Any district, site, building, structure, or object included on or eligible for inclusion in the NRHP, per the criteria provided in 36 C.F.R. Part 60.4. It also includes cultural resources defined as any prehistoric or historic district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP maintained by the Secretary of the Interior and that has met the eligibility requirements in 35 C.F.R. Part 60.4. The term includes artifacts, records, and remains related to and located within such properties and includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian Organization that meets the NRHP criteria. (16 U.S.C. 470 et seq.)

Indian Tribe. An Indian or Alaskan Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

Integrated Cultural Resources Management Plan. A plan that defines the policies and standard operating procedures for managing cultural resources at a NASA Center or Component Facility and is integrated into property management and other applicable Agency plans.

Listed (or Registered) Historic Property. Those properties that meet the criteria of the National Register of Historic Places (NRHP) and have formally been accepted by the National Park Service (NPS) to the NRHP.

Memorandum of Agreement. A legally binding form of agreement document, as described in 36 C.F.R. pt. 800.6, to mitigate adverse effects on historic properties.

NASA Artifacts. Unique objects that document the history of the science and technology of aeronautics and astronautics. Their significance and interest stem mainly from their relation to the following: Historic flights, programs, activities, or incidents; achievements or improvements in technology; our understanding of the universe; and important or well-known personalities. (See NPR 4310.1.)

NASA Environmental Tracking System. A set of relational databases that house environmental data across the Agency. The CRM module tracks cultural resources data and also connects to NASA's Cultural Resources Geographic Information System (CRGIS), which displays cultural resources information on NASA's public Web site and internally.

National Historic Landmark. A nationally significant historic place designated by the Secretary of the Interior because the property or site possesses exceptional value or quality in illustrating or interpreting the heritage of the United States. National Historic Landmarks (NHLs) are managed, in part, by the NPS's National Historic Landmark Program. All NHLs are considered historic properties or sites.

National Park Service. The Federal agency within the U.S. Department of the Interior tasked with

overseeing the NRHP and NHL Programs. NPS contains the offices of the Departmental Consulting Archeologist, who provides technical assistance to Federal agencies and who coordinates the Federal Archeology Program.

National Register of Historic Places. The Federal Government's official list of buildings, structures, districts, sites, and objects that are significant in American history, architecture, archaeology, engineering, or culture and are, thereby, considered for preservation. The NRHP is administered by the NPS.

Native Americans. For the purposes of this document, the term "Native Americans" refers to Eskimos, Aleuts, Alaskan Natives, Native North Americans, and Native Hawaiian Organizations, including Federally recognized tribes and Tribal Historic Preservation Officers, as appropriate.

Personal Property. Any property, except real property.

Programmatic Agreement. A legally binding document that records the terms and conditions agreed upon to mitigate the adverse effects associated with complex or phased undertakings when the full range of historic properties that may be affected are not known or in other situations specified in 36 C.F.R. Part 800.14(b).

Real Property. Land, buildings, other structures and facilities, and leasehold improvements. "Real property" also includes installed collateral equipment (i.e., building-type equipment), as defined in NPR 9250.1.

State Historic Preservation Officer. The official appointed by the Governor of each state and territory to carry out the functions defined in NHPA and to administer the State Historic Preservation Program.

Tribal Historic Preservation Officer. The official appointed by an Indian Tribe in accordance with NHPA to administer a Tribal Historic Preservation Program and assume duties and functions for tribal lands similar to those that the State Historic Preservation Officer has for state lands.

Undertaking. Any project, activity, action, or program wholly or partly funded 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; and those requiring a permit, license, or approval.

Appendix B. Acronyms

ACHP	Advisory Council on Historic Preservation
ARPA	Archaeological Resources Protection Act of 1979
CEQ	Council on Environmental Quality
C.F.R.	Code of Federal Regulations
CoF	Construction of Facilities
CRGIS	Cultural Resources Geographic Information System
CRM	Cultural Resources Management
EFR	Environmental Functional Review
EMD	Environmental Management Division
Exec. Order No.	Executive Order
FASAB	Federal Accounting Standards Advisory Board
FPO	Federal Preservation Officer
Fed. Reg.	Federal Register
HPO	Historic Preservation Officer
ICRMP	Integrated Cultural Resources Management Plan
JPL	Jet Propulsion Laboratory
MOA	Memorandum of Agreement
NAC	Native American Consultation
NAGPRA	Native American Graves Protection and Repatriation Act of 1990
NASA	National Aeronautics and Space Administration
NEPA	National Environmental Policy Act of 1970
NETS	NASA Environmental Tracking System
NHL	National Historic Landmark
NHPA	National Historic Preservation Act of 1966
NID	NASA Interim Directive
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
NPS	National Park Service
NRHP	National Register of Historic Places
OCFO	Office of the Chief Financial Officer
OSI	Office of Strategic Infrastructure

PA	Programmatic Agreement
SFFAS	Statement of Federal Financial Accounting Standards
SHPO	State Historic Preservation Officer
SOP	Standard Operating Procedure
SPO	Senior Policy Official
THPO	Tribal Historic Preservation Officer
U.S.	United States
U.S.C.	United States Code

**APPENDIX B
PROGRAMMATIC AGREEMENT REGARDING THE MANAGEMENT
OF FACILITIES, INFRASTRUCTURE, AND SITES AT THE WALLOPS
FLIGHT FACILITY, WALLOPS ISLAND, ACCOMACK COUNTY,
VIRGINIA**

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**PROGRAMMATIC AGREEMENT
AMONG
THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
MANAGEMENT OF FACILITIES, INFRASTRUCTURE, AND SITES AT THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'S
WALLOPS FLIGHT FACILITY, WALLOPS ISLAND,
ACCOMACK COUNTY, VIRGINIA**

This Programmatic Agreement (Agreement) is made as of the 17th day of December 2014, by and among the National Aeronautics and Space Administration (“NASA”), the Virginia State Historic Preservation Officer (“SHPO”), and the Advisory Council on Historic Preservation (“Council”) (referred collectively herein as the “Signatories” or individually as a “Signatory”), pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (“NHPA”), 16 U.S.C. § 470f and its implementing regulations, 36 CFR Part 800.

WHEREAS, The National Aeronautics and Space Administration (NASA) manages and operates the Wallops Flight Facility (NASA WFF), located on Wallops Island, Virginia; and

WHEREAS, NASA has determined that the operation, management, and administration of NASA WFF entails undertakings that may affect properties included in or eligible for inclusion in the National Register of Historic Places (NRHP), including the Wallops Beach Lifesaving Station (DHR ID# 001-0027-0100; DHR ID# 001-0027-0101; WFF # V-065) and a Revolutionary War Military Earthworks (DHR ID# 44AC0089) and has consulted with the Advisory Council on Historic Preservation (ACHP) and the Virginia Department of Historic Resources (DHR), which is the State Historic Preservation Office (SHPO) in Virginia, to develop this Programmatic Agreement (Agreement) pursuant to Section 800.14(b)(1)(iv) of the regulations (36 CFR Part 800) implementing Section 106 of the NHPA and Section 110(f) of the same Act (16 U.S.C. 470h-2(f)); and

WHEREAS, NASA WFF in consultation with the SHPO has conducted a Phase I reconnaissance survey of archaeological sites entitled “Cultural Resources Assessment of NASA Wallops Flight Facility, Accomack County, Virginia” (URS/EG&G, 2003); and a Phase I reconnaissance survey of all buildings, structures, and districts entitled “Historic Resources and Eligibility Report for Wallops Flight Facility, Accomack County, Virginia” (URS/EG&G, 2004); and “Historic Resources and Eligibility Survey for Wallops Flight Facility” (Cold War era resources) (TEC, Inc. 2011); and

WHEREAS, the URS/EG&G, 2003 study produced a predictive model for high, moderate and low zones of archeological sensitivity at NASA WFF and NASA WFF has created GIS data layers for these zones. Appendix A to this Agreement includes location and boundary maps of

NASA WFF marked with the locations of known archaeological sites and the NRHP-eligible Wallops Beach Lifesaving Station and Coast Guard Observation Tower (DHR ID# 001-0027-0100; DHR ID# 001-0027-0101), which were determined eligible in 2005; and

WHEREAS, on February 9, 2004, SHPO issued a letter concurring with the predictive model in the “Cultural Resources Assessment of NASA Wallops Flight Facility, Accomack County, Virginia” (Appendix B); and

WHEREAS, Appendix C includes a table of all buildings, structures and archaeological sites surveyed at NASA WFF listed by their eligibility determination for the NRHP; and

WHEREAS, in 2005 the SHPO concurred with the findings that individual resources and the potential Wallops Flight Facility historic district (DHR ID #001-0027) surveyed in the URS/EG&G, 2004 report are not eligible for listing in the NRHP (Appendix B); and

WHEREAS, in August 2011, SHPO concurred with the findings that the 76 Cold War-era resources built between 1956 and 1965 surveyed in the TEC, Inc. 2011 report are not eligible for listing in the NRHP (Appendix B); and

WHEREAS, NASA elected to fulfill its obligations under Section 106 of the NHPA through execution and implementation of this Agreement, as provided for in 36 CFR 800.14(b)(1)(iv), and through development and implementation of a revised Integrated Cultural Resource Management Plan (ICRMP) under the terms of this Agreement; and

WHEREAS, the purpose of this Agreement is to ensure that the significance of the historic and prehistoric resources at NASA WFF are recognized and considered in the course of ongoing NASA WFF programs and to provide a protocol for the reuse, modification, replacement or removal of historic facilities associated with current and future programs; and

WHEREAS, this Agreement details the consultative processes NASA WFF shall undertake to comply with Section 106; and

WHEREAS, when a new facility, structure, building, district or archaeological site is listed or determined eligible for listing in the NRHP this Agreement will be applicable and the review process established herein will be implemented; and

WHEREAS, the purpose of this Agreement is to set forth a streamlined process for compliance with Section 106 of the NHPA, for NASA WFF when agreed upon criteria are met and procedures contained in this Agreement are followed; and

WHEREAS, NASA WFF consulted with Native American tribes who have a potential interest in cultural resources at NASA WFF, based on their previous interest in Federal undertakings on the Eastern Shore of Virginia, to determine if they might attach religious and cultural significance to historic properties subject to this Agreement. The Catawba Indian Nation and the

Pocomoke Indian Nation responded that they do wish to participate in the development of this Agreement and sign the Agreement as a concurring party pursuant to 36 CFR 800.6(c)(3) and 800.2; and

WHEREAS, NASA WFF has consulted on a government-to-government basis with the Catawba Indian Nation and the Pocomoke Indian Nation and has coordinated consultation on this Agreement with other provisions of the NHPA; the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. Part 3001 et seq.; the American Indian Religious Freedom Act (AIRFA) as amended, 42 U.S.C. Part 1996 and 1996a; Executive Order 13007, Indian Sacred Sites (Federal Register No. 61, No. I04/Wednesday, May 29, 1996); and 36 CFR Part 79, Curation of Federally-Owned and Administered Archeological Collections; and

WHEREAS, NASA WFF identified potential consulting parties to participate in the development of this Agreement pursuant to 36 CFR 800.2(c)(3) and 36 CFR 800.2(c)(5). A list of contacted parties is included here as Appendix D. With the exception of above, these parties have declined to participate; and

WHEREAS, NASA has provided the public an opportunity to express their views on this Agreement by means of notices appearing in the Eastern Shore News and in the Chincoteague Beacon and postings at local libraries (Chincoteague Island Library, Chincoteague, VA; Eastern Shore Public Library, Accomac, VA; Northampton Free Library, Nassawadox, VA), the NASA WFF Visitor's Center, and on the NASA WFF website at http://sites.wff.nasa.gov/code250/cultural_historic.html; and

WHEREAS, NASA, the ACHP, SHPO and other consulting parties agree to consider options for alternate mitigation approaches to achieve a better preservation outcome than documentation alone when historic properties are affected; and

WHEREAS, in addition to NASA Procedural Requirements (NPR) 4310.1 for Artifact Identification and Disposition, NASA has an existing Agreement with the Smithsonian Institution (Smithsonian) regarding the transfer and management of artifacts having such historical and educational or other value that have emerged and will emerge from the aeronautical and space programs administered by NASA (Appendix E); and

WHEREAS, the terms defined in Appendix F are applicable throughout this Agreement.

NOW THEREFORE, the Signatories to this Agreement agree that NASA can proceed with undertakings at NASA WFF in accordance with the following stipulations in order to take into account the effects of its undertakings on historic properties, including historic buildings, structures, facilities, and archaeological sites, and that these stipulations shall satisfy NASA Section 106 responsibilities for all individual undertakings, until this Agreement expires or is terminated.

STIPULATIONS

NASA shall ensure that the following stipulations are implemented at NASA WFF:

I. ROLES AND RESPONSIBILITIES

A. For the purposes of this Agreement, the NASA WFF's Historic Preservation Officer's (HPO) responsibilities include, but are not limited to:

1. Serving as the point of contact with the ACHP and SHPO; and
2. Coordinating the internal review of projects and activities that may affect historic properties and consulting with external agencies regarding the identification, evaluation and treatment of NASA WFF's historic properties; and
3. Performing reviews, making determinations, and issuing approvals per the terms of this Agreement; and
4. Reviewing the Area of Potential Effect (APE) to ensure that all types of historic properties are identified for each proposed undertaking.

B. The NASA WFF HPO shall ensure that all identification and evaluation survey documentation and all resource treatment documentation carried out pursuant to the terms of this Agreement will be completed by or under the direct supervision of an individual or individuals who meet the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR Part 61).

II. INTEGRATED CULTURAL RESOURCE MANAGEMENT PLAN (ICRMP)

A. In accordance with NASA's Procedural Requirement for Cultural Resources, NPR 8510.1, NASA WFF HPO shall revise and update the NASA WFF ICRMP.

B. As part of the updated ICRMP, NASA WFF shall:

1. Reexamine the archeological predictive model developed as part of WFF's Cultural Resources Assessment (2003); and
2. Develop a plan for the management of the Revolutionary War Military Earthworks (DHR ID# 44AC0089).

C. The terms, provisions, processes, and timetables contained in the ICRMP shall be consistent with the terms and provisions contained in this Agreement as well as the guidelines prescribed by NASA FPO for development of ICRMPs.

D. The draft ICRMP shall be submitted to the SHPO, the ACHP, the Catawba Indian Nation, and the Pocomoke Indian Nation for review and comment. The NASA WFF HPO shall take

into account any comments received within thirty (30) days of confirmed receipt in its final revision of the ICRMP. Copies of the final ICRMP shall be provided to the ACHP, SHPO, the Catawba Indian Nation, the Pocomoke Indian Nation and other consulting parties as appropriate.

III. ACTIVITIES NOT REQUIRING REVIEW UNDER THIS AGREEMENT

A. The activities identified in Appendix G have limited potential to affect historic properties and do not require SHPO review under this Agreement. The NASA WFF HPO shall determine whether the proposed undertaking requires SHPO review under this Agreement. If the NASA WFF HPO approves the undertaking as not requiring SHPO review, the undertaking may be executed without further consultation with the SHPO, the ACHP, or other consulting parties as appropriate. It shall not be necessary to forward individual project documentation on any activity not requiring review under this Agreement to the SHPO, ACHP or any other consulting party.

B. Any rehabilitation of a historic property that includes activities other than those listed in Appendix G shall be reviewed in accordance with the provisions of the Standard Review Process outlined in Stipulation IV below.

C. The NASA WFF HPO shall maintain appropriate files on all undertakings not reviewed by the SHPO under this Agreement. Such files may include, at a minimum: the facility inventory number, the DHR ID #, photographs of the property, a site map of the property, a description of the proposed undertaking and a determination that the project does not require SHPO review under this Agreement. The level and type of documentation maintained by NASA WFF for non-review activities shall be appropriate to the nature of the undertaking and its potential to affect a historic property.

D. The NASA WFF HPO may propose additions or revisions to the list of activities not requiring SHPO review under this Agreement by doing so in writing to the SHPO, ACHP, and other consulting parties as appropriate. These undertakings will be added as a revised Appendix G upon receipt of written concurrence from SHPO, ACHP, and other consulting parties as appropriate.

IV. STANDARD REVIEW PROCESS

A. The NASA WFF HPO shall coordinate with the SHPO and other consulting parties on all undertakings not otherwise excluded from SHPO review per Stipulations II or III.

B. NASA WFF personnel with responsibility for the project, in consultation with the NASA WFF HPO and other qualified consultants, shall prepare pre-project documentation, which may include: description of work, description of future use, bid documents, architectural plans, site plans, landscaping plans, photographs, and other materials that depict existing conditions and proposed work.

C. The NASA WFF HPO shall review the pre-project documentation and submit to the SHPO for review and comment a completed Project Review Application (Application) through the SHPO's Electronic Project Information Exchange (ePIX) system accessible at <http://solutions.virginia.gov/epix> or similar system, as appropriate. The ePIX Application should contain the information required in the ACHP regulations at 36 CFR 800.11(e).

D. If the NASA WFF HPO, in consultation with the SHPO, determines that the undertaking will result in No Historic Properties Affected or No Adverse Effect, then the NASA WFF HPO will issue approval for the undertaking and work may proceed. All work shall conform to the approved proposal and to the conditions stated in the approval.

E. If the NASA WFF HPO, in consultation with the SHPO, determines that the undertaking will have an Adverse Effect on historic properties, then the NASA WFF HPO shall comply with Stipulation VIII of this Agreement to resolve the adverse effect.

V. PLANNING FOR THE WALLOPS BEACH LIFE SAVING STATION

A. The NASA WFF HPO shall continue to secure, inspect and maintain to appropriate standards the Wallops Beach Life Saving Station and the associated Observation Tower (DHR ID# 001-0027-0100; DHR ID# 001-0027-0101; WFF # V-065), in accordance with the National Park Service's Preservation Brief 31 "Mothballing Historic Buildings."

B. Prior to any proposal that considers the disposition (demolition, relocation, transfer, lease, or excess) of the Life Saving Station or Tower, the NASA WFF HPO shall submit an alternatives analysis to the SHPO for comment.

C. The alternatives analysis shall explore the following options: continued mothballing of the building; preservation of the building and tower in place; relocation of the building and tower to a similar site at NASA WFF and continued use by NASA WFF; relocation to a new site on NASA WFF and continued use by NASA WFF; or sale, transfer or lease of the property to a new owner and relocation off NASA WFF.

D. For any future proposed action that provides for the preservation of the building in-place in accordance with the *Secretary Standards*, the action will be considered to have no adverse effect on historic properties and no further compliance with the ACHP's regulations will be necessary with regard to the subject undertaking.

E. If a proposed action is relocation on NASA WFF, then the NASA WFF HPO shall consult with SHPO regarding the need for architectural and archaeological surveys to assess the possible effects of the relocation on cultural resources at the new site. Recommended surveys will be conducted in consultation with the SHPO and other consulting parties:

1. Within one (1) year of selection of a site for relocation, or as funding permits, the NASA WFF HPO will provide to the SHPO for review and approval a move report.

2. The move report will be developed in consultation with SHPO, consulting parties and professional movers who have the capability to move the historic building properly.
3. The move report shall be in keeping with DHR's "Moving a State and Federal Landmark following National Park Service Standards: Quick reference – Conditions to Meet" (Appendix H) and John Obed Curtis' *Moving Historic Buildings*.
4. The move report shall contain site, grading, and architectural plans for the relocation and rehabilitation of the Wallops Beach Lifesaving Station and Observation Tower (DHR ID# 001-0027-0100; DHR ID# 001-0027-0101; WFF # V-065).
5. The move report shall provide a plan for the security and protection of the Lifesaving Station and Observation Tower (DHR ID# 001-0027-0100; DHR ID# 001-0027-0101; WFF # V-065) during the period that it is unoccupied on its existing and new sites and during transport.
6. The move report shall provide a timeline for the stabilization and maintenance of the property and proposed rehabilitation.
7. Prior to relocation and as mitigation for the adverse effect the relocation would have on the historic property, the NASA WFF HPO shall ensure to document the Lifesaving Station (DHR ID# 001-0027-0100), including its setting and context, at the DHR intensive level and submit the documentation to the SHPO for review and approval.
8. NASA WFF shall record through video and photographic documentation the relocation efforts from start to finish.
9. NASA WFF shall implement any mitigation measures agreed upon in writing within one (1) year, or as funding permits.
10. Review of all Rehabilitation Work proposed for the building on its new site will follow the procedures established in Stipulation IV of this Agreement.

F. If the preferred alternative is the sale, transfer, or lease of the property to a new owner and relocation off of WFF, NASA will adhere to the following procedures:

1. If in accordance with 36 CFR 800.5(a).2.vii, the transfer document includes legally enforceable restrictions or conditions to ensure the long term preservation of the property's historic significance, NASA shall document the property in accordance with Stipulations V.E.7-8 above and the action shall be considered to have no adverse effect on historic properties and no further compliance with the ACHP's regulations will be necessary with regard to the subject undertaking.

2. If NASA or its agents, place such protective restriction per Stipulation V.F.1 above, then NASA shall provide documentation in accordance with Stipulation V.E.6 above and develop a short documentary video of the history of the Wallops Beach Lifesaving Station and Observation Tower, as mitigation of the anticipated adverse effect of the transfer out of the protection of the Federal Government.
3. If transfer is within the Federal Government, then NASA shall document the transfer in accordance with Stipulation V.E.6-7 above.
4. Upon receipt of comments from the SHPO and other consulting parties if applicable, NASA shall revise and attach the covenant or easement to the deed or lease agreement prior to the sale, transfer, or lease of property.

G. If the proposed disposition of the Live Saving Station and Tower is demolition or dismantling, NASA will provide documentation in accordance with Stipulation V.E.6-7 above and will develop a short documentary video of the history of the Wallops Beach Lifesaving Station and Observation Tower.

VI. PUBLIC BENEFIT AND EDUCATION

A. A variety of public interpretation initiatives may be undertaken by NASA WFF for the purpose of historic preservation and as alternative mitigation measures. Such initiatives may include, but are not limited to:

1. Web-based products featuring historic properties as part of the NASA WFF heritage. This product may be accessed via NASA WFF Environmental Office website for the public to experience.
2. Reports and/or pamphlets suitable for the general public describing the historic resources at NASA WFF.
3. Collection and assembling of documents including technical reports, public relations materials, historic photographs, maps, etc. made available at the NASA WFF Visitor's Center, local libraries or other appropriate locations.
4. Development of exhibits on the historic properties at NASA WFF for display at the NASA WFF Visitor's Center.

B. NASA WFF will provide the SHPO, the Catawba Indian Nation and the Pocomoke Indian Nation an opportunity to comment on any archaeological displays or exhibits developed as a result of this Agreement prior to public display. All comments received within 30 days of the request will be taken into account in finalizing the archaeological display or exhibit.

VII. ARCHAEOLOGY

A. Any undertaking subject to this Agreement where all potential ground disturbance is in areas previously surveyed for archaeological resources where no archaeological sites are identified and that will not directly or indirectly affect other known historic properties may proceed following approval by the NASA WFF HPO without additional archaeological survey or further consultation with the SHPO.

B. In the event that ground disturbance as part of any undertaking subject to this Agreement may directly impact a previously identified NRHP eligible archaeological site, as listed in Appendix C, the NASA WFF HPO shall consult with the SHPO on ways to avoid, minimize, or mitigate potential effects to the identified property.

C. For ground-disturbing activities in moderate or high probability areas, or that will disturb unevaluated archaeological sites, the NASA WFF HPO shall consult with the SHPO and determine whether further archaeological survey or evaluation is warranted. If after consultation with the SHPO, NASA WFF HPO determines that further efforts are needed to identify or evaluate archaeological sites, the NASA WFF HPO shall ensure that an archaeological testing program is developed and implemented in consultation with the SHPO. The testing program shall be sufficient to identify any potentially eligible sites present within the APE and determine conclusively their eligibility for listing in the NRHP.

D. If the NASA WFF HPO determines that it is not feasible to preserve or avoid an NRHP-eligible or listed archaeological property, the NASA WFF HPO shall comply with Stipulation VIII of this Agreement to resolve the adverse effect.

VIII. RESOLUTION OF ADVERSE EFFECTS

A. If the NASA WFF HPO determines, in consultation with the SHPO and other consulting parties, that an undertaking, other than described in Appendix G or Stipulation V, will adversely affect historic properties, then NASA WFF shall address the adverse effect in accordance with 36 CFR 800.6.

B. The NASA WFF HPO shall notify the ACHP of the adverse effect finding and determine whether the ACHP will participate in the resolution of adverse effect and any resulting Memorandum of Agreement.

C. Mitigation measures to be included in any Memorandum of Agreement may include, but are not limited to, standard treatments such as documentation and data recovery. Dependent on the nature and extent of the undertaking's effects and the importance of the properties affected, mitigation measures may also include alternate mitigation approaches, such as public benefit and education approaches.

D. For adverse effects to archaeological properties, the NASA WFF HPO shall consult with the SHPO and other consulting parties to develop a data recovery plan (Appendix I) consistent with the Secretary of the Interior's "Standards and Guidelines for Archaeological Documentation" (48 FR 44734-37, September 29, 1983) and the SHPO's "Guidelines for Conducting Historic Resources Survey in Virginia (2011), and shall take into account the ACHP's publications, "Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites "(1999; rev. 2003) and "Section 106 Archaeology Guidance" (June 2007) or subsequent revisions or replacements to these documents.

IX. EMERGENCY ACTIONS

A. Emergency actions are those actions deemed necessary by NASA as an immediate and direct response to an emergency situation, which is a disaster or emergency declared by the President or the Governor of the Commonwealth of Virginia, or other immediate threats to life or property as determined by the NASA WFF Director. Emergency actions under this Agreement are only those implemented within thirty (30) calendar days from the initiation of the emergency situation.

B. If the emergency action has the potential to affect NRHP-listed or eligible properties, the NASA WFF HPO shall notify the SHPO and other consulting parties as appropriate prior to undertaking the action, when feasible. As part of the notification, the NASA WFF HPO shall provide a plan to address the emergency. The plan shall include the basis for the proposed action and photographs of the current building, facility, or area under consideration. The SHPO shall have seven (7) calendar days to review and comment on the plan to address the emergency. If the SHPO or other consulting parties fail to provide comments within the seven (7) calendar day review period, the NASA WFF HPO may assume that the non-responding party has no comments. The NASA WFF HPO shall take all comments received into consideration when preparing the final plan and then may implement the plan.

C. If the NASA WFF HPO is unable to consult with the SHPO prior to carrying out emergency actions the NASA WFF HPO shall notify the SHPO and other parties as appropriate within five (5) calendar days after the initiation of the emergency action. This notification shall include a description of the emergency action taken, the effects of the action(s) to historic properties, and, where appropriate, any further proposed measures to avoid, minimize, or mitigate potential adverse effects to NRHP-listed or eligible properties.

D. Where possible, such emergency actions shall be undertaken in a manner that does not foreclose future preservation or restoration of historic properties. Where possible, and where such emergency actions may affect such properties, they shall be undertaken in a manner that is consistent with the *Secretary's Standards* to the greatest extent practicable. In addition, where possible, such actions will be done with on-site monitoring by the appropriate preservation professional who meets, at a minimum, the *Professional Qualifications Standards* in his or her field or discipline.

E. Immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of this Agreement.

X. PREPARATION AND REVIEW OF DOCUMENTS

A. A draft of all final technical reports shall be submitted to the SHPO, the Catawba Indian Nation, the Pocomoke Indian Nation and other consulting parties as appropriate for review and comment. The NASA WFF HPO shall ensure that all comments received within thirty (30) days of report receipt shall be taken into account in the final technical report. Two (2) copies of all final reports, bound and on acid-free paper, and one electronic copy on CD, shall be provided to the SHPO, and one (1) copy to other consulting parties as appropriate.

B. All technical reports prepared pursuant to this Agreement shall 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 SHPO's “Guidelines for Conducting Historic Resources Survey in Virginia” (2011) or subsequent revisions or replacements to these documents.

C. The SHPO and other consulting parties agree to provide comments on all technical reports, treatment plans, and other documentation arising from this Agreement within thirty (30) days of receipt unless otherwise specified in this Agreement. If no comments are received from the SHPO or other consulting parties, NASA WFF may assume the non-responding party has no comments.

XI. CURATION

NASA WFF shall deposit archaeological materials and appropriate field and research notes, maps, drawing and photographic records collected as part of projects carried out under this Agreement (with the exception of human skeletal remains and associated funerary objects which shall be treated in accordance with Stipulation XIII) with a facility which meets the requirements in 36 CFR Part 79, *Curation of Federally Owned and Administered Archeological Collections*.

XII. POST REVIEW DISCOVERIES

The NASA WFF HPO shall ensure that all construction contractors involved in ground disturbing activities are aware of the provisions in Stipulations IV of this Agreement.

A. If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction, the construction contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, notify the NASA WFF HPO of the discovery, and implement interim measures to protect the discovery from looting and vandalism.

B. Immediately upon receipt of the notification required in Stipulation XII.A, the NASA WFF HPO shall:

1. Inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted;
2. Clearly mark the area of discovery;
3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism;
4. Have a professional archaeologist inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and
5. Notify the SHPO and other consulting parties, as appropriate, of the discovery describing the measures that have been implemented.

C. Within forty-eight (48) hours of receipt of the notification described in Stipulation XII.B.5 the NASA WFF HPO shall provide the SHPO and other consulting parties, as appropriate, with its assessment of the NRHP eligibility of the discovery and the measures it proposes to take to resolve adverse effects. In making its official evaluation, NASA WFF HPO, in consultation with the SHPO, may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR 800.13(c). The NASA WFF HPO, SHPO, and other consulting parties, as appropriate, shall respond within forty-eight (48) hours of receipt.

D. The NASA WFF HPO shall take into account SHPO recommendations on eligibility and treatment of the discovery, shall ensure that appropriate actions are carried out, and provide the SHPO and other consulting parties, as appropriate, with a report on these actions when they have been implemented.

E. Construction activities may proceed in the area of the discovery, when the NASA WFF HPO has determined that implementation of the actions undertaken to address the discovery pursuant to Stipulation XII.B are complete.

F. Any disputes over the evaluation or treatment of previously unidentified resources will be resolved in accordance with Stipulation XIV of this Agreement.

XIII. HUMAN REMAINS

NASA WFF personnel shall make all reasonable efforts to avoid disturbing known gravesites, including those containing Native American human remains and associated funerary artifacts. NASA WFF shall treat all human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007; <http://www.achp.gov/docslhrpolicy0207.pdf>) or ACHP policy in effect at the time remains and funerary artifacts are handled.

A. If the remains are determined to be of Native American origin, the NASA WFF HPO shall immediately notify the Catawba Indian Nation and the Pocomoke Indian Nation and comply with the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. Sec 3001 et seq.). If the remains are determined not to be of American Indian origin, the NASA WFF HPO shall comply with the Virginia Antiquities Act, Section 10.1-2305 of the Code of Virginia, final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991, or subsequent revisions.

B. The NASA WFF HPO shall use reasonable efforts to ensure that the general public is excluded from viewing any burial site or associated funerary artifacts. The consulting parties to this agreement shall release no photographs of any burial site or associated funerary artifacts to the press or general public. The NASA WFF HPO shall notify the appropriate Federally-recognized Tribe(s) and/or individual Virginia state-recognized tribes when burials, human skeletal remains, or funerary artifacts are encountered on the project, prior to any analysis or recovery. NASA shall deliver any Native American human skeletal remains and associated funerary artifacts recovered pursuant to this agreement to the appropriate tribe to be reinterred. The disposition of any other human skeletal remains and associated funerary artifacts shall be governed as specified in any permit issued by the SHPO or any order of the local court authorizing their removal.

XIV. DISPUTE RESOLUTION

Should any signatory or concurring party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the NASA WFF HPO shall consult with such party to resolve the objection. If NASA determines that such objection cannot be resolved, the NASA FPO will:

A. Forward all documentation relevant to the dispute, including NASA's proposed resolution, to the ACHP. The ACHP shall provide the NASA FPO with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the NASA FPO shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. NASA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the NASA FPO may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the NASA WFF HPO shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the Agreement, and provide them and the ACHP with a copy of such written response.

C. NASA's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XV. ANNUAL REPORTING

A. The NASA WFF HPO shall provide an annual status report on July 1st, to the SHPO and other Signatories to this Agreement to review implementation of the terms of this Agreement and to determine whether amendments are needed. The annual status report shall address the following:

1. A list of historic properties treated under this Agreement during the reporting period including activities not requiring review and activities resulting in no adverse and adverse effects to NRHP-eligible or listed properties;
2. A brief conditions assessment outlining the conditions at the Wallops Beach Life Saving Station and Tower and any repairs made or measures taken to ensure the ongoing preservation of the building;
3. Problems with implementation of this Agreement or issues encountered during the year;
4. Changes the NASA WFF HPO believes should be made in implementation of this Agreement; and
5. A list of all professional training opportunities attended by NASA WFF personnel relative to this Agreement provided during the reporting period and number of participants and organizations.

B. The NASA WFF HPO may submit to the SHPO the annual reporting form attached as Appendix J. The reporting form may be supplemented with additional information as determined by the SHPO or ACHP.

C. The ACHP and the SHPO may monitor and review the activities carried out pursuant to this Agreement. The NASA WFF HPO shall cooperate with the SHPO and the ACHP in their monitoring and review responsibilities.

XVI. AMENDMENTS

This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XVII. TERMINATION

If any signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XVI, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

In the event of termination of this Agreement, NASA shall comply with the provisions of 36 CFR Part 800 for all portions of the Undertaking that have not already begun. For any new undertakings or changes in the Undertaking, the NASA WFF HPO will resume the review procedures stipulated in 36 CFR 800.3-800.7

XVIII. ANTI-DEFICIENCY

NASA's obligations under this Agreement are subject to the availability of appropriated funds, and the stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. NASA will make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs NASA's ability to implement the stipulations of this Agreement, NASA will consult with the other parties to this Agreement in accordance with Stipulations XVI or XVII of this Agreement.

XIX. HANDLING OF SENSITIVE BUT UNCLASSIFIED DATA

- A. In the performance of this Agreement, the non-NASA Parties may have access to, be furnished with, or use U.S. Government data, the use and dissemination of which, the Government intends to control. With respect to data specifically marked with a restrictive notice, including but not limited to "Sensitive But Unclassified, (SBU)", the non-NASA Parties agree to:
1. Use, disclose, or reproduce the data only as necessary under this Agreement;
 2. Safeguard the data from unauthorized use and disclosure;
 3. Allow access to the data only to its employees and related entities (i.e., contractors, subcontractors, grantees, or other entities having a legal relationship with the NASA, SHPO, or Council that is assigned, tasked, or contracted to perform activities under this Agreement);
 4. Except as provided in Stipulation XIX.A.3 above and Stipulation XIX.D below, preclude disclosure of the data outside the Parties' organizations;
 5. Notify its employees who may require access to the data about the obligations under this clause and ensure that such employees comply with such obligations, and notify its related entities that may require access to the data about their obligations under this clause; and

6. Return or dispose of the data, as NASA may direct, when the data is no longer needed for performance under this Agreement.

B. In the event that data exchanged between NASA and the Parties include a legend that the non-NASA Parties deem to be ambiguous or unauthorized, the non-NASA Parties may inform NASA of such condition. Notwithstanding such a legend, as long as such legend provides an indication that a restriction on use or disclosure was intended the Party receiving such data shall treat such data pursuant to the requirements of this clause unless otherwise directed, in writing, by NASA.

C. Notwithstanding any restrictions on use, disclosure, or reproduction of data provided in this clause, the Parties will not be restricted in the use, disclosure, and reproduction of any data that:

1. Is publicly available at the time of disclosure or becomes publicly available without breach of this Agreement;
2. Is known to, in the possession of, or developed by the receiving Party independent of carrying out the receiving Party's responsibilities under this Agreement and independent of any disclosure of, or without reference to, proprietary data or otherwise protectable data hereunder;
3. Is received from a third Party having the right to disclose such information without restriction; or
4. Is required to be produced by the receiving Party pursuant to a court order or other legal requirement. If a non-NASA Party believes that any of the events or conditions that remove restriction on the use, disclosure, and reproduction of the data apply the non-NASA Party will promptly notify NASA of such belief prior to acting on such belief, and, in any event, will notify NASA prior to an unrestricted use, disclosure, or reproduction of such data.

D. To the extent authorized by federal law (including Section 304 of the NHPA; 36 CFR 800.11(c)(1); 16 U.S.C. 470w-3; Section 9 of the Archaeological Resources Protection Act; 16 U.S.C. 470-hh; and the Freedom of Information Act, 5 U.S.C. 552), NASA, the ACHP, and the VA SHPO shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. NASA shall consult with the Secretary of the Interior pursuant to the ACHP's regulations (at 36 CFR § 800.11(c)(1)) as necessary to withhold information covered by Section 304 of the NHPA.

XX. DURATION OF AGREEMENT

A. This Agreement shall remain in full force and effect for five (5) years after the date of the last Signatory's signature, after which the Agreement will automatically renew for a period of five (5) years unless a Signatory to this Agreement objects in writing to its renewal sixty (60) calendar days prior to the date this Agreement would otherwise expire. If an objection is received, NASA will consult with the Signatories to determine whether the Agreement needs to be extended, amended, or terminated and take such action as appropriate.

B. If in the ninth year (9) of this Agreement the Signatories agree to consult on an extension of this Agreement, the Signatories will execute a written modification, based on the template at Appendix K, extending the Agreement for an agreed upon period from the date the original Agreement would have expired absent the extension.

Execution of this Agreement by NASA, the SHPO and the ACHP, and implementation of its terms evidence that NASA has afforded the ACHP a reasonable opportunity to comment on NASA's management of the facility and that NASA has taken into account the effects of its on-going management on historic properties and fully satisfies its Section 106 responsibilities for all individual undertakings subject to review under this Agreement.

SIGNATURE PAGE FOLLOWS

SIGNATORIES TO THIS AGREEMENT:

National Aeronautics and Space Administration, Wallops Flight Facility



Date: 25 November 2014

William A. Wrobel, Director

SIGNATORIES TO THIS AGREEMENT:

Advisory Council on Historic Preservation



Date: 12/27/14

John M. Fowler, Executive Director

SIGNATORIES TO THIS AGREEMENT:

Virginia State Historic Preservation Office



Date: 12.5.17

Julie V. Langan, Director, Department of Historic Resources

PARTIES CONCURRING IN THIS AGREEMENT:

Catawba Indian Nation

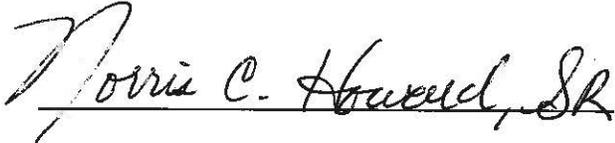
Wenonah G. Haire

Date: 12/4/14

Dr. Wenonah G. Haire, Tribal Historic Preservation Officer

PARTIES CONCURRING IN THIS AGREEMENT:

Pocomoke Indian Nation



Norris C. Howard, Sr., Paramount Chief

Date: 11-30-2014

APPENDIX LIST

Appendix A	Map of Archaeological Probability Zones
Appendix B	1. DHR Concurrence Letter for Archaeology 2. DHR Concurrence Letter for Structures/District, 2005 3. DHR Concurrence Letter for Structures, 2011
Appendix C	1. List of archaeological sites 2. List of historic buildings/structures
Appendix D	Consulting Parties Identified
Appendix E	Agreement Between NASA and the Smithsonian Institution Concerning the Transfer and Management of NASA Historical Artifacts
Appendix F	Definitions and Terms
Appendix G	Activities That Have Limited Potential to Affect Historic Resources
Appendix H	“Moving a State and Federal Landmark following National Park Service Standards: Quick Reference – Conditions to Meet.”
Appendix I	Minimum Standards for Archaeological Data Recovery Plans
Appendix J	Annual Reporting Form Template
Appendix K	Agreement Extension Template

Appendix A

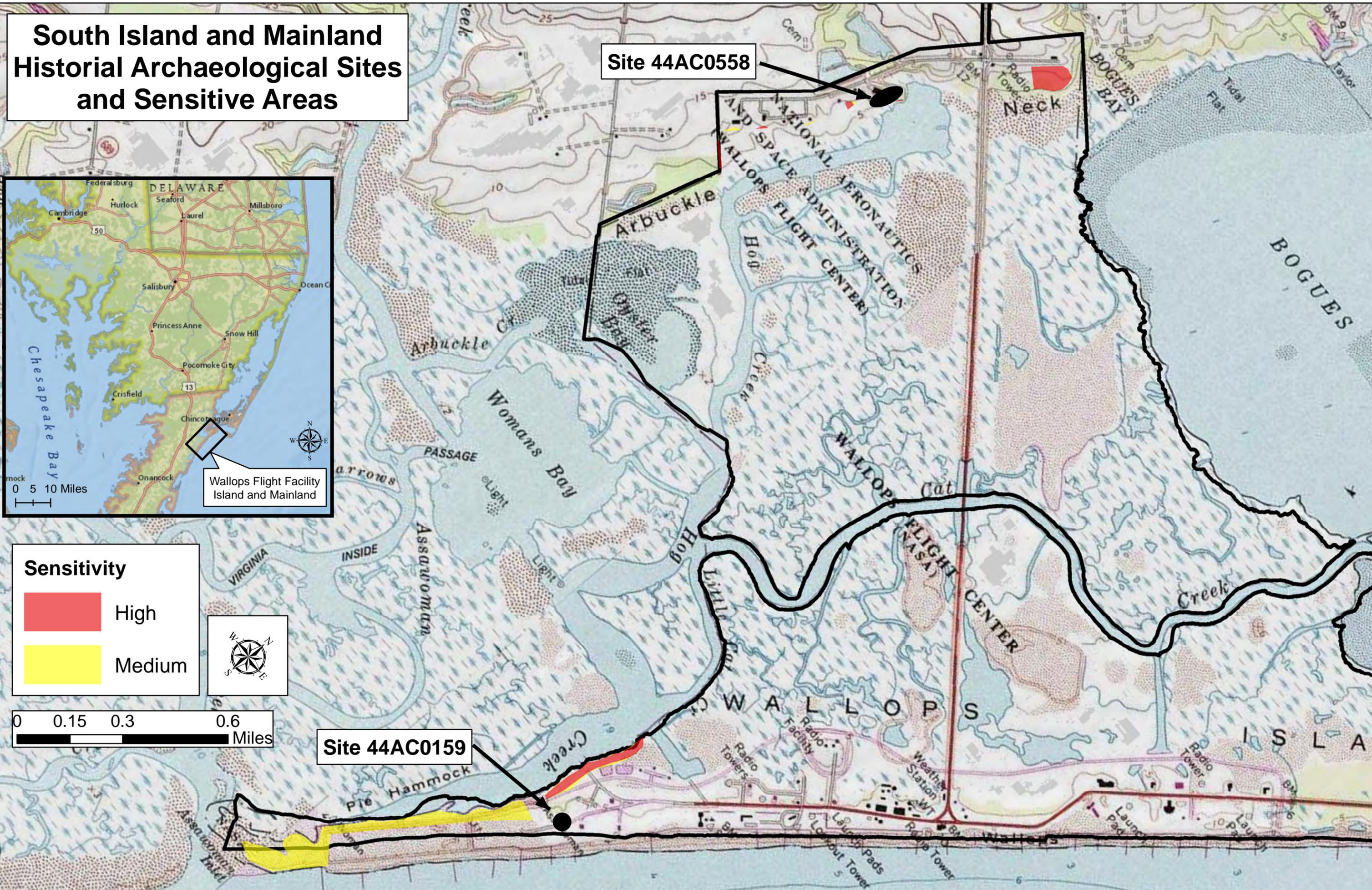
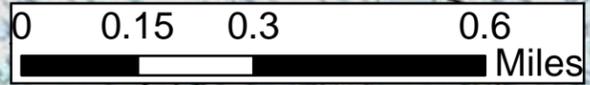
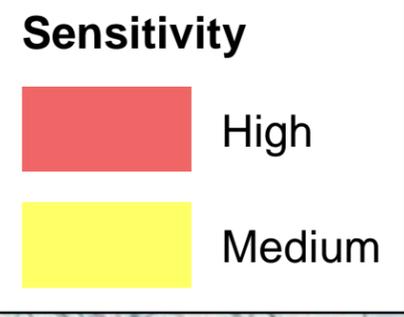
Maps of Archaeological Probability Zones

South Island and Mainland Historical Archaeological Sites and Sensitive Areas

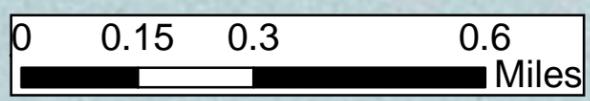
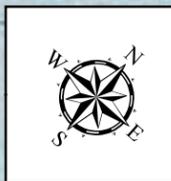
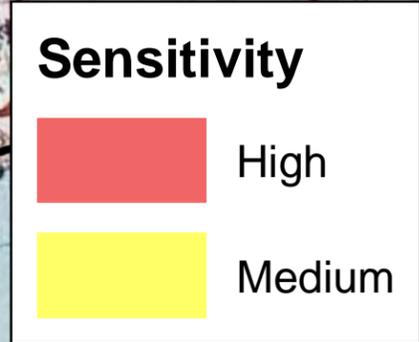
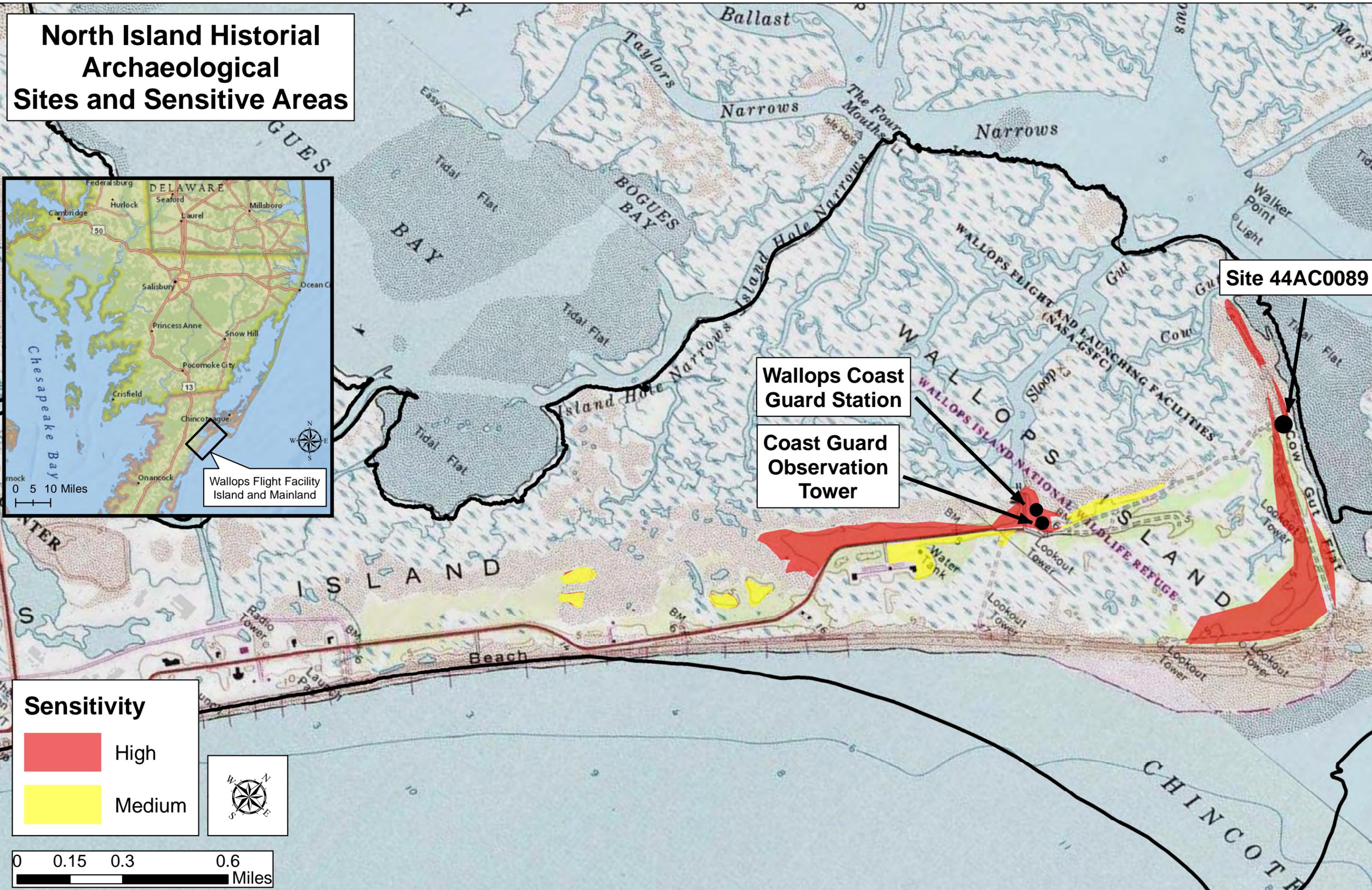


Site 44AC0558

Site 44AC0159

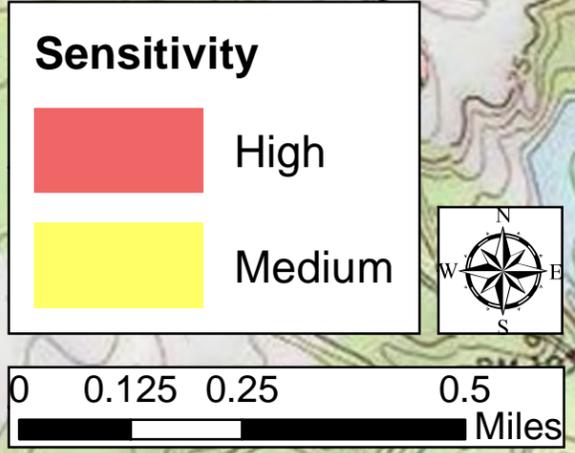


North Island Historical Archaeological Sites and Sensitive Areas



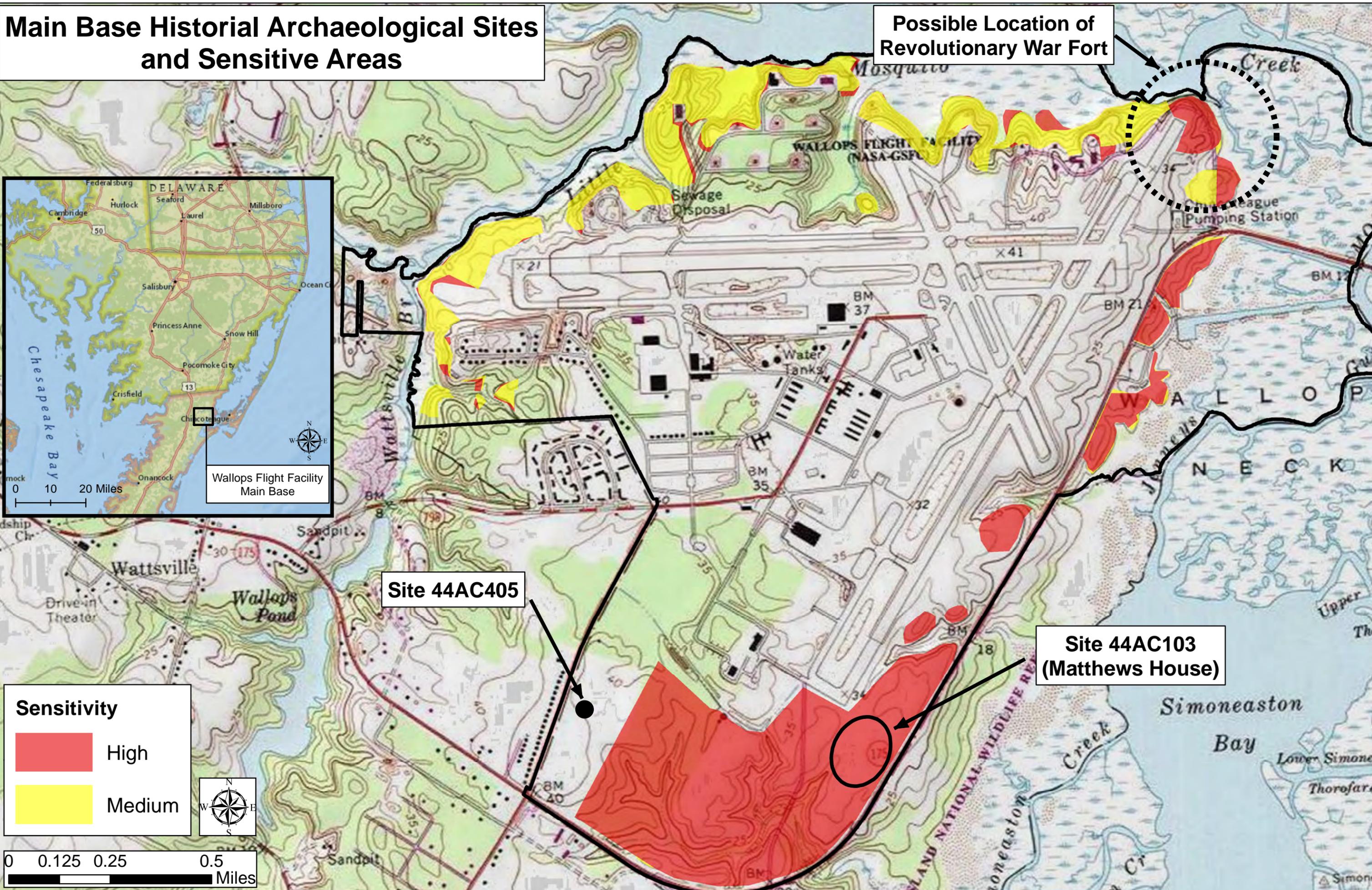
Main Base Historical Archaeological Sites and Sensitive Areas

Possible Location of Revolutionary War Fort



Site 44AC405

Site 44AC103 (Matthews House)



Appendix B

Letters of Concurrence



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

February 9, 2004

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www.dhr.state.va.us

Mr. Thomas W. Arceneaux
National Aeronautics and Space Administration
Goddard Space Flight Center
Wallops Flight Facility
Wallops Island, Virginia 23337-5099

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

Dear Mr. Arceneaux:

We have received for our review and comment the final cultural resources assessment report for the NASA Wallops Flight Facility located in Accomack County, Virginia. From the date of our receipt of the current report and the date of our letter commenting on the draft cultural resources assessment report, it appears that our correspondence addressing the earlier assessment did not make it to you in time for our comments to be incorporated into the final version of the document. Therefore, the following is a reiteration of our earlier letter discussing our recommendations for the draft report. We provide this on the assumption that due to the final report and our first letter crossing in the mail that our concerns regarding the draft document remain the same for the final draft.

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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Portsmouth Region Office
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Portsmouth, VA 23704
Tel: (757) 398-6707
Fax: (757) 398-6712

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7586

Winchester Region Office
107 N. Kent Street, Suite 203
Winchester, VA 22601
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Fax: (540) 722-7535

Page 2

February 9, 2004

Mr. Thomas W. Arceneaux

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
February 9, 2004
Mr. Thomas W. Arceneaux

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,



Marc Holma, Architectural Historian
Office of Review and Compliance



COMMONWEALTH of VIRGINIA

Department of Historic Resources

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Director

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January 28, 2005

Ms. Barbara Lusby
Facility Historic Preservation Officer
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
DHR file no. 2003-0571

Dear Ms. Lusby:

Thank you for consulting with us about the above referenced project and taking our comments regarding eligibility into consideration. We concur with the findings of the survey as stated in the final report. Thank you for submitting two final copies of the report; they will be filed in our Archives.

Sincerely,

Kristin Hill, Architectural Historian
Office of Review and Compliance

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Roanoke Region Office
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Roanoke, VA 24013
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Fax: (540) 857-7588

Winchester Region Office
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Winchester, VA 22801
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COMMONWEALTH of VIRGINIA

Department of Historic Resources

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Secretary of Natural Resources

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July 22, 2011

Mr. Randall M. Stanley, Historic Preservation Officer
NASA Goddard Space Flight Center
Wallops Flight Facility (WFF)
Wallops Island, Virginia 23337

Re: Historic Resources Eligibility Survey
Accomack County
DHR File No. 2010-2274

Dear Mr. Stanley,

On June 9, 2011 the Virginia Department of Historic Resources (DHR) received a copy of TEC Inc.'s June 2011 draft report entitled *Historic Resources Eligibility Survey Wallops Flight Facility, Accomack County, Virginia* for our review and comment. The report and associated survey materials were provided pursuant to Section 110 of the National Historic Preservation Act of 1966, as amended.

The survey was provided to update NASA WFF's on-going Historic Resources Eligibility Survey (HRES). This HRES documents a total of seventy-six (76) buildings and structures with dates of construction dating between 1956 and 1965. These resources are DHR ID# 001-0027-0126 through 001-0027-0201.

DHR is pleased to inform you that the draft report, *Historic Resources Eligibility Survey Wallops Flight Facility, Accomack County, Virginia*, meets DHR's *Guidelines for Conducting Cultural Resource Survey in Virginia* (1999; Rev. 2003). The Data Sharing System forms and supporting materials met quality assurance/quality control on June 24, 2011. DHR concurs with the survey results. As a historic district, WFF is not eligible for inclusion in the National Register of Historic Places (NRHP). The seventy-six (76) buildings and structures are not individually eligible for the NRHP.

Please provide two (2) bound copies and a .PDF of the final report once it is available. Should you have any questions, I may be reached via email at amanda.lee@dhr.virginia.gov.

Sincerely,

M. Amanda Lee

Cc: Shari A. Silbert, NASA WFF

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Western Region Office
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Salem, VA 24153
Tel: (540) 387-5428
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

Appendix C

Lists of Known Archaeological Sites and National Register-Eligible Structures

Appendix C - Table of All Buildings, Structures and Archaeological Sites Surveyed at NASA WFF Listed by Their Eligibility for Listing in the NRHP

VDHR site #	Name/Type	Culture Period	Location	National Register status
44AC0089	Military earthworks	Revolutionary or Civil War	Wallops Island	Eligible
44AC0103	Matthews House and cemetery	Ca. 1788	Main Base	Not evaluated
44AC0159	Shell pile	Unknown historic	Wallops Island	Not evaluated
44AC0405	Artifact scatter	19 th century	Main Base	Recommended not eligible
44AC0437	Artifact scatter	18 th & 19 th centuries	Main Base	Recommended not eligible
44AC0459	US Coast Guard Station trash scatter	19 th & 20 th century	Wallops Island	Recommended not eligible
44AC0556	Trash pit	Late Woodland	Main Base	Determined not eligible
	Single grave	19 th century	Main Base	Determined not eligible
44AC0558	Temporary camp	Possibly Middle Archaic; Woodland; Historic	Wallops Mainland	Recommended Potentially Eligible
44AC0562	Artifact Scatter	18 th & 19 th centuries	Wallops Mainland	Recommended not eligible
44AC0563	Artifact Scatter	18 th & 19 th centuries	Wallops Mainland	Recommended not eligible
001-0027-0100	Wallops Coast Guard Station	1936-1947	Wallops Island	Eligible
001-0027-0101	Coast Guard Observation Tower	1936-1947	Wallops Island	Eligible

Appendix D

Parties Consulted

Maryland Tribes	C/O or Chief	City/State
Accohannock Indian Tribe	Anne Buck McKay, Tribal Elder	Salisbury, Maryland
Many Waters Band of the S.E.C.C.I. (South Eastern Cherokee Council , Inc.)	Chief "Three Feathers" Kazemi this is the only thing identified as a MD address (see note):	Washington, DC Cecil County, Maryland
The Nause-Waiwash (Nassue-Waiwash) Tribe (Nanticoke)	Sewell Fitzhugh	Cambridge, Maryland
Piscataway Conoy Confederacy and Subtribes		LaPlata, MD
The Piscataway Indian Nation	Billy "Red Wing" Tayac	Accokeek, Maryland
Pocomoke Indian Nation	John Howard	Crisfield, Maryland
Pocomoke Indian Nation	Norris C. Howard, Sr., Paramount Chief	Eden, MD
The Youghiogheny Band of Shawnee		Bethesda, Maryland
Virginia Tribes	C/O or Chief	City/State
Patawomeck Indian Tribe of Virginia	Chief Robert "Two eagles" Green	Fredericksburg, VA
Nottoway Indian Tribe of Virginia	Chief Lynette Lewis Allston	Capron, VA
Cheroenhaka (Nottoway) Indian Tribe of Southampton County, Virginia	Chief Walt "Red Hawk" Brown	Courtland, VA
Monacan Indian Nation	Chief Sharon Bryant	Madison Heights, VA
Nansemond Tribe	Chief Barry W. Bass	Portsmouth, VA
Upper Mattaponi Tribe	Chief Kenneth Adams	King William, VA
Rappahannock Tribe "Where the Tide Ebbs & Flows"	Chief G. Anne Richardson	Indian Neck, VA
Eastern Chickahominy Tribe "The Coarse-Ground Corn People"	Chief Gene Adkins	Providence Forge, VA
Chickahominy Tribe "The Coarse-Ground Corn People"	Chief Stephen Adkins	Providence Forge, VA
Pamunkey Tribe	Chief Kevin Brown	King William, VA
Mattaponi Tribe	Chief Carl Custalow	West Point, VA
Delaware Tribes	C/O or Chief	City/State
Nanticoke Indian Association, Inc.	Chief Herman Robbins	Millsboro, DE
Mitsawokett		Kent County, Delaware
Lenape Indian Tribe of Delaware	Chief Dennis Coker	Dover, DE
Out of Area Tribes	C/O or Chief	City/State
Tuscarora Nation	Chief Leo Henry	Lewiston, New York
Cherokee Nation		Tahlequah, OK
Shawnee Tribe	Chief Ron Sparkman	Miami, OK
Catawba Indian Nation	Caitlin Totherow	Rock Hill, SC
Eastern Shawnee	Chief Glenna J. Wallace	Seneca, Missouri
Delaware Tribe	Chief Paula Pechonick or Dr. Brice Obermeyer	Bartlesville, OK; or Emporia, KS 66801
Delaware Nation	Tamara Francis-Fourkiller or Jason Ross	OK

FirstName	LastName	Title	Agency	Office	City	State
Steven	Miner	County Administrator	Accomack County		Accomac	VA
Grayson	Chesser		Accomack County Board of Supervisors	District 3	Sanford	VA
Robert	Crockett		Accomack County Board of Supervisors	District 6	Onancock	VA
Laura Belle	Gordy	Chair	Accomack County Board of Supervisors	District 7	Onley	VA
Jack	Gray		Accomack County Board of Supervisors	District 5	Modest Town	VA
Donald	Hart, Jr.	Vice Chair	Accomack County Board of Supervisors	District 8	Keller	VA
Kay	Lewis		Accomack County Board of Supervisors	District 4	Parksley	VA
C. Reneta	Major		Accomack County Board of Supervisors	District 9	Painter	VA
Wanda	Thornton		Accomack County Board of Supervisors	District 1	Chincoteague	VA
Ronald	Wolff		Accomack County Board of Supervisors	District 2	Atlantic	VA
Elaine	Meil	Executive Director	Accomack-Northampton Planning District Commission		Accomac	VA
Kathy	Phillips	Executive Director	Assateague Coastal Trust		Berlin	MD
Suzanne	Taylor	Executive Director of Marketing and Tourism	Chincoteague Chamber of Commerce		Chincoteague	VA
Denard	Spady	Executive Director	Citizens for a Better Eastern Shore		Eastville	VA
Jim	Rapp		Delmarva Low-Impact Tourism Experiences		Salisbury	MD
Jean	Hungiville	President	Eastern Shore of Virginia Chamber of Commerce		Melfa	VA
Kerr Place			Eastern Shore of Virginia Historical Society		Onancock	VA
Donna	Bozza	Director	Eastern Shore of Virginia Tourism Commission		Tasley	VA
Jack	Burn		Genealogy and History of the Eastern Shore of Virginia		Ripplemead	VA
Trish	Kicklighter	Superintendent	National Park Service	Assateague Island National Seashore	Berlin	MD
Katherine	Nunez	County Administrator	Northampton County		Eastville	VA
Robert	Ritter, Jr.	Town Manager	Town of Chincoteague		Chincoteague	VA

Appendix E

Agreement Between NASA and the Smithsonian Institution Concerning the Transfer and Management of NASA Historical Artifacts

**AGREEMENT BETWEEN THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
AND THE
SMITHSONIAN INSTITUTION
CONCERNING THE TRANSFER AND MANAGEMENT OF
NASA HISTORICAL ARTIFACTS**

WHEREAS in the course of its programs the National Aeronautics and Space Administration produces a large number of artifacts, many with great historical value and others with great value for education, exhibition, and other purposes, relating to the development, demonstration, and application of aeronautical and astronautical science and technology of flight, and will continue to acquire such materials; and

WHEREAS such artifacts are unique specimens relating to the science and technology of aeronautics and astronautics, and of flight in the atmosphere and space, which may consist of aeronautical and astronautical objects including, but not limited to, aircraft, space launch vehicles, spacecraft (both manned and unmanned), subsystems of the above, such as rocket engines, pressure suits and personal equipment, instruments, significant recorded data, operating handbooks, drawings, photographs, motion picture film and related documents, audio and video tapes, training devices, simulators, and memorabilia; and

WHEREAS the Smithsonian Institution is charged with the responsibility to preserve for perpetuity artifacts representative of aviation and space flight; to collect, preserve, and display aeronautical and space flight equipment of historical and educational interest and significance; to serve as a repository for scientific equipment and data pertaining to the development of aviation and space flight; and to provide educational material for the historical study of aviation and space flight.

THEREFORE, under the authority set forth in Section 203(c)(6) of the National Aeronautics and Space Act of 1958, as amended (72 Stat. 430; 42 U.S.C. 2473(c)(6); Section 4 of the Act of August 30, 1961 (75 Stat. 415, 20 U.S.C. 80c); and Sections (4) and (8) of the National Air Museum Amendments Act of 1966 (80 Stat. 310, 311; 20 U.S.C. 77a, 77d), the National Aeronautics and Space Administration (hereafter called "NASA") and the Smithsonian Institution (hereafter called "Smithsonian") enter into this Agreement concerning the transfer and management of those artifacts having such historical and educational or other value which have emerged and will emerge from the aeronautical and space programs administered by NASA.

1. NASA shall offer to transfer to, and the Smithsonian may accept such artifacts under NASA control which become available, after programmatic utility to NASA or other government agencies has been exhausted, although, in extraordinary circumstances, exceptions or alternative dispositions can be made by NASA. Before the decision to make an exception or alternative disposition is made, the proposed action shall be referred to the Joint Artifacts Committee (established in paragraph 4, below) for consideration. In addition, the Smithsonian may, pursuant to the procedures contained in paragraph 4, call a special meeting of the Joint Committee to discuss the transfer or

preservation of items of unusual historical interest that NASA has not yet declared to be artifacts. In either instance, if no consensus can be achieved by the Joint Artifacts Committee, the issue shall, upon request of either NASA or the Smithsonian, be referred to the NASA Administrator and the Director of the Smithsonian's National Air and Space Museum (NASM) for consideration. In the event agreement still cannot be reached, the NASA Administrator will decide the issue. NASA undertakes no obligation to provide financial support to the Smithsonian for the storage, transport, preparation, and final transfer of space artifacts.

2. The Smithsonian Institution's National Air and Space Museum will accession into its National Collections and accept responsibility for the custody, control, protection, preservation, and display of such artifacts transferred by NASA both in the Museum itself and on loan to NASA and other appropriate organizations in a manner consistent with the prevailing collections policy of NASM. If NASM refuses a request from a NASA component or visitor center for a loan of a NASA artifact, or states its intention to terminate or not to renew an existing loan to NASA, NASA may call a meeting of the Joint Committee at which the reasons for and possible alternatives to the denial will be discussed. Loans of artifacts to NASA shall be made for periods of from three to five years, with the expectation that renewals will be granted. NASM may specify reasonable curatorial practices to be followed by NASA components or visitor centers with respect to loaned NASA artifacts, and NASA will implement these practices to the extent practicable.

3. In connection with the NASA artifacts transferred to the Smithsonian, it is understood that in no instance shall a NASA artifact be finally disposed of to an agency other than the United States Government, or destroyed, before an opportunity is extended to NASA to reacquire, not on a basis of purchase but of reasonable defrayment of the costs involved, custody, and control of the artifacts. Further, in the event that NASA determines that an item declared an artifact and transferred to the Smithsonian has renewed technical utility with respect to NASA's programs, the NASA Chair of the Joint Artifacts Committee may request NASM to loan the item back to NASA. NASM will make a good faith effort to comply with the NASA request in light of NASA's stated need and the potential impacts on the NASM collection and/or operations. In utilization of this procedure, both NASA and the NASM will work promptly and closely to minimize any adverse impact that the loan could have on NASM operations. Cost of shipping and packaging the item for return to NASA will be borne or reimbursed by NASA.

4. The Smithsonian and NASA will establish a Joint Artifacts Committee to collect information on and consider issues relating to NASA artifacts and their transfer to the Smithsonian. This charter includes but is not limited to, those issues identified for Committee consideration in paragraphs 1 and 2 above. It is anticipated that the Committee will meet at least two times per year, although either NASA or NASM may call a special meeting on 30 days notice.

5. The agreement shall be effective for five years from the date of the latest signature. Unless written notification is given by either party at least six months prior to expiration, it will be renewed automatically for an additional five years.

_____/Signed/_____

Michael D. Griffin
Administrator
National Aeronautics and Space
Administration

_____/Signed/_____

John R. Dailey
Director
National Air and Space Museum
Smithsonian Institution

Date__08/08/2008__

Date__08/20/2008__

Appendix F

Definitions and Terms

APPENDIX F LIST OF TERMS AND DEFINITIONS

Adverse Effect: Harm to those qualities or characteristics that qualify the property listing in the NRHP, either directly or indirectly caused by a federal agency's action. The adverse effect may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association. The criteria of adverse effect are identified in 36 CFR 800.5(a)(1); examples of adverse effects are given in 36 CFR 800.5(a)(2).

Area of Potential Effect (APE): "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. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." [36 CFR Part 800, Protection of Historic Properties, Section 800.16(d)].

Archaeological Site: A location that contains the physical evidence of past human behavior that allows for its interpretation, that is at least 50 years of age, and for which a boundary can be established.

Artifact: An object made or modified by humans.

Avoidance: Modification of a project or other undertaking so that effects on cultural resources that would have resulted from the originally proposed actions do not occur.

Building: "A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn." [36 CFR Part 60, NRHP, Section 60.3(a)]

Consultation: "The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process." The Secretary's 'Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act' provide further guidance on consultation." [36 CFR Part 800, Protection of Historic Properties, Section 800.16(f)]

Consulting parties: For the purposes of this Agreement, Consulting parties mean the Virginia Air and Space Center, the United Keetoowah Band of the Cherokee Indians in Oklahoma, Catawba Indian Nation, and the Virginia Council on Indians.

Contributing: A building, site, structure, or object within a historic district which adds to the values or qualities of the district because it was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity. A contributing resource may also meet NRHP criteria independently.

Cultural Resources: Cultural resources include, but are not limited to, the following broad range of items and locations: (1) archeological materials (artifacts) and sites dating to the prehistoric, historic, and ethnohistoric periods that are currently located on the ground surface or are buried beneath it; (2) standing structures that are over 50 years of age or are important because they represent a major historical theme or era; (3) cultural and natural places, select natural resources, and sacred objects that have importance for [Native Americans and ethnic groups]; and (4) American folk-life traditions and arts.

Cultural resources include anything that is an “historic property” as defined in 36 CFR Part 800, Protection of Historic Properties, Section 800.16(1)(1); an “archeological resource” as defined in Archeological Resources Protection Act, Section 3(1) and the Act’s Uniform Regulations, 43 CFR Part 7, Protection of Archaeological Resources, Section 7.3(a); a Native American “cultural item” as defined in Native American Graves Protection and Repatriation Act, Section 2(3); or part of a “collection” as defined in 36 CFR Part 79, Curation of Federally-Owned and Administered Archeological Collections, Section 79.4(a).

Cultural Resources Management Plan (CRMP): A document that defines the procedures and outlines plans for managing cultural resources on federal installations. A CRMP integrates and is integrated into other land management and development plans, as possible. NASA centers update their plan every 5 years.

Curation: “The practice of documenting, managing, preserving, and interpreting museum collections according to professional museum and archival practices.” (62 Federal Register 33707, 6-20-97. Secretary of the Interior’s Historic Preservation Professional Qualification Standards: Curation).

Effect: The result produced by any federally sponsored activity, or undertaking, that has the potential to change or alter those qualities or characteristics that qualify a property listing in the NRHP.

Effective Date of the Agreement: The date of the last Signatory to sign the Agreement.

Federal Preservation Officer: “A qualified official [designated by the head of each Federal agency] who shall be responsible for coordinating that Agency’s activities under [the NHPA].” [National Historic Preservation Act, Section 110(c)]

Historic District: “A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.” [36 CFR Part 60, National Register of Historic Places, Section 60.3(d)] Historic resources that add to the district’s overall sense of time and place are classified as contributing elements. Severely altered historic properties and resources of more recent construction are classified as noncontributing elements.

Historic Preservation Officer (HPO): Designated person at each NASA Center responsible for ensuring Center activities comply with CRM regulations. Consults with the State Historic Preservation Office (SHPO) and the ACHP on historic preservation issues related to NASA LaRC’s cultural resources. Provides support to the NASA FPO on Agency CRM reporting and data calls.

Human Remains and Associated Funerary Objects: The physical remains of the body of a person of Native American ancestry. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item. [43 CFR 10.2 (d)(1)]. Funerary objects are those 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.

Historic Property or Historic Resource: “Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register, including artifacts, records, and material remains related to such property or resource.” [36 CFR Part 800, Protection of Historic Properties, Section 800.16(l)(1)]

Inventory: The process of locating cultural resources and gathering information about them through archeological surveys, ethnographic fieldwork, or archival searches.

Mitigation: Measures carried out to avoid or reduce the effects of undertakings on cultural resources. These measures may include relocation or other modifications of the undertaking itself or recovery of materials and data from the cultural resource site to be affected.

National Historic Landmark (NHL): “A district, site, building, structure, or object, in public or private ownership, judged by the Secretary [of the Interior] to possess national significance in American history, archeology, architecture, engineering and culture, and so designated by him.” [36 CFR Part 65, National Historic Landmarks Program, Section 65.3(i)] National Historic Landmarks are automatically listed in the National Register of Historic Places.

National Register of Historic Places (NRHP): A list “composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.” Also referred to as “the National Register,” it is maintained by the NPS for the Secretary of the Interior [National Historic Preservation Act, Section 101(a)(1)(A)].

Native American: “Of, or relating to, a tribe, people, or culture that is indigenous to the United States.” [Native American Graves Protection and Repatriation Act, Section 2(9)]

No Adverse Effect: The situation in which an undertaking by virtue of its presence has an effect on a property listed or eligible for listing in the NRHP but whose effects will not “alter, directly or indirectly, any of the characteristics of the historic property that qualify the property for inclusion in the National Register.” [36 CFR Part 800, Protection of Historic Properties, Section 800.5(a)(1)]

Noncontributing: A building, site, structure, or object within a historic district which does not add to the values or qualities of the district because it was not present during the period of significance, does not contribute to the documented significance of the district, or it no longer possesses historic integrity due to alterations, or it does not independently meet NRHP criteria.

Object: A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment [36 CFR Part 60, NRHP, Section 60.3 (j)]

Outreach: Activities designed to inform and educate the public about cultural resources and cultural resource management. These activities may be conducted at a NASA facility or at locations in the community.

Repository: “A facility such as a museum, archeological center, laboratory or storage facility managed by a university, college, museum, other educational or scientific institution, a Federal, State or local Government agency or Indian tribe that can provide professional, systematic and accountable curatorial services on a long term basis.” [36 CFR Part 79, Curation of Federally-Owned and Administered Archeological Collections, Section 79.4(j)]

Signatories: For the purposes of this Agreement, Signatories mean NASA LaRC, the ACHP, and the SHPO.

Site: The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure [36 CFR Part 60, NRHP, Section 60.3 (l)]

Structure: “A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.” [36 CFR Part 60, NRHP, Section 60.3(p)]

Tribal Historic Preservation Officer: “The tribal official appointed by the tribe’s chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with Section 101(d)(2) of the [NHPA].” [36 CFR Part 800, Protection of Historic Properties, Section 800.16(w)]

Undertaking: "A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency." Undertakings include "those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval." [36 CFR Part 800, Protection of Historic Properties, Section 800.16(y)]

Appendix G

Activities That Have Limited Potential to Effect Historic Resources

APPENDIX G

NASA WFF ACTIVITIES WITH LIMITED POTENTIAL TO AFFECT HISTORIC RESOURCES AND NOT REQUIRING REVIEW UNDER THIS AGREEMENT

The following NASA WFF activities have limited potential to affect historic properties and therefore do not require review under this Agreement. If a proposed activity is not listed below, does not meet the Secretary's Standards, or will have an adverse affect on a historic property, then the undertaking must go through the Standard Review process outlined in Stipulation V prior to implementation.

1 Site maintenance and improvements

1.1 Ground Disturbing Activities

- Any activity that causes ground disturbance in areas modeled in the 2003 CRA to have low archaeological sensitivity.

1.2 Building Removal:

- Demolition of properties determined not eligible for the NRHP by NASA and SHPO.

1.3 Streets, driveways, alleys, and parking areas:

- Routine road maintenance, repair, and resurfacing where work is confined to previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties or historic properties would not be affected because proposed work is clearly within disturbed context.
- Placing marl, gravel, or shell on dirt roads or lots where no new ground disturbance will occur.
- Repair of existing concrete or asphalt surfaces for curbs, gutters, and retaining walls.
- Maintenance, repair, and in-kind replacement of non-character-defining street lights, traffic signals, and traffic signs.

1.4 Landscaping:

- Mowing, trimming, and pruning of grass, shrubs, or trees.
- Routine vegetation control activities.
- Maintenance and repair of existing landscape features, including planting, walkways, and statuary.
- Repairs to, or in-kind replacement of walks and steps, provided it does not involve the removal of historic or character-defining materials.

1.5 Erosion Control:

- General erosion control activities such as gravel or riprap placement on slopes, where minimal grading or preparation is required and no archaeological sites are present (see Appendix C).
- Planting or seeding ground cover and cleanout of existing drainage ditches.

1.6 Fencing:

- Maintenance and in-kind repair of existing fencing and installation of a new chain link or post and rail fencing.
- Installation of new fencing provided no identified archaeological sites are present (see Appendix C).

1.7 Park and playground equipment:

- Repair or comparable replacement of existing park and playground equipment, but excluding buildings (see above).

1.8 Placement of temporary structures:

- Temporary parking or placement of mobile homes, tents, and portable structures on extant parking lots or other surfaces that does not require new ground disturbance or is not on a known archaeological site (see Appendix C).
- Installation of temporary construction-related structures (not to be in place for more than two years) including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers or restrooms that will not require or cause new ground disturbance.

1.9 Water Systems:

- Changes to water systems in areas of low probability for archeological potential including siting, installation, maintenance, repair, removal, and operation of plant water systems including, but not limited to, water wells, cooling water systems, potable water systems, storm sewers, waste water treatment systems, plant drainage, and plumbing.

2 New construction and Additions

2.1 New Building Construction and Additions:

- New construction and additions outside of a listed or eligible historic district, or not adjacent to an individual historic property, provided such new construction does not directly impact or alter contributing resources as called for in the Secretary of the Interior's Standards for Rehabilitation or does not directly impact or alter identified archaeological sites listed in Appendix C.

3 Exterior building maintenance and rehabilitation

3.1 Building Maintenance and Repair:

- General maintenance and repair of all NRHP-eligible buildings and structures, which includes, but is not limited to, painting; siding; roofing; door, ceiling, wall, window, floor covering repairs.
- Elevator repair; filter and light replacement.
- Repairs to existing equipment.
- Repair or in-kind replacement of existing signs or awnings.

3.2 Lighting:

- Changes to interior and exterior lighting systems including replacement of or modification to lighting systems in all buildings and facilities so long as no historic fabric is disturbed.
- Repair or in-kind replacement of existing significant, character-defining, or contributing exterior light fixtures.

3.3 Foundation repair:

- Below-grade repair of brick of all types of foundations so long as work is confined to previously disturbed areas and does not impact or otherwise alter previously identified archaeological sites (see Appendix C).

3.4 Windows and doors:

- Repair of windows and doors, including caulking and weather stripping of existing window or door frames, and installation of new glass in existing sashes or doors, including retrofitting for double and triple glazing, and replacement of glazing putty.
- Installation of exterior storm windows and doors on historic buildings or structures, provided they conform to the shape and size of the historic windows and doors, and that the meeting rails of storm windows coincide with that of existing sash, and that their installation will not permanently damage historic elements.
- Installation of door or window locks or electronic security apparatus.

3.5 Walls and Siding:

- Repair of wall or siding material or in-kind replacement of deteriorated siding or trim on historic buildings or structures.

3.6 Painting/lead paint abatement:

- Removal of exterior or interior paint by non-destructive means, limited to hand scraping, low pressure water wash (less than 200 p.s.i.), or paint-removal chemicals, provided that the removal method is consistent with the provisions of 24 C.F.R. Part 35, “*Lead-Based Poisoning Prevention in Certain Residential Structures*,” including Part 35.140, “*Prohibited methods of paint removal*.”
- All lead paint abatement done in accordance with *Preservation Brief #37: Appropriate Methods for Reducing Lead Paint Hazards in Historic Housing*.
- Application of exterior paint to previously painted surfaces.

3.7 Research Equipment and Systems

- Modification, repair, removal or addition of equipment and/or systems utilized to support specialized research (e.g., steam ejectors, vacuum spheres, combustion equipment, process gas reclamation systems, above ground fuel storage tanks, bottle fields, crane and wench systems, satellite dishes, high pressure air production, storage and distribution systems).

3.8 Roofing:

- Repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, soffits, and downspouts on historic buildings or structures with no change in roof pitch or configuration.
- Repair or re-framing of structural roof elements as required to improve the drainage and durability of the roof as long as the appearance of the roof lines visible from the front elevation and from other prominent, visible points (for example, the exposed side façade on a corner lot) is not affected.
- New installation of gutters and down spouts, as long as this does not damage historic materials or require removal of historic features.

3.9 Disabled Access:

- Repair or in-kind replacement of existing wheelchair ramps, unless the ramps are to be substantially modified.
- Installation of new wheelchair ramps, when the following considerations apply: 1) The ramp will not be a permanent addition to the property; 2) No historic fabric will be permanently damaged in the installation or use of the ramp; 3) Efforts will be made to construct and finish the ramp in a manner that will result in a minimal amount of visual and physical impact on the property, through design considerations, use of materials, and painting wooden ramps whenever possible.

3.10 Repointing:

- Repair or repointing of masonry features on historic buildings or structures with the design, size, shape, materials, and repointing to match the original in color, texture, and tooling, and, for historic properties, following the recommended approaches in *Preservation Brief No. 2 Repointing Mortar Joints in Historic Brick Buildings*.

3.11 Mothballing:

- Securing or mothballing an historic property by boarding over window and door openings, making temporary roof repairs, and/or ventilating the building.
- NOTE: For historic buildings, mothballing procedures should follow *Preservation Brief No. 31, Mothballing Historic Buildings*.

3.12 Hurricane Modifications:

- Modifications necessary to comply with hurricane codes provided the changes do not alter or detract from the qualities that contribute to the significance of the historic property(ies).

4 Interior maintenance and rehabilitation

4.1 Green Building Technologies:

- Incorporation of green building technologies to existing historic buildings or structures seeking certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design standards for environmentally sustainable construction provided such construction does not alter or detract from the qualities that contribute to the significance of the historic property(ies).

- Energy conservation measures including modifications to the heating, ventilation, and air condition (HVAC) control systems and conversions to alternative fuels (provided that these elements do not detract from the qualities that make the historic property listed or determined eligible).

4.2 Mechanical systems:

- Installation, replacement or repair of plumbing, HVAC systems and units, electrical wiring and fire protection systems, provided no structural alterations or damage to historic material are involved.
- Restroom improvements for disabled access provided the work is contained within the existing restroom walls.

4.3 Electrical:

- Maintenance, repair, removal, modification, upgrading or replacement of plant and building electrical systems (e.g., building conduit, wiring and lighting, emergency lighting, etc.) in all buildings and structures.
- Upgrading or additional new electrical lines between or among buildings and facilities.

4.4 Retrofitting:

- Citing, installation, maintenance, repair, removal or replacement of communications and computer systems, including public address systems, facsimile systems, microwave and radio systems, fiber-optic cables, and phone systems.

4.5 Fire Detection and Suppression:

- Changes to fire detection and suppression systems including routine upgrades and modifications to fire alarm systems, smoke detectors, and sprinkler systems.

4.6 Health and Safety:

- General clean-up, encapsulation, and removal and disposal of asbestos-containing materials from buildings and structures provided it does not involve removal or alteration of significant historic elements (for lead paint abatement, see above).

4.7 Interior spaces:

- Replacement of kitchen or bathroom facilities and fixtures – provided the work is contained within the existing bathroom and significant historic fabric will not be damaged, altered, or removed.
- If covering historic features, such as wood floors, then carpet or sheet goods (linoleum or vinyl) shall be installed in a reversible manner, either through tacking or with an underlayment so historic floors shall not be irreversibly damaged.

4.8 Basement:

- Installation or repair of concrete basement floor in an existing basement provided no historic materials are damaged.

5 General

5.1 Transfer of Real Estate:

- Transfer of ownership or management responsibilities of real property, including those listed or determined eligible, to another Federal agency with equal responsibility for complying with Sections 106 and 110 of the NHPA.

5.2 Antiterrorism and Force Protection Measures:

- Antiterrorism and force protection measures designed and constructed to prevent or mitigate hostile actions, including cyber threats, as well as to increase capacity and protection for access control provided such construction does not alter or detract from the qualities that contribute to the significance of the historic property and/or structure.

5.3 Wildlife habitat conservation:

- Maintenance and repair of existing property, wetlands and stream channels. Installation of nesting platforms and boxes. Installation of animal-secure fencing or barriers when consistent with fencing provision above

6 Operations

6.1 Launch Operations

- Launch and flight of orbital and suborbital rockets, missiles, projectiles, targets, or tethered or free-floating balloons from the WFF Launch Range on Wallops Island or from the Main Base airfield.
- Jettison of flight hardware (e.g., spent rocket motor, scientific payload, nosecone, etc.) into the Atlantic Ocean and subsequent recovery (if warranted).

6.2 Aircraft (Manned and Unmanned) Operations

- Flight of manned fixed or rotary wing aircraft from either of the WFF Main Base runways.
- Flight of unmanned fixed or rotary wing aerial systems from either the WFF Main Base runways or the Wallops Island Unmanned Aerial Systems airstrips.

Appendix H

“Moving a State and Federal Landmark following National Park Service Standards: Quick Reference – Conditions to Meet”

Moving a State and Federal Landmark following National Park Service Standards

Quick Reference-Conditions to Meet

A resource move report should address all eleven points below. Officially, the report is part of the “Pre-Approve for Move” process. The report is reviewed by VDHR Staff, Board of Historic Resources, State Review Board, VDHR Director and Keeper of the National Register of Historic Places.

- 1) State the threat that will impact the landmark. A threat must be apparent and explained.
- 2) Owners permission is an absolute requirement.
- 3) Consider secondary buildings at the site (especially if they are contributing).
- 4) If the nomination includes D criterion (archaeology), assess the value of moving the building. Is the building less valuable than the archaeology and not eligible when divorced from the context of the archaeology?
- 5) Show the distance of the move--original site to receiving site. State the distance in feet or miles. The map needs to be at the appropriate scale to show the distance: quadrangle map is recommended, but smaller scale maps are also acceptable if there is enough detail.
 - A) Move within a parcel is preferred.
 - B) If the resource must leave a parcel, then the next preferred move is an adjacent parcel
 - C) If property is not available near the original site, the shortest possible move is preferred—usually within the same town or county.
 - D) Consult very closely with DHR staff if the move is more than 5 miles, and especially if the move is out of the town, city, county or region.
 - E) If the move is across state lines, you must work with both Virginia and the other state’s Historic Preservation Office.
- 6) Is the new site setting appropriate--geographically (comparable to original site). Describe similarities.
- 7) Our staff, Boards and Director **prefer, but do not require** that archaeology be conducted at the **present site**, especially if the present site will be developed. This can be at Phase I survey level.
- 8) The NPS **requires** archaeology be conducted at the **receiving site** so that any potentially eligible site will not be destroyed by foundation work, heavy equipment and the siting of the moved building. This can be at Phase I survey level.
- 9) **Complete deconstruction of a building for a move is not preferred!** If at all possible, the building should be moved in one piece or in large sections. If deconstruction needs to occur, then professionals who conduct this type of work regularly should be employed. All reconstruction, rehabilitation and planned additions work must meet the Secretary of Interior’s Standards for Rehabilitation: <http://www.cr.nps.gov/hps/tps/standguide/index.htm> .
- 10) We (DHR staff, Boards, Director) need to review and comment on the move report. We forward the report to the Keeper’s Office with our comment and the Keeper has 45 days to reply. The DHR Staff, Boards, Director, and NPS Keeper can ask for changes in the plan, approve conditionally, approve outright, or not approve and ask for delisting.
- 11) Following the move and completed new site work, the applicant should submit the amended or rewritten nomination for filing as Additional Documentation (assuming that pre-approval was given).

Appendix I

Minimum Standards for Archaeological Data Recovery Plans

APPENDIX I

MINIMUM STANDARDS FOR ARCHEOLOGICAL DATA RECOVERY PLANS AT NASA WALLOPS FLIGHT FACILITY

Any data recovery plan shall specify at a minimum, the following:

1. The property, properties, or portions of properties where site-specific data recovery plans shall be carried out;
2. The portion(s) of the site(s) to be preserved in place, if any, as well as the measures to be taken to ensure continued preservation;
3. Any property, properties, or portions of properties that will be destroyed or altered without data recovery;
4. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
5. The methods to be used with an explanation of their relevance to the research questions;
6. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
7. The proposed disposition of recovered materials and records;
8. The 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 subject to revision based on the results of the data recovery proceeds; and
9. A schedule for the submission of progress reports to the NASA WFF HPO, the SHPO, and other consulting parties.
10. A protocol to follow should human remains or funerary objects be encountered.
11. For adverse effects to historic structures or building the standard mitigation will be HABS/HAER Level I recordation unless existing engineering or construction drawings are available that meet the Secretary of the Interior's HABS/HAER for Level II.
13. If in the interest of alternative/creative mitigation, SHPO and NASA WFF agree a different mitigation is preferred such as public benefit and education approaches to documentation or data recovery, NASA WFF and SHPO will record their concurrence for the new mitigation by letter.

Appendix J

Annual Reporting Form Template

Virginia State Historic Preservation Officer
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

(DATE)

**NASA WALLOPS FLIGHT FACILITY ANNUAL REPORTING SUMMARY TO THE
VIRGINIA STATE HISTORIC PRESERVATION OFFICER**

Reporting Year (July-June):

- 1. Number (buildings, structures or archaeological sites) falling under Appendix F of the PA "Limited Potential to Effect Historic Properties/Exempt activities list and not requiring review:**

See attached spreadsheet.

- 2. A brief conditions assessment outlining the conditions at the Wallops Beach Life Saving Station and Tower and any repairs made or measures taken to ensure the ongoing preservation of the building:**
- 3. Problems with implementation of this Agreement or issues encountered during the year:**
- 4. Changes the NASA WFF HPO believes should be made in implementation of this Agreement:**
- 5. A list of all professional training opportunities attended by NASA WFF personnel relative to this Agreement provided during the reporting period and number of participants and organizations:**

Submitted by:

(Name/Title/ date)

Appendix K

Agreement Extension Template

APPENDIX K

MODIFICATION TO EXTEND AGREEMENT

By executing this one paragraph modification, the below signatories hereby extend this Agreement for five (5) years from the date that it would have otherwise expired absent this extension.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, WALLOPS FLIGHT FACILITY

DIRECTOR

DATE

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTIVE DIRECTOR

DATE

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

DIRECTOR

DATE

CATAWBA INDIAN NATION

TRIBAL HISTORIC PRESERVATION OFFICER

DATE

POCOMOKE INDIAN NATION

PARAMOUNT CHIEF

DATE

**APPENDIX C
VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
CONCURRENCE LETTER ON THE WFF ARCHAEOLOGICAL
SENSITIVITY MODEL**

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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

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

December 4, 2003

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 ¹⁹⁴⁹ 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: (804) 367-2391

Portsmouth Region Office
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Portsmouth, VA 23704
Tel: (757) 396-6707
Fax: (757) 396-6712

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Region Office
107 N. Kent Street, Suite 203
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.

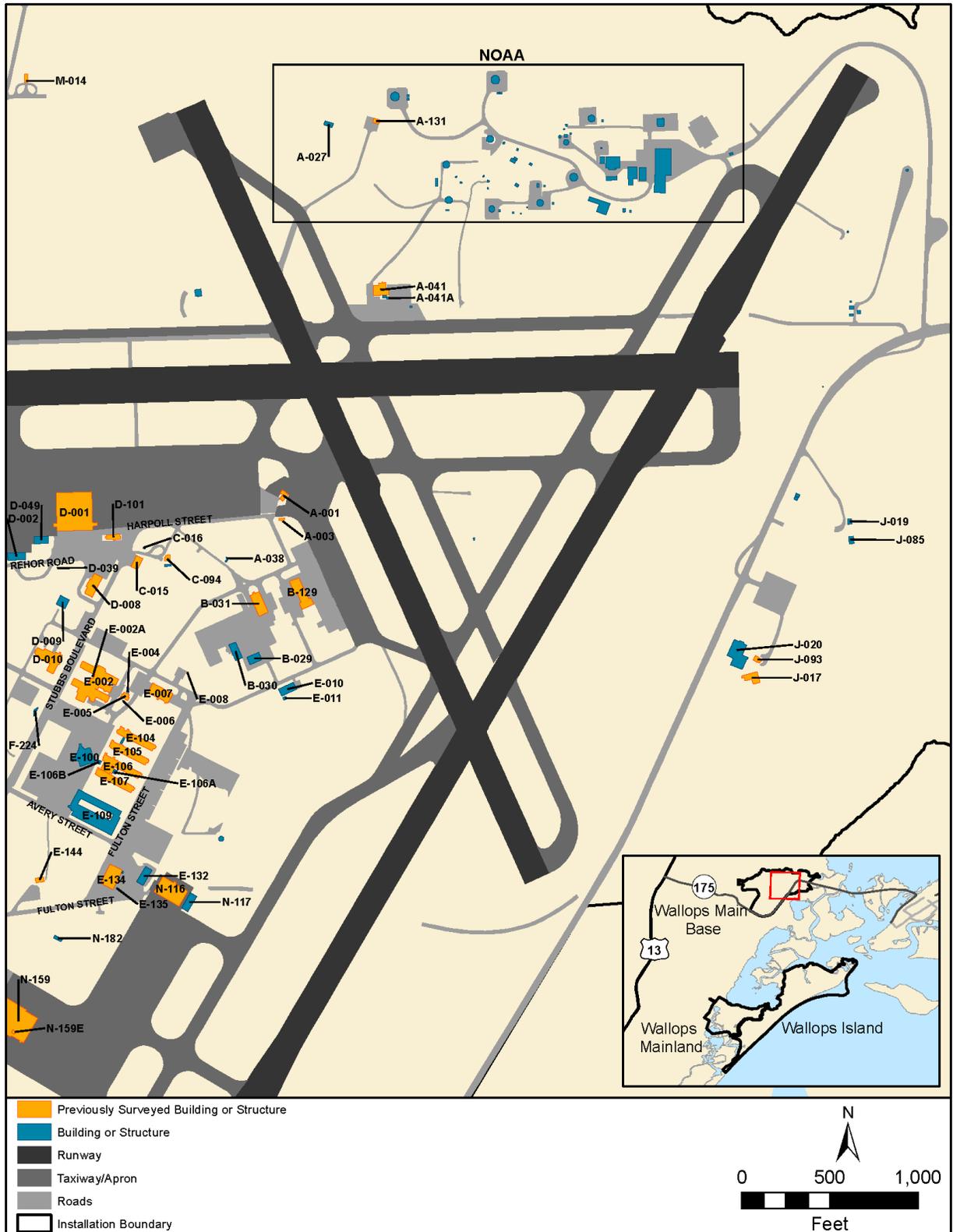
Sincerely,

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

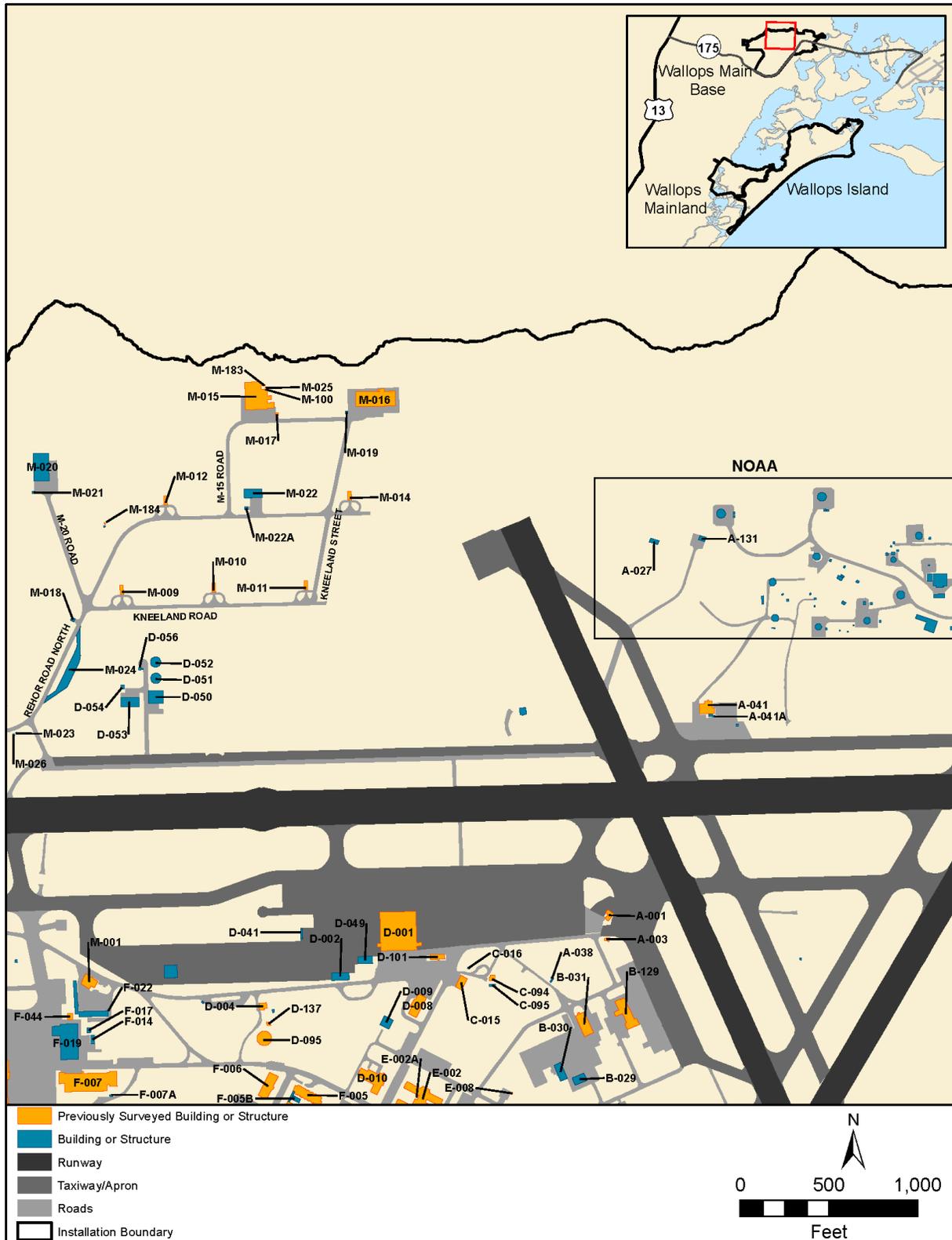
Marc Holma, Architectural Historian
Office of Review and Compliance

**APPENDIX D
MAPS OF WALLOPS FLIGHT FACILITY
ARCHITECTURAL RESOURCES**

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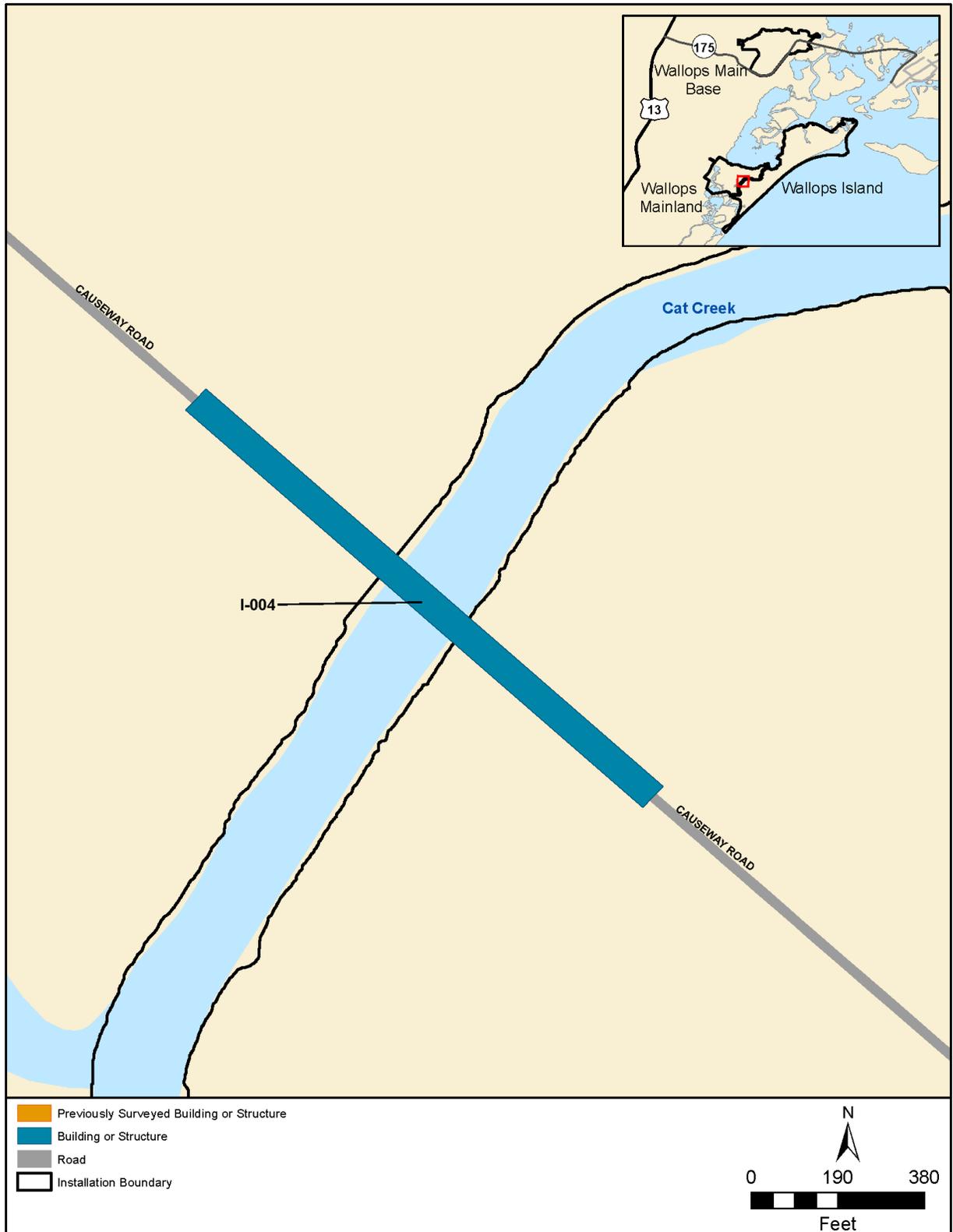
Map A1, Sheet 1. Wallops Main Base Architectural Resources



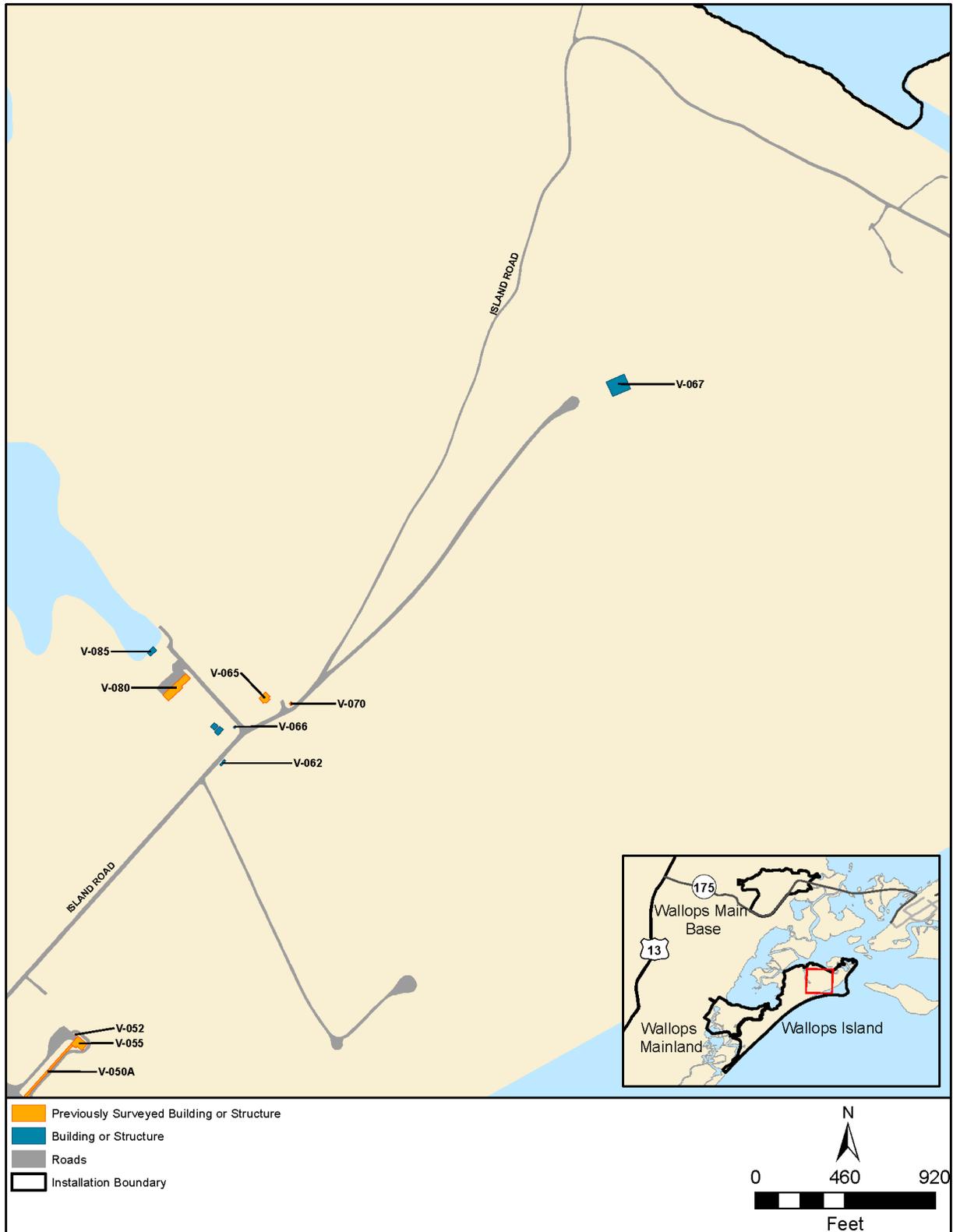
Map A1, Sheet 2. Wallops Main Base Architectural Resources



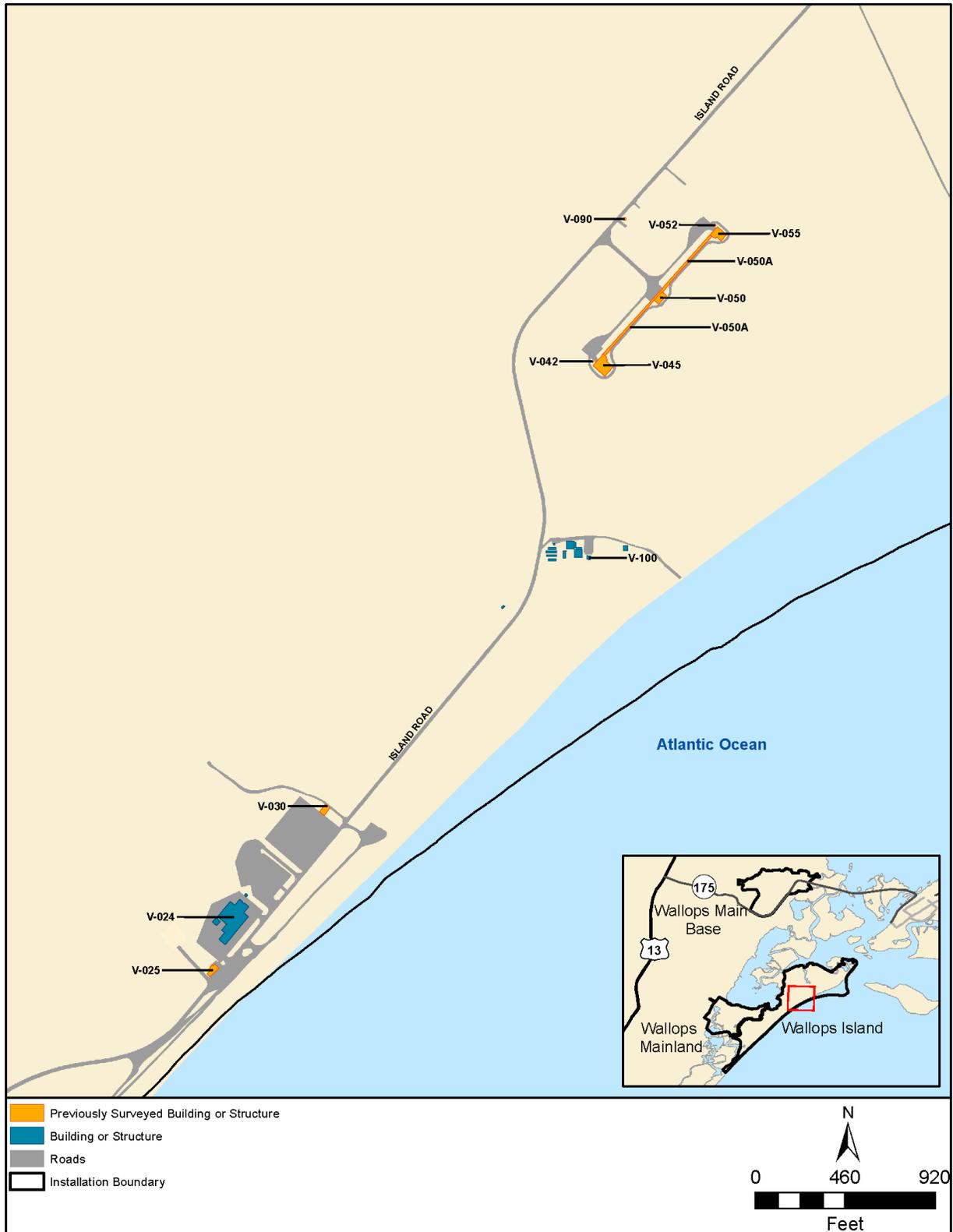
Map A2, Sheet 1. Wallops Mainland Architectural Resources



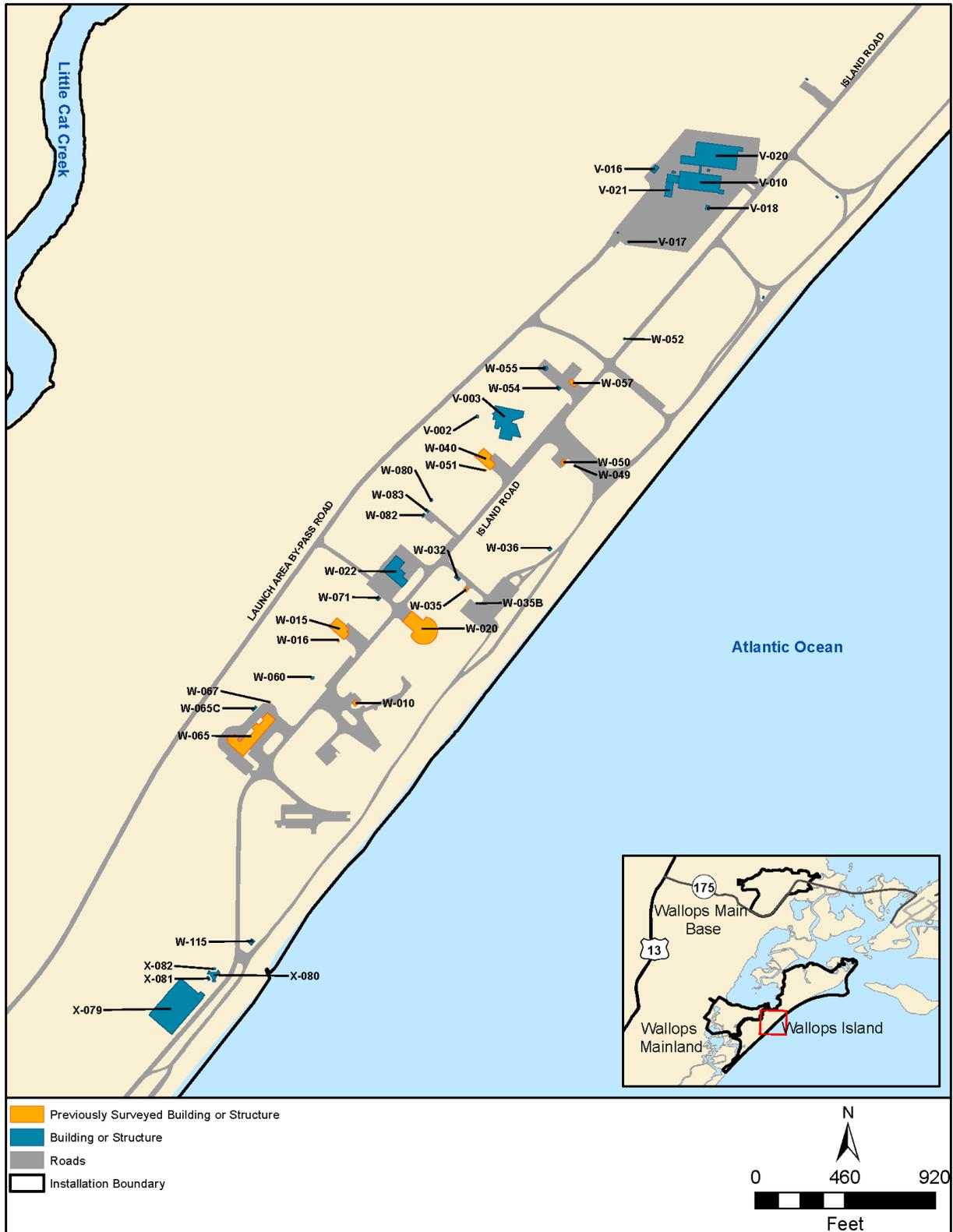
Map A2, Sheet 2. Wallops Mainland Architectural Resources



Map A3, Sheet 1. Wallops Island Architectural Resources



Map A3, Sheet 2. Wallops Island Architectural Resources



Map A3, Sheet 3. Wallops Island Architectural Resources



Map A3, Sheet 4. Wallops Island Architectural Resources

**APPENDIX E
VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
CONCURRENCE LETTERS FOR THE 2004 AND 2011 HISTORIC
RESOURCES ELIGIBILITY SURVEYS**

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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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TDD: (804) 367-2386
www.dhr.state.va.us

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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Portsmouth, VA 23704
Tel: (757) 396-6707
Fax: (757) 396-6712

Roanoke Region Office
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107 N. Kent Street, Suite 203
Winchester, VA 22601
Tel: (540) 722-3427
Fax: (540) 722-7535

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,

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

Marc Holma, Architectural Historian
Office of Review and Compliance



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Douglas W. Domenech
Secretary of Natural Resources

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July 22, 2011

Mr. Randall M. Stanley, Historic Preservation Officer
NASA Goddard Space Flight Center
Wallops Flight Facility (WFF)
Wallops Island, Virginia 23337

Re: Historic Resources Eligibility Survey
Accomack County
DHR File No. 2010-2274

Dear Mr. Stanley,

On June 9, 2011 the Virginia Department of Historic Resources (DHR) received a copy of TEC Inc.'s June 2011 draft report entitled *Historic Resources Eligibility Survey Wallops Flight Facility, Accomack County, Virginia* for our review and comment. The report and associated survey materials were provided pursuant to Section 110 of the National Historic Preservation Act of 1966, as amended.

The survey was provided to update NASA WFF's on-going Historic Resources Eligibility Survey (HRES). This HRES documents a total of seventy-six (76) buildings and structures with dates of construction dating between 1956 and 1965. These resources are DHR ID# 001-0027-0126 through 001-0027-0201.

DHR is pleased to inform you that the draft report, *Historic Resources Eligibility Survey Wallops Flight Facility, Accomack County, Virginia*, meets DHR's *Guidelines for Conducting Cultural Resource Survey in Virginia* (1999; Rev. 2003). The Data Sharing System forms and supporting materials met quality assurance/quality control on June 24, 2011. DHR concurs with the survey results. As a historic district, WFF is not eligible for inclusion in the National Register of Historic Places (NRHP). The seventy-six (76) buildings and structures are not individually eligible for the NRHP.

Please provide two (2) bound copies and a .PDF of the final report once it is available. Should you have any questions, I may be reached via email at amanda.lee@dhr.virginia.gov.

Sincerely,

A handwritten signature in blue ink that reads "M. Amanda Lee".

M. Amanda Lee

Cc: Shari A. Silbert, NASA WFF

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Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5428
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

APPENDIX F
WALLOPS BEACH LIFE SAVING STATION (VDHR #001-0027-0100)
AND OBSERVATION TOWER (VDHR #001-0027-0101)
ARCHITECTURAL SURVEY FORMS

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Property Information

Property Names

Name Explanation	Name
Historic	Wallops Beach Station
Current	WFF # V-065 - WEMA Recreational Facility

Property Evaluation Status

DHR Staff: Potentially Eligible

Property Addresses

Current - Island Road

County/Independent City(s):	Accomack (County)
Incorporated Town(s):	No Data
Zip Code(s):	23337
Magisterial District(s):	No Data
Tax Parcel(s):	No Data
USGS Quad(s):	CHINCOTEAGUE WEST

Additional Property Information

Architecture Setting: Rural

Acreage: .5

Site Description:

January 2008: Located in a level area on the North end of Wallops Island, to the immediate southwest of V-70 (001-0027-0101).

Date of Fieldwork: January 2008: No changes to site since the previous survey.

See DHR#: 001-0027-0101

Surveyor Assessment:

Date of Fieldwork: January 2008

The Wallops Beach Station, including the Main Station Building and the Lookout Tower, served as a life saving and/or lifeboat station for the U.S. Coast Guard (USCG) from 1935 to 1947 and under the jurisdiction of the Department of the Navy (Navy) from 1941 to 1946 by virtue of its use during World War II (WWII). The Main Station Building was designed as a variation of the Chatham-type standard station plan, reflecting the influence of the Colonial Revival style. In 2004, the Wallops Beach Station was determined eligible for listing in the National Register of Historic Places (NRHP) under both Criterion A (event) and Criterion C (architecture). The Historic Resources Survey and Eligibility Report for Wallops Flight Facility noted that:

The Wallops Beach Station (consisting of a primary and secondary resource), the Main Station Building and Lookout Tower, was found to be eligible under Criterion A for its association with the Coast Guard on the State level.

"...the Wallops Lifeboat Station and Observation Tower was found to be individually eligible for listing under Criterion C, as it possesses both integrity and historic significance as an embodiment of Colonial Revival architecture designed and constructed for the Coast Guard mission in the 20th Century."

The Main Station Building and the Lookout Tower were once part of a larger complex of buildings and structures of the Wallops Beach Station. By September 1936, other buildings and structures served as support facilities, including a boardwalk, boat docks, boat house, cottage(s), flag tower, launch way and landing wharf, metal garage, oil house, water tanks, water tower, and various storage buildings. The Wallops Island Association, which in September 1935 had at least two buildings—a club and boat house—shared the same premises. The Main Station Building and the Lookout Tower are all that survive of the Wallops Beach Station complex.

Only minimal additions and alterations to the Main Station Building occurred over time, and were limited to its interior. These additions and alterations reflect the building's change in use as it transferred ownership and administration from the USCG to the Navy and finally to NASA. The additions and alterations include machinery and animal cages installed by NASA to meet its operational requirements and did not compromise the integrity of the building as a historic resource.

NARRATIVE HISTORY AND CONTEXT

Introduction

The former Wallops Beach Station is located within the Wallops Flight Facility (WFF), owned by NASA, along the main access road toward the northern end of Wallops Island in Accomack County, Virginia. The WFF is situated in the most northeastern section of the Commonwealth in an area known as the Eastern Shore. The Wallops Beach Station is composed of one building and one structure—the Main Station Building and the Lookout Tower. The Main Station Building, constructed as the main building and dwelling, was officially completed for occupancy and use on September 3, 1935, and was built to replace a previous building that had been rendered uninhabitable and beyond repair by the Chesapeake-Potomac Hurricane of 1933. The Lookout Tower was constructed between 1936 and 1937.

The Wallops Beach Station is one of many USCG stations across the United States built during the second quarter of the twentieth century by the USCG. The Main Station Building is a variation of the Chatham-type standard station plan in the Colonial Revival

style. The Lookout Tower is a standard 50'-0"-high steel lookout structure built by the USCG in the second quarter of the twentieth century.

United States Life-Saving Service

Organized seaside and coastal rescue aid efforts in the United States can be traced back as early as 1787 to colonial Massachusetts where a volunteer effort—the Massachusetts Humane Society—was founded to rescue and aid shipwrecks along the state's seaboard. Related legislation was passed with the Lighthouse Act of 1789; however, it was not until the middle of the nineteenth century that the United States government took legislative measures specific to lifeboat/saving efforts. In 1848, William A. Newell, Monmouth County Congressman, reported that 158 sailing vessels had been lost off the New Jersey coast between 1839 and 1848. Congressman Newell asked the legislature to appropriate \$10,000 to build eight "lifeboat stations" equipped with "...surfboats, lifeboats, and other means for the preservation of life and property shipwrecked on the coast of New Jersey between Sandy Hook and Little Egg Harbor." With a Congressional appropriation, the proposed stations were completed by 1849, and operated by local volunteer organizations.

In 1871, the life-saving system was reorganized through the efforts of Sumner Increase Kimball, an Attorney from Maine, who was appointed chief of the Revenue Marine Division of the Department of the Treasury. With an initial appropriation of \$200,000, old stations were improved and new stations were built in Maine and North Carolina with an eventual expansion across the Eastern Seaboard. Stations were authorized in Virginia in 1874, including Assateague Beach, Wachapreague Beach, Hog Island, Cobbs Island, and Smiths Island. In 1878, the growing network of life-saving stations was officially combined to establish the U.S. Life-Saving Service as an agency under the jurisdiction of the Department of the Treasury. Stations were organized into three categories—life-saving, lifeboat, and houses of refuge. Full-time crews manned life-saving stations from November to April, during the active season—a time in which shipwrecks were most likely to occur. However, by the turn of the century, stations were manned year around. Between 1878 and 1882, Congress authorized four additional stations in Virginia, which included Popes Island, Metompkin Inlet, Parramore Beach, and Wallops Beach.

Early life-saving stations consisted of single utilitarian buildings that usually measured 42'-0" x 18'-0". Congressional appropriations and local community assistance during the 1880s allowed for construction of more substantial buildings, which often developed into a complex of buildings and structures used for the lifeboat/saving efforts. Typical seaside and coastal styles of architecture were used in the late nineteenth- and early twentieth-century stations. Standardized plans were used for most stations, but some one-of-a-kind designs were also executed.

Early twentieth-century improvements in navigational technology, the rise of steam power, and the growing numbers of recreational vessels increased the importance of the U.S. Life-Saving Service. Another reorganization of the U.S. Life-Saving Service resulted, establishing the USCG under the Department of the Treasury.

United States Coast Guard

On January 28, 1915, President Woodrow Wilson signed into law the "Act to Create the Coast Guard." Enacted by Congress on January 20, 1915, this combined the U.S. Life-Saving Service and U.S. Revenue Cutter Service. Because these overlapping agencies were often in conflict over authority, this reorganization enabled more efficient operation of both agencies. On April 6, 1917, as a result of the declaration of war against Germany, the USCG was transferred by Executive Order to the jurisdiction of the Department of the Navy. This temporary jurisdiction lasted until August 28, 1919, when, in compliance with Executive Order 3160, the USCG was returned to the Department of the Treasury.

On November 1, 1941, as a result of the bombing of Pearl Harbor, President Roosevelt's Executive Order 8929 again transferred the USCG from the Department of the Treasury to the jurisdiction of the Department of the Navy. This temporary jurisdiction lasted until January 1, 1946, when, in compliance with Executive Order 9666, the USCG was once again returned to the Department of the Treasury.

Other agencies joined the USCG over the years: the Lighthouse Service in 1939 and the Bureau of Marine Inspection and Navigation in 1946. The Bureau of Marine Inspection and Navigation included the Steamboat Inspection Service and the Bureau of Navigation, which until 1946 were under the Department of Commerce.

History of the Wallops Beach Station

With the establishment of the U.S. Life-Saving Service on June 18, 1878, new life-saving stations were built across the Eastern Seaboard. As a result, funding was provided to construct the Wallops Beach Station along with three others in Virginia between 1878 and 1882. The Wallops Beach Station was built between 1883 and 1884. According to a navigation map dated 1892, the station was located on one-half acre of land purchased by the Federal government from Thomas Taylor and Orris Browne in 1883. J. Lake Parkinson, Assistant Superintendent of Construction with the U.S. Life-Saving Service, designed the station using a standardized plan—the 1882-type, which reflected both Gothic Revival and Stick architectural styles.

The station's log-books—dating from March 22, 1884, through December 29, 1941—stand as a diary of the Wallops Beach Station until enactment of Executive Order 8929 in 1941. Wreck reports for the Wallops Beach Station exist from 1893 to 1917. The earliest known date of operation is March 22, 1884. The station was originally under the jurisdiction of the fifth district of the U.S. Life-Saving Service and was later under the jurisdiction of the sixth district of the USCG.

In 1900, John B. Whealton, age 59, the station's first Keeper, was living in town on Chincoteague Island with his wife Mary and four of their seven children. William Steelman, age 24, also an employee of the Life-Saving Service, and his wife Etta were Whealton's immediate neighbors. In 1910, Whealton, age 69, was still residing in town on Chincoteague Island, but this time with his daughter Ida and her family. He was recorded as an employee of the Life-Saving Service, and recognized as Captain, a title that apparently superseded Keeper. Whealton worked as Keeper and/or Captain of the station from 1884 to at least 1910, and officially retired from the U.S. Life-Saving Service for physical reasons on October 12, 1911. Because of Whealton's long tenure with the U.S. Life-Saving Service and his continuous residence in town on Chincoteague Island, it is reasonable to conclude that permanent living quarters were not part of the original station and that the Keeper and his family did not reside at the Wallops Beach Station. Whealton's first log entry on March 22, 1884, suggests that he and the crew were moving into the station on this day:

"...at 8 am left Chincoteague in the [illegible] Sloop [illegible] with supplies for Wallops Beach Station/the supplies [illegible] landed by Lieutenant—W.W. Farling—inspected in good order/the keeper and crew took charge of them and put them in the station/got the Surf Boat ready for action at a moments notice/at Sunset Started the patrol/the house and apparatus in a few days will be in fine

condition

the South patrol is at least four (4) miles Distance/North patrol one (1¼) miles

JB Whealton
Keeper"

This entry indicates that Whealton and his crew were preparing the station for daily use. The presence of the apparatus and the surf boat indicate that of the three types of stations prescribed in that period, the Wallops Beach Station was operating with both life-saving and lifeboat operations. Part of the daily duties of Whealton and his crew were to inspect the property with the following questions:

"Is the house thoroughly clean?
Is the house in good repair?
Is the apparatus in good condition?
How many members of the crew (including Keeper) were present?
Who were absent, and why?"

Assessing the condition of the station continued routinely throughout the entire duration of the log books. Following Whealton's resignation, George F. Reynolds was appointed as Keeper on October 13, 1911, and served until at least 1915.

Submitted July 3, 1914 via letter to the General Superintendent of the U.S. Life-Saving Service in Washington, D.C., conditions of the life-saving station were assessed by P. Julian Latham, Superintendent of Construction for the U.S. Life-Saving Service and later a Civil Engineer for the USCG:

"The station is badly in need of repairs and improvements. A photo-graph of the station building is enclosed for your information and record.

The "lean-to" on the north side of the station building was originally built to accommodate the surf-boat; but five or six years ago it was converted into the keepers quarters (an office and bed-room) by placing a partition across the same and removing the large door in the end; a boat-house was then built out in front of the station building for the surf-boat.

This arrangement for keepers quarters, on the north side of the building, is poor, and is no fit place for such quarters, it being cold in the winter and hot in the summer, being shut off from the southerly winds; the office is heated by a stove with the smoke pipe leading back through the storm-clothes-room, across the "up-stairs" entrance and into the chimney in the sitting-room; the stove "gases" badly.

The building sits too close to the ground and the foundation, post and mud-sills are in poor condition. The sill of the lean-to, at front corner, is entirely rotted allowing the building to settle. The show-rafters on the front of the building are damaged by rot. The boat-bridge, or incline from the boat-room is rotten. The floor in the sitting room is worn out. Some of the doors need new mortice knob locks and butts. The entrance to the look-out is by ladder from the crew's quarters, the "day watch" passing through at regular intervals, disturbing the men in their necessary day rest. The present kitchen building (built by the crew about 16 years ago) is cheaply constructed and not worth enlarging or adding to. The coal shed is rotten and not worth repairs. The brick cistern, built up against the west end of building, is cracked through and has been useless for several years."

Latham suggested the appropriate measures be taken to rectify the poor conditions and provided a budget for the costs—\$4,127.97. On October 14, 1914, designs for a two-story addition to the original station were proposed, which included an office, kitchen, dining room, and pantry on the first floor, and a keeper's bedroom, crew's quarters, spare room, and two bathrooms on the second floor. While Latham's letter budgets for the improvements, no correspondence was found to substantiate whether or not his plans were ever implemented. Because this complex of buildings was used until the early 1930s, assuming that the plans were executed is reasonable; however, because there is no direct proof, this must remain conjectural.

On January 28, 1915, shortly after the addition was suggested, the U.S. Life-Saving Service was reorganized along with the U.S. Revenue Cutter Service under the jurisdiction of the USCG, which was a newly created Federal agency. This transition did not lead to any evident construction projects for the Wallops Beach Station through the 1920s—aside from the construction of a drill pole in 1927.

By 1930, the population schedule in town on Chincoteague Island accounted for roughly forty individuals who were employed by the USCG. This included over thirty surfmen positions, two machinists, two ranking officials, two captains, and a lineman. The town was also home to several retirees of the USCG. Because two captains were living in town, it is probable that this large number of individuals may have been divided between the Assateague and Wallops Beach Stations. Ira Andrews, age 33, Captain of the Wallops Beach Station, was one of the men living in town with his wife Bertie and their daughter Margaret.

Like Whealton, Andrews kept a daily log of the station's activities, which included routine inspections. On Monday, August 21, 1933, Andrew reported on a normative inspection: "At 8:20 a.m., Inspected Station buildings, grounds, and apparatus, all boats and tractor, found all to be in good condition."

Andrews customarily indicated that the status of the facility was in good condition with the exception of an occasional boat repair. The same was true on Tuesday, August 22, 1933; however, on Wednesday, August 23, 1933, Andrews found things to be significantly and ominously different:

"... At 8:50 a.m., a terrific heavy sea, ripped the kitchen and porch from the main station building, and as the tide were rising fast and knowing that it would be at least two (2) hours before high water, I transferred the above party (from the Wallops Beach Club House) of 33 men and women to a cottage which stood on a hill north of the station, which was considered the highest part of the beach. All boats were kept in readiness, to render all possible assistance, as the tide began to ebb of the beach considerable at 10:40 a.m....

...At 8:00 p.m. made thorough inspection of station and all outbuildings, boats, tractor, and equipment. The following damages noted as follows: all outbuildings razed and moved from past locations, doors and windows to our first floor main station buildings were carried away, causing great damage to all furniture, equipment and supplies, carrying away various articles which have not been found. All buildings which were not completely torn down are partly covered by sand, all boats, beach apparatuses and equipment, good to fair condition, Delco Light Plant (generator), drill poll, fire pump, and equipment, all fences and walks. Approximately 11:00 p.m., part of the boat walk, leading to outlying boat houses and water decks washed away, flag tower washed down, tractor in good condition, boathouses slightly damaged. Kitchen, porch, office, quarters, and washroom demolished. Main building is damaged

considerably and sags in places..."

The Chesapeake-Potomac Hurricane was tracked as a storm on August 17, 1933, 100 miles east of Puerto Rico and strengthened into a hurricane on August 18, 1933 as it moved northwest. The hurricane raged from August 21–24, 1933. Rough surf conditions developed near Hampton Roads, Virginia, during the afternoon of August 22, 1933. Around 3:00 a.m. on August 23, 1933, the hurricane made landfall near Nags Head, North Carolina, and went on to pass over Norfolk, Virginia, at 9:00 a.m., at which time the barometric pressure fell to 28.68"—among the lowest pressures ever measured in Virginia. As recorded by Andrews, the hurricane took its toll on the Wallops Beach Station.

Thursday, August 24, 1933, was a chaotic day for Andrews who was still assessing the damage that had been done the day prior. Friday, August 25, 1933, Andrews continued his usual duties, which were heightened in the aftermath of the hurricane:

"...At 8:20 a.m., Inspected station, buildings, grounds, and apparatus, all boats and tractor, found boats and tractor and equipment in good condition, Station and all outbuildings in very bad condition..."

Aside from laudatory correspondence written by members of the Wallops Beach Club House, the aftermath of the storm was a chaotic period of the station's history. The former Wallops Beach Station was located on the southern shore of the island facing the Atlantic Ocean and immediately adjacent to the beach. While the USCG had decided to rebuild the station, decisions to relocate the station was pending. The USCG acquisition of 3.22 acres, located a quarter of a mile inland, was proposed on January 16, 1934.

Even though the first of the Federal inspectors arrived within days of the storm, the standard, official Invitation for Bids was not released until August 20, 1934—nearly a year after the station was ravaged by the hurricane. The construction project was advertised as "...constructing a frame dwelling and accessories for the Wallops Beach Station..." via the F.W. Dodge Corporation, Builders Exchange Blue Reports, and the Government Advertiser—each of which were common advertisement mediums of construction-related work in the 1930s. After the official invitation, the process commenced more rapidly; bids were reviewed and a decision was made by September 17, 1934. Latham, then a Senior Civil Engineer, had assessed seven bids from contractors and Ralph D. Pointer, of Rehoboth Beach, Delaware, was selected with the low bid of \$27,860.00 with a 180-day performance period. L.C. Covell, Acting Commandant of the USCG, approved the plans, and construction commenced.

The Civil Engineer's Office of the USCG in Washington, D.C., completed renderings for the Wallops Beach Station on August 18, 1934. The drawings included a general site plan, a plot plan, and plans for the Main Station Building—called "Dwelling" in the plans, which included details of the emergency water supply tanks that were originally located at the most eastern façade of the Main Station Building. Designed as a variation of the Chatham-type standard station plan with Colonial Revival details, the building's function was multipurpose, complete with living quarters, office space, storage areas, and a carpentry room.

The general site plan reveals that the station functioned quite differently than its predecessor. Built inland and not directly adjacent to the beach, the station no longer functioned as an "open surf" station with boats being launched directly into the ocean. Instead, access to the water was through a boat basin also located inland and connected to the Chincoteague Inlet by a newly dredged channel. The channel led to a sloop gut, which led to the Chincoteague Inlet, which was connected to the Atlantic Ocean. The new USCG Boathouse, the USCG Oil House, and the Wallops Beach Club's Boathouse were located at the juncture of the new channel and the sloop gut.

In the interim, despite harsh conditions, Andrews and the crew at Wallops Beach did not relent in their efforts—and the log reflects their daily activities accordingly with an account of the regular facility inspection and repetitive recordation of the station buildings in deplorable condition. The 180-day performance period lapsed, and Andrew's log entry on Saturday, September 14, 1935, indicated that the new station—or at least the Main Station Building—was ready for use:

"8:00 a.m....Crew employed moving furniture in New Station dwelling.

4:00 p.m., to mid...District Commander, C.J. Sullivan, arrived at 4:30 p.m., and turned over all station keys to Ira Andrews, officer-in-charge and the Station was officially opened this date in accordance with Headquarters' letter, 4 September, 1935."

The general site map and the plot plan of August 18, 1934, both made provisions for the new inland boat basin and connecting channel; however, precise plans for these aspects of the station are dated April 26, 1936. Nevertheless, in a letter dated September 3, 1935, P. Julian Latham informed the USCG Headquarters of the following:

"1.The new dwelling for this station has been completed and is now ready for occupancy.

2.The building is located on the new site, recently acquired on the inside of the beach, and a dredged basin with dredged channel provided leading to the inland waters giving access to the ocean. These facilities make it possible for use of a motor life-boat at this station should it be desired."

This letter clearly indicates that construction of both the basin and channel was completed as of September 3, 1935, and suggests that the drawings after that date perhaps reflect revisions. Regardless, the basin eventually offered a boathouse, launch way, walkways, and a landing wharf as essential attributes of the station.

Plans for the Lookout Tower were drafted by the USCG Civil Engineer's Office in Washington, D.C., on October 2, 1934, but erection of the structure was not included in the contract to build the Main Station Building. The renderings called for a standard 50'-0"—high, steel Lookout Tower with a landing platform at the top for observation.

Renderings, revised to include a Watch House at the top of the Lookout Tower, were completed by the USCG Civil Engineer's Office in Washington, D.C., on March 1, 1936. The revisions reflected the addition of a small one-room enclosure for observation.

Apparently, plans for the Lookout Tower were not carried out until June 29, 1936, when the USCG officially authorized acceptance of the low bid of George E. Shockley. Authorization included the construction of a Lookout Tower for \$2,990, which was budgeted from the Emergency Relief Operation. Construction of a Watch House was funded in the allocation. Because there is no evidence that the watch house was ever completed, this remains conjecture. A photograph of the Main Station Building, dated August 19, 1937, is most probably taken from atop the Lookout Tower, which indicates that construction was complete by this date.

The USCG Civil Engineer's Office in Washington, D.C., made plans to add lighting to the Lookout Tower as indicated in a drawing of

the tower and the proposed lighting system, dated December 13, 1937. Because there is no evidence that these exact plans were ever executed, the lighting project remains conjecture. However, these plans include the Watch House, making the probability of its existence higher.

The Wallops Beach Station, including the Main Station Building and the Lookout Tower, was in use by the USCG until November 1, 1941, when the USCG was temporarily under the jurisdiction of the Department of the Navy as a result of WWII. This led to a period of sporadic activations and deactivations of the station. Correspondence dated November 14, 1941, from L.T. Chalker, Acting Assistant Commandant of the USCG, under the direction of the Department of the Navy, indicates that the Wallops Beach Station was being operated as an auxiliary to the Assateague Beach Station. Furthermore, the letter indicates that Wallops Beach Station was used primarily for lookout and observation. A request for minor repairs for operational function was approved in the same letter. Jurisdiction under the Department of the Navy lasted until January 1, 1946. According to the USCG, the Wallops Beach Station was decommissioned in 1947.

The Main Station Building was later used by the Naval Ordnance Test Station to house Navy personnel and Marine security personnel until the Chincoteague Naval Auxiliary Air Station and Ordnance Test Station was closed and the site was transferred to NASA in 1959. NASA used the building on only one occasion to house a project group that was at Wallops Island in the 1980s. The Navy Seals also used the building on at least one occasion for training. Over the years, the Lookout Tower and grounds were used at various times to house scientific equipment for short periods.

Surveyor Recommendation: Legacy

Ownership

Ownership Category	Ownership Entity
Federal Govt	U.S. National Aeronautics & Space Administration

Primary Resource Information

Resource Category:	Defense
Resource Type:	Coast Guard Station
Date of Construction:	1935
Historic Time Period:	World War I to World War II (1917 - 1945)
Historic Context(s):	Architecture/Community Planning, Government/Law/Political
Architectural Style:	Colonial Revival
Form:	<i>No Data</i>
Number of Stories:	3.5
Condition:	Fair
Interior Plan:	Central Passage, Double Pile
Threats to Resource:	Demolition

Architectural Description:

January 2008: Description of Exterior

The Main Station Building was designed as a variation of the Chatham-type station. The integral feature of a Chatham-type station is separated living quarters and boat storage, which improved conditions in the living quarters. Furthermore, the Chatham-type had enlarged previous designs from one-and-one-half-story dwellings to two full stories. Originally designed by Victor Mendleheff, the Chatham-type stations usually reflected the Colonial Revival taste popular in the United States from 1880 to 1955. Victor Mendelhoff became an architect for the U.S. Life-Saving Service in 1898. Producing at least 13 known designs, his long tenure made him the most prolific of the architects, working for both the U.S. Life-Saving Service and the USCG over time. While Mendleheff had retired from the USCG by the time the Main Station Building was erected, the building stands as a variation of the Chatham-type design. The building exhibits standard architectural features of the Colonial Revival style, including a symmetrical façade with balanced windows, a centered front door, a second front door symmetrically placed with a window for balance, and windows with double-hung sashes and multi-paned glazing. The east (front) façade is symmetrical and five bays wide.

The foundation walls on the north, south, east, and west sides consist of cast-in-place concrete. The foundation walls are exposed and project 3-4' above grade, to form an English basement, upon which the first floor framing and shingle cladding begins. About 3' below the first course of shingles, just above grade, the foundation walls, on all four sides, project outward about 8" 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.

A set of replacement wood steps leads to a landing and the front doors. The two front doors off the porch each contain three raised panels with a fixed three-over-three light above. The central front door is flanked by a second front door, leading to what was formerly the Office of the Officer in Charge, and a window placed symmetrically. A similarly configured wood door provides access to the north side of the house. All three doors are in good condition, despite excessive peeling paint. Inset to the west foundation wall is a pair of small doors, each with three fixed lights over a rectangular raised panel. Because they are so wide relative to their height, the doors are attached to their jambs with broad strap hinges.

Access to the main entry is sheltered by a front porch, which is a single bay deep by triple bay stretching across the raised structure, symmetrically appended to the east façade of the house. The bays are defined by square pilasters, fashioned from stock 1" x 8" boards. At the outside corners, the columns are tripled and at the sides, abutting the house, the pilasters are attached to the shingle wall. A 2" 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 stairs, are trimmed out in stock lattice panels. While well worn, the porch appears to be structurally sound. The porch is surmounted by a shallow wood-shingled shed roof.

At the second floor level are five equally spaced six-over-six double-hung windows. The entire façade is covered with wood shingles, as are all

other façades. Three gable dormers, each with a single six-over-six double hung window, are placed symmetrically within the roof. The west façade is similar to the front, but with a few variations. At the basement level, two three-over-three double hung wood sash windows are paired closely together at the southwest corner. A single three-over-three double hung window is found at the northwest corner. At the first floor level, three six-over-six double hung windows are symmetrically placed within the façade. Two smaller, six-over-six 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 primary façade may be found. A wood 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.

The south gable end also exhibits four three-over-three double-hung sash windows at the basement level. Three six-over-six double-hung windows are symmetrically placed at the first- and second-floor levels. A wood water table marks the base of the second floor windows.

A brick chimney pierces the roof near the northwest corner of the 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 appear loose or missing.

The roofline is marked by projecting verge boards. A four-light lunette window is located near the apex of the roof. The north gable end is similar in treatment to the south gable end. 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.

At the basement level, three three-over-three double-hung sash windows begin at the northeast corner and move eastward. On the first floor level, two six-over-six double-hung sash windows are located in the first and second bays from the northeast corner. In the third bay, a doorway and single six-over-six double-hung sash window pierce the façade. These are surmounted by a porch supported by wood brackets. At the second-floor level are three six-over-six double-hung sash windows, again with a water table

The steps leading to the front porch have been replaced and contemporary wood lattice has been placed under the porch. No other significant changes have been made to the building. The exterior is in moderately poor condition due to a lack of paint, but appears structurally sound with no apparent decay, subsidence, or collapse.

Description of Interior

A variation of the Chatham-type station, the Main Station Building is a full two stories in height, designed to provide more living space and comfort for the captain and crew. Although the one-and-one-half-story plan had been used so frequently that it had become a hallmark of the U.S. Life-Saving Service, the limited space it provided for crew members often resulted in living quarters being overcrowded and uncomfortable. The Main Station Building was designed with four levels—the first and second floors, the basement, and the attic. The first floor was designed for mixed uses, including a private office, bedroom, and bathroom for the Officer in Charge, one bedroom, a kitchen, a pantry, a mess room, and an entrance and stair hall. The second floor consists of six bedrooms and a community bathroom with double fixtures. Like the first floor, the basement was designed to house a mixture of uses, including a provision room, a storm clothes room, a boiler room, a room for the coal bin, a stair hall, and a large carpenter shop. The attic was designed as an unfinished space, as is today.

Despite the changing use of the Main Station Building, the interior retains its original spatial configuration and design elements. The interior emphasizes original design and use, as well as existing conditions. The original wood floors on the first and second floors and plaster walls are retained throughout. At least one light fixture is located in each room—some rooms retain their original fixtures. All references to the original layout are substantiated by the original plans—Wallops Beach Station, Dwelling, Sixth District, Virginia—dated August 18, 1934.

Entry from the central front door on the eastern façade of the building leads to the “Entrance and Stair Hall” which is 10'-0" x 16'-0". 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. It has an open stringer. The small exposed banister consists of 1"-square balusters and a simple, 4" x 4" newel post. This element is in fair to good condition. The basement entrance is at the rear of the first floor stair, which leads to another staircase descending under the main staircase into the basement. Aside from the main and basement entrances, the “Entrance and Stair Hall” provides access through three other doorways to the three adjacent rooms respectively.

On the north wall of the “Entrance and Stair Hall,” an opening clad by a wood door with a six-pane light at the top provides access to the former “Mess Room,” which is 19'-5" x 16'-0". The southwest corner of the room, which was formerly used for storage, includes original full-height custom cabinetry units and shelving. The room has four windows—two each on both the north and east walls.

Immediately west of the former “Mess Room,” an opening clad with a wood door provides access to the kitchen, which is 9'-2-1/2" x 13'-0". The original porcelain sink and drying board combination is located on the west wall of the room. A built-in range shelf is located in the southwest corner of the room indicating the former location of the range. Two windows on the west wall bring light into the room. The condition of the plumbing is unknown. This room has three doorways including access to the former “Mess Room.” Access to the basement is through an opening clad with a wood door located on the north wall. The pantry is accessed by an opening located on the south wall.

The pantry is 6'-0" x 13'-0". The south wall retains an original full-height fixture that is a two-tiered custom built china cabinet with an enclosed cabinet and work space below and a shelving unit enclosed with glass doors above. Full-height custom cabinetry units extend from the china cabinet on the south wall making an L-plan along the east wall; full-height custom shelving extends from the northeast corner to the doorway. One small window is located on the west wall.

From the west wall of the entrance and stair hall, a bedroom is accessible through a wood door. The bedroom is 10' x 13' and has a small closet located on the south wall that is accessed by an opening clad with a wood door. The room has one window on the west wall.

From the south wall of the “Entrance and Stair Hall,” in the southwest corner of the room and behind the staircase, an opening clad with a wood door provides access to an L-planned room that was originally labeled as the “Officer in Charge’s Office.” The largest block is 11'-9" x 15'-6". Immediately upon entering the room on the west wall is a closet, accessed by an opening clad with a wood door, which was originally used as a gun closet. Full-height custom cabinetry, originally used as the chart case, is located on the north wall of the room, immediately adjacent to the doorway. The front porch access, located near the northeast corner of the room on the east wall, is clad with a wood door. Two windows are located in the bedroom—one on the east wall and one on the south wall.

From the west wall, an opening clad with a wood door provides access to a room that was originally labeled as the “Officer in Charge’s Bedroom,” which is 12'-6" x 13'-0". A closet accessed by an opening clad with a wood door is located on the north wall. Two windows are

located on the south and west walls of the bedroom. The bedroom now houses an aviary, which is a large wood cage with mesh screens that fills most of the room.

An opening clad with a wood door provides access to a private bathroom on the east wall of the room. The bathroom is 8'-6" x 5'-3" and retains the original porcelain toilet and sink on the east wall and the original shower on the north wall between the east and west walls. One window is located on the south wall of the bathroom. The condition of the plumbing is unknown.

Access to the second floor is only possible via the "Entrance and Stair Hall." The stairs provide access to a long hallway that runs north and south dividing the second floor with three bedrooms along the east façade and three bedrooms and a bathroom along the west façade. Each of the bedrooms and the bathroom are accessed by doorways clad with wood doors. The hall is 4'-6" wide and runs the full length of the Main Station Building with windows at the north and south façades.

Three bedrooms are located along the eastern façade. Two bedrooms sit between the stairs and the north wall. The bedroom in the northeast corner of the second floor, originally labeled "Bed Room #2," is 11'-4" x 12'-6" and has two windows located on the north and east walls. The middle bedroom along the east façade between "Bed Room #2" and the stairs, was originally labeled "Bed Room #3" and is 14'-2" x 12'-6". Two windows are located along the east wall. The third bedroom along the eastern façade, originally labeled "Bed Room #6," is located in the southeast corner of the second floor and is 15'-6" x 12'-6". "Bed Room #6 is the only bedroom on the second floor with a closet, which is located in the northeast corner of the room on the north wall and is accessed through an opening that is clad with a wood door. This room has three windows—one located on the south wall and two on the east wall.

Three bedrooms and a bathroom are located along the western façade. A bedroom, originally labeled "Bed Room #1," which is 10'-11" x 13'-0", is located in the northwest corner of the second floor. "Bed Room #1" has two windows, which are located on the north and west walls. A community bathroom, which is 8'-6" x 13'-0" is immediately adjacent to "Bed Room #1." Originally labeled "Crew's Toilet," the bathroom retains two original porcelain sinks on the north wall, two original porcelain toilets in the southwest corner, and two original showers along the south wall next to the toilets. One window is located on the west wall of the bathroom. The next room along the western façade is a bedroom, originally labeled "Bed Room #4." The room is 10'-1" x 13'-0" and has one window along the west wall. A bedroom, originally labeled "Bed Room #5," which is 15'-6" x 13'-0", is located in the southwest corner of the second floor. This room has three windows—one located on the south wall and two located on west wall.

The surfaces of the walls of the first and second floor rooms are paint on plaster. 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"-thick gypsum wall board, instead of the more traditional brown coat of plaster. Through the use of the wallboard instead of the traditional lath and brown coat represents an important technological change to residential construction in the middle of the twentieth century. From this point forward, gypsum wallboard became increasingly common, while the use of plaster on lath (metal or wood) virtually disappeared. The plaster surfaces are in varying conditions depending upon where they are located in the various rooms. In general, they are in fair to good condition. Each wall is outfitted with what appears to be an original chair rail of the simplest, rectangular section.

The attic is accessed by a pull-down stair located in the ceiling of the second-floor hall. It consists of entirely unfinished space with 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 twentieth century American framing technique whereby all members are of uniform size and spaced 16" on center. At all dormer openings, rafters are doubled up for added lateral stability. 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.

Access to the basement is provided by the enclosed stair under the main, first-floor stair in the "Entrance and Stair Hall." A secondary entrance to the basement is located in the northwest corner of the house in a small vestibule between the north wall of the kitchen and the northern façade. This fully enclosed stair has a landing which contains a window and adjacent doorway clad with a wood door. It is in fair to good condition. The stairs lead to a hall, originally labeled "Passage," which is 4'-0" wide, and runs from north wall of the Main Station Building to the south where it dead ends into a large room originally labeled "Carpenter's Shop." This room is situated entirely along the south end of the basement. The basement has concrete floors.

Three rooms are located on the eastern side of the "Passage"—a provision room, a storm clothes room, and a stair hall. The provision room, which is 10'-0" x 11'-0", is equipped with full-height custom shelving. Two windows are located on the north and east walls of the room. Immediately adjacent, the storm clothes room, which is 9'-6" x 11'-0", is also equipped with full-height custom shelving. One window is located on the east wall of the room. Both sets of shelving wrap around the room with gaps for the windows and doors. The hallway opens into a stair hall which is an open space, measuring 5'-6 1/4" x 10'-10-1/2", with the stair located along the south wall. This room has one window located on the east wall.

Two rooms are located on the western side of the "Passage"—the boiler room and the coal bin. Only the boiler room is accessible from the "Passage" through an opening clad with a wood door; the coal bin is only accessible from the boiler room through the coal chute and an opening with a wood door. The boiler room is 25'-3" x 14'-11-5/8" and has two windows located on the west wall. The coal bin is 9'-6-3/4" and, aside from the doorway, the coal chute is the only opening. Both the boiler room and coal bin retain some original equipment, which does not appear to be in working condition.

The "Carpenter Shop," which is accessed by an opening clad with a wood door with a six-pane light, measures 30'-0" x 14'-7". This room has built-in laundry trays at the northwest corner, and built-in desks along the south wall. A drain is located in the center of the room. Seven windows are located in this room with two on the west wall, four on the south wall, and one on the east wall. The six-pane light at the top of the wood door lets light into the "Passage."

Exterior Components

Component	Component Type	Material	Material Treatment
Windows	Sash, Double-Hung	Wood	6/6
Roof	Gable, Front	Wood	Shingle
Chimneys	None	No Data	No Data
Porch	1-story, 3-bay	Wood	Post, Square
Foundation	Raised	Concrete	Parged
Structural System and	Frame	Wood	Siding

Exterior Treatment

Secondary Resource Information

Secondary Resource #1

Resource Category: *No Data*
Resource Type: *No Data*
Architectural Style: *No Data*
Form: *No Data*
Date of Construction: *No Data*
Condition: *No Data*
Threats to Resource: *No Data*
Architectural Description:

No Data

Historic District Information

Historic District Name: *No Data*
Local Historic District Name: *No Data*
Historic District Significance: *No Data*

CRM Events

Event Type: Survey:Phase II/Intensive

Project Review File Number: 2004-0147
Investigator: URS Group
Organization/Company: Unknown (DSS)
Sponsoring Organization: *No Data*
Survey Date: 1/12/2008
Dhr Library Report Number: AC-49

Project Staff/Notes:

The Wallops Beach Station, including the Main Station Building and the Lookout Tower, was surveyed and formally recorded by URS Group, Inc., Gaithersburg, Maryland, on behalf of NASA, from January 2008 through June 2009. URS Architectural Historian Oscar Beisert completed the fieldwork for the written narrative portion of this project in May and June 2009. The photographer was Rob Tucher.

NASA operates the Goddard Space Flight Center's Wallops Flight Facility on Wallops Island, Accomack County, Virginia; and pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act of 1966 (NHPA) as amended, NASA is required to take into account the effects of Federal undertakings on properties included in or eligible for inclusion in the NRHP and to consult with the Virginia State Historic Preservation Officer (SHPO). 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. As a result of this historic property identification and evaluation program, NASA, in consultation with the SHPO, determined that the Wallops Beach Coast Guard Lifesaving Station and Observation Tower (Wallops Beach Lifesaving Station) is eligible for listing in the NRHP. The SHPO concurred with this eligibility determination on November 4, 2004.

NASA has determined that the Wallops Beach Lifesaving Station is located within a designated explosive hazard arc of the adjacent rocket motor storage facility. NASA has also determined that the Wallops Beach Lifesaving Station must be transferred from Federal ownership and removed from the property (Undertaking). NASA, in consultation with the SHPO, has determined that the Area of Potential Effects (APE) for the Undertaking is an approximate 3-acre zone surrounding the Wallops Lifesaving Station. In consultation with the SHPO, NASA has also determined that the transfer and removal of the Wallops Beach Lifesaving Station from Federal property will have an adverse effect on this historic property. Under the Federal Property and Administrative Services Act of 1949, Federal Management Regulations, and NASA Procedural Requirements (NPR) 8800.15, NASA is obligated to follow the U.S. General Services Administration (GSA) personal property disposal processes.

NASA requested and received GSA's approval for NASA to act as the disposal agency for this historic property. NASA invited Accomack County, Virginia (County) to participate in development of a Memorandum of Agreement (MOA), and the County declined to participate. NASA invited the Advisory Council on Historic Preservation (ACHP) to participate in development of an MOA, and the ACHP also declined to

participate. This MOA was executed on _____ between NASA and the SHPO.

Pursuant to 42 U.S.C. 2473(c)(3) and 36 CFR Part 800, NASA and the SHPO agree that the Undertaking shall be implemented in accordance with the stipulations outlined in the MOA in order to satisfy NASA's Section 106 responsibilities to take into account the effects of this Federal Undertaking on historic properties. The stipulations include the recordation of the Wallops Beach Lifesaving Station prior to implementing the planned undertaking. The said stipulations specifically require that the Wallops Beach Lifesaving Station be recorded in its present setting and context by an architectural historian and a professional photographer through the completion of documentation meeting Historic American Buildings Survey (HABS) Level II standards. This documentation is to include a comprehensive set of thirty-four archival black and white photographs of the building's exterior and interior keyed to a site plan, and interior floor plans. This documentation will also include a copy on Mylar of thirty-nine original drawings for both the Main Station Building and the Lookout Tower. Significant exterior and interior architectural details will also be documented. The final documentation package will be submitted to the SHPO for inclusion in its archives.

Event Type: DHR Staff: Potentially Eligible

DHR ID: 001-0027-0100
Staff Name: Holma, Marc
Event Date: 11/4/2004
Staff Comment

The consultant recommended that the Wallops Beach Lifeboat Station and the Coast Guard Observation Tower (DHR ID #001-0027-0101) as individually eligible under Criteria A & C. Their 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. DHR concurs that the Lifeboat Station and the 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 (001-0027-0100).

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: 2003-0571
Investigator: URS Group
Organization/Company: Unknown (DSS)
Sponsoring Organization: *No Data*
Survey Date: 7/1/2004
Dhr Library Report Number: AC-49
Project Staff/Notes:

200 Orchard Ridge Drive, Suite 101
Gaithersburg, MD 20878

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: 2003-0571
Investigator: URS Group
Organization/Company: Unknown (DSS)
Sponsoring Organization: *No Data*
Survey Date: 8/8/2003
Dhr Library Report Number: AC-49
Project Staff/Notes:

7101 Wisconsin Avenue, Suite 700
Bethesda, MD 20814

Bibliographic Information

Bibliography:

No Data

Property Notes:

Name: Mr. Randall M. Stanley
Title: Wallops Historic Preservation Officer
Company 1: NASA/WFF FMB, Code 228
City: Wallops Island
State: Virginia
ZIP: 23337
Phone 1: 757-824-1309
Ext: 0000
Phone 2: 000-000-0000
Ext: 0000
Owner Relationship: Owner of property

Project Bibliographic Information:

Name: URS Corporation
DHR CRM Report Number: AC-49
Record Type: Report
Bibliographic Notes: AC-49: Wallops Flight Facility Shoreline Restoration and Infrastructure Protection Program: Proposed Groin, Breakwater and Shoreline Cultural Resource Surveys, Accomack County, Virginia, November 2009. #2007-0087

Name: National Archives
Record Type: Drawings
Bibliographic Notes: Architectural and Engineering Plans; "Steel Lookout Tower, Standard 50 Feet High, Erection Diagram (2 October 1934)" [Architectural Drawing]; District 6, Drawing 1-4; National Archives, Records of the USCG (Record Group 26), National Archives, Philadelphia, Pennsylvania.

Architectural and Engineering Plans; "Wallops Beach Station, Proposed Watch Tower Lighting, Sixth District, Virginia (13 December 1937)" [Architectural Drawing]; District 6, Drawing 1-1; National Archives, Records of the USCG (Record Group 26), National Archives, Philadelphia, Pennsylvania.

Architectural and Engineering Plans; "Watch House – For – Standard Lookout Tower – Wallops Beach Station (1 May 1936)" [Architectural Drawing]; District 6, Drawing 1-3; National Archives, Records of the USCG (Record Group 26), National Archives, Philadelphia, Pennsylvania.

Architectural and Engineering Plans; "U.S. Coast Guard, Wallops Beach Station, Plot Plan, Proposed New Site (16 January 1934)" [Plot Plan]; District 6, Drawing 1; National Archives, Records of the USCG (Record Group 26), Box 200, National Archives, Philadelphia, Pennsylvania.

Architectural and Engineering Plans; "Wallops Beach Station, Plot Plan, Sixth District, Virginia (26 May 1936)" [Plot Plan]; District 6; Drawing 1-3; National Archives, Records of the USCG (Record Group 26), National Archives, Philadelphia, Pennsylvania.

Architectural and Engineering Plans; "Wallops Beach Station, Plot Plan, Sixth District, Virginia (11 April 1935)" [Plot Plan]; District 6; Drawing 1-2; National Archives, Records of the USCG (Record Group 26), National Archives, Philadelphia, Pennsylvania.

Architectural and Engineering Plans; "Wallops Beach Station Dwelling, Sixth District, Virginia (18 May 1934)" [Architectural Drawing]; District 6, Drawing 1-13, National Archives, Records of the USCG (Record Group 26), Box 200, National Archives, Philadelphia, Pennsylvania.

Name: URS Corporation
DHR CRM Report Number: AC-41
Record Type: Report
Bibliographic Notes: AC-41: Historic Resources Survey and Eligibility Report for Wallops Flight Facility, Accomack County, Virginia. December 2004. Fred Holycross (URS Corporation).

Name: Chalker, LT
Record Type: Letter/Memorandum
Bibliographic Notes: Memorandum to Operations on Wallops Beach Station, 14 November 1941, National Archives, Records of the USCG (Record Group 26), Box 601, National Archives Building, Washington, D.C.

Name: Latham, Julia P.
Record Type: Letter/Memorandum
Bibliographic Notes: Letter on the Conditions of the Wallops Beach Life-Saving Station, 16 October 1914, The National Archives, Records of the USCG (Record Group 26), Box 220, National Archives Building, Washington, D.C.

Memorandum on Authorization of Bid for Lookout Tower and Watch House, 29 June 1936, National Archives, Records of the USCG (Record Group 26), Box 601, National Archives Building, Washington, D.C.

Memorandum to Commandant on Wallops Beach Station Construction of Frame Dwelling and Accessories, 17 September 1934, National Archives, Records of the USCG (Record Group 26), Box 200, National Archives Building, Washington, D.C.

Memorandum to Operations on Wallops Beach Coast Guard Station; New Dwelling, 3 September 1935, National Archives, Records of the USCG (Record Group 26), Box 601, National Archives Building, Washington, D.C.

Name: Stevens, Bob
Record Type: Article
Bibliographic Notes: Stevens, Bob. "A History of the U.S. Life-Saving Service." Ocean City Life-Saving Station Museum (2009): n. pag. Online. 2 June 2009. Available: http://www.ocmuseum.org/index.php/site/usls-serv_article/a_history_of_the_us_life_saving_service/.

Name: Hunnewell, F.A.
Record Type: Letter/Memorandum
Bibliographic Notes: Letter on Construction of a New Drill Pole at the Wallops Beach Station, 25 October 1927, National Archives, Records of the USCG (Record Group 26), Box 220, National Archives Building, Washington, D.C.

Name: Andrews, Ira
Record Type: Journal
Bibliographic Notes: Station Log Book: Wallops Beach (6th District). Wallops Island, Virginia: USCG, April 6, 1935–October 24, 1935.

Name: Virginia, Accomack County
Record Type: Census
Bibliographic Notes: Virginia, Accomack County, 1900 U.S. census, population schedule, roll T623_1697, page 19A. Online, 17 June 2009. <www.ancestry.com>

Virginia, Accomack County, 1910 U.S. census, population schedule, roll T624_1638, page 22A. Online, 17 June 2009. <www.ancestry.com>

Virginia, Accomack County, 1930 U.S. census, population schedule, roll 2433, page 1A. Online, 17 June 2009. <www.ancestry.com>

Name: Roth, David
Record Type: Article

Bibliographic Notes: Roth, David, "Virginia Hurricane History: 1901-1950," National Oceanic and Atmospheric Administration (2001): n. pag. Online. 17 June 2009. Available: <http://www.hpc.ncep.noaa.gov/research/roth/vahur.htm>.

Name: York

Record Type: Manuscripts

Bibliographic Notes: Giffels and Valet, Engineers and Architects, Detroit, Michigan, "General Plot Plan- Auxiliary Air Station, Chincoteague, Virginia." 1942.

Name: B. Whealton, John

Record Type: Journal

Bibliographic Notes: Whealton, John B., Station Log Book: Wallops Beach (Fifth District), U.S. Life-Saving Service. Wallops Island, Virginia: U.S. Life-Saving Service, 1884. P. March 22, 1884.

Name: National Park Service

Record Type: Article

Bibliographic Notes: ""Saints in Sou'westers": The U.S. Life-Saving Service." U.S.L.S.S. Living History Association (2003): n. pag. Online. 2 June 2009. Available: <http://www.lifesavingservice.org/>.

Name: U.S. Coast Guard

Record Type: Other

Bibliographic Notes: U.S. Coast Guard. "U.S. Coast Guard History." Historian's Office (2009): n. pag. Online. 2 June 2009. Available: http://www.uscg.mil/history/h_index.asp.

U.S. Coast Guard, Official Dispatch on Wallops Beach Station Construction, 20 August 1934, National Archives, Records of the USCG (Record Group 26), Box 200, National Archives Building, Washington, D.C.

Property Information

Property Names

Name Explanation	Name
Current	WFF # V-070 - Wallops Beach Station: Observation Tower

Property Evaluation Status

Not Evaluated

Property Addresses

Current - Island Road

County/Independent City(s):	Accomack (County)
Incorporated Town(s):	<i>No Data</i>
Zip Code(s):	23337
Magisterial District(s):	<i>No Data</i>
Tax Parcel(s):	<i>No Data</i>
USGS Quad(s):	CHINCOTEAGUE WEST

Additional Property Information

Architecture Setting:	Rural
Acreage:	.5

Site Description:

Located in a level area on the north end of Wallops Island, to the east of the former Main Station Building of the Wallops Beach Station (001-0027-0100) and west of Island Road.

Date of Fieldwork: January 2008: No changes to site since previous survey.

See DHR ID#: 001-0027-0100

Surveyor Assessment:

January 2008: Please see screen five of DHR ID#: 001-0027-0100 for the Wallops Beach Station, which covers the significance of both the Main Station Building and the Lookout Tower.

Surveyor Recommendation: Legacy

Ownership

Ownership Category	Ownership Entity
Federal Govt	U.S. National Aeronautics & Space Administration

Primary Resource Information

Resource Category:	Other
Resource Type:	Other
Date of Construction:	1936
Historic Time Period:	World War I to World War II (1917 - 1945)
Historic Context(s):	Architecture/Community Planning, Government/Law/Political
Architectural Style:	Other
Form:	<i>No Data</i>
Number of Stories:	<i>No Data</i>
Condition:	Fair
Interior Plan:	<i>No Data</i>
Threats to Resource:	Demolition

Architectural Description:

January 2008: The tall, four-story, square-plan tower is made of steel with concrete plinths supporting the four corner posts. The posts taper in toward the center as the tower rises. A concrete plinth also supports the base of the centrally located steel staircase. The staircase rises to a landing that supports another stair, that in turn rises in the opposite direction to a second landing. There are three landing areas that support staircases, before reaching the top of the structure that has metal grate flooring and a guardrail encircling the outside edge. Steel crossbeams and ties are found on each side of the structure and across the interior, supporting the stair landing platforms. The structure is in good condition and appears to have had no alterations over time.

Secondary Resource Information

Secondary Resource #1

Resource Category: *No Data*
Resource Type: *No Data*
Architectural Style: *No Data*
Form: *No Data*
Date of Construction: *No Data*
Condition: *No Data*
Threats to Resource: *No Data*
Architectural Description:
No Data

Historic District Information

Historic District Name: *No Data*
Local Historic District Name: *No Data*
Historic District Significance: *No Data*

CRM Events

Event Type: Survey:Phase II/Intensive

Project Review File Number: 2004-0147
Investigator: URS Group
Organization/Company: Unknown (DSS)
Sponsoring Organization: *No Data*
Survey Date: 1/12/2008
Dhr Library Report Number: AC-49
Project Staff/Notes:

Please see DHR ID#: 001-0027-0100 for the CRM Event Information.

Event Type: DHR Staff:HistDist, Contributing

DHR ID: 001-0027-0101
Staff Name: Holma, Marc
Event Date: 11/4/2004
Staff Comment

The consultant recommended that the Wallops Beach Lifeboat Station (DHR ID #001-0027-0100) and the Coast Guard Observation Tower as individually eligible under Criteria A & C. Their 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. DHR concurs that the Lifeboat Station (DHR ID #001-0027-0100) and the 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 (001-0027-0100).

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: 2003-0571
Investigator: URS Group
Organization/Company: Unknown (DSS)
Sponsoring Organization: *No Data*
Survey Date: 7/1/2004
Dhr Library Report Number: AC-49
Project Staff/Notes:

200 Orchard Ridge Drive, Suite 101

Gaithersburg, MD 20878

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: 2003-0571
Investigator: URS Group
Organization/Company: Unknown (DSS)
Sponsoring Organization: *No Data*
Survey Date: 8/8/2003
Dhr Library Report Number: AC-49
Project Staff/Notes:
7101 Wisconsin Avenue, Suite 700
Bethesda, MD 20814

Bibliographic Information

Bibliography:

No Data

Property Notes:

No Data

Project Bibliographic Information:

Name: URS Corporation
DHR CRM Report Number: AC-49
Record Type: Report
Bibliographic Notes: AC-49: Wallops Flight Facility Shoreline Restoration and Infrastructure Protection Program: Proposed Groin, Breakwater and Shoreline Cultural Resource Surveys, Accomack County, Virginia, November 2009. #2007-0087

Name: Giffels and Valet
Record Type: Map
Bibliographic Notes: "Map of Navy Auxiliary Air Station and Naval Ordnance Test Station, Chincoteague, Virginia." 1950.

Name: U.S. Navy
Record Type: Map
Bibliographic Notes: See 001-0027-0100 for complete significance statement.

Name: U.S. Navy
Record Type: Map
Bibliographic Notes: "Station Development Map – Naval Auxiliary Air Station, Naval Aviation Ordnance Test Station, Chincoteague, Virginia." 1953.

**APPENDIX G
FEDERAL LEGISLATION**

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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.

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(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

Archaeological Resources Protection Act of 1979

(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.

Archaeological Resources Protection Act of 1979

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 congressional 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.

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(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—

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(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.

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(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.

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(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].

Native American Graves Protection and Repatriation Act

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.

Native American Graves Protection and Repatriation Act

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)

The National Historic Preservation Act
As amended through December 19, 2014
and Codified in Title 54 of the United States Code

[The National Historic Preservation Act (“Act”) became law on October 15, 1966, Public Law 89-665, and was codified in title 16 of the United States Code. Various amendments followed through the years. On December 19, 2014, Public Law 13-287 moved the Act’s provisions from title 16 of the United States Code to title 54, with minimal and non-substantive changes to the text of the Act and a re-ordering of some of its provisions. This document shows the provisions of the Act as they now appear in title 54 of the United States Code.

The Act’s name (the “National Historic Preservation Act”) is found in the notes of the very first section of title 54. 54 U.S.C. § 100101 note. While Public Law 13-287 did not repeal the Act’s findings, for editorial reasons those findings were not included in the text of title 54. The findings are still current law. However, rather than citing to the U.S. Code, when referring to the findings one may cite to: “Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515.” For ease of use, this document reproduces the text of those findings before proceeding to the title 54 text.

Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515:

... (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
- (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.

Title 54 of the United States Code
Subtitle III—National Preservation Programs
Division A—Historic Preservation

Subdivision 1—General Provisions

Chapter 3001—Policy

Sec.
300101. Policy

54 U.S.C. § 300101. Policy

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

- (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property 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 historic property of the United States and of the international community of nations and in the administration of the national preservation program;
- (3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;
- (4) contribute to the preservation of nonfederally owned historic property 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
- (6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

Chapter 3003—Definitions

Sec.
300301. Agency.
300302. Certified local government.
300303. Council.
300304. Cultural park.
300305. Historic conservation district.
300306. Historic Preservation Fund.
300307. Historic preservation review commission.
300308. Historic property.
300309. Indian tribe.
300310. Local government.

- 300311. National Register.
- 300312. National Trust.
- 300313. Native Hawaiian.
- 300314. Native Hawaiian organization.
- 300315. Preservation or historic preservation.
- 300316. Secretary.
- 300317. State.
- 300318. State historic preservation review board.
- 300319. Tribal land.
- 300320. Undertaking.
- 300321. World Heritage Convention.

§ 300301. Agency

In this division, the term “agency” has the meaning given the term in section 551 of title 5.

§ 300302. Certified local government

In this division, the term “certified local government” means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

§ 300303. Council

In this division, the term “Council” means the Advisory Council on Historic Preservation established by section 304101 of this title.

§ 300304. Cultural park

In this division, the term “cultural park” means a definable area that—

- (A) is distinguished by historic property, prehistoric property, and land related to that property; and
- (B) constitutes an interpretive, educational, and recreational resource for the public at large.

§ 300305. Historic conservation district

In this division, the term “historic conservation district” means an area that contains—

- (1) historic property;
- (2) buildings having similar or related architectural characteristics;
- (3) cultural cohesiveness; or
- (4) any combination of features described in paragraphs (1) to (3).

§ 300306. Historic Preservation Fund

In this division, the term “Historic Preservation Fund” means the Historic Preservation Fund established under section 303101 of this title.

§ 300307. Historic preservation review commission

In this division, the term “historic preservation review commission” means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent that those professionals are available in the community; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and will provide for an adequate and qualified commission.

§ 300308. Historic property

In this division, the term “historic property” means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

§ 300309. Indian tribe

In this division, the term “Indian 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)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

§ 300310. Local government

In this division, the term “local government” means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

§ 300311. National Register

In this division, the term “National Register” means the National Register of Historic Places maintained under chapter 3021 of this title.

§ 300312. National Trust

In this division, the term “National Trust” means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 300313. Native Hawaiian

In this division, the term “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 Hawaii.

§ 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term “Native Hawaiian organization” means any organization that—

- (1) serves and represents the interests of Native Hawaiians;
- (2) has as a primary and stated purpose the provision of services to Native Hawaiians; and
- (3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

(b) INCLUSIONS.—In this division, the term “Native Hawaiian organization” includes the Office of Hawaiian Affairs of Hawaii and Hui Malama I Na Kupuna O Hawai’i Nei, an organization incorporated under the laws of the State of Hawaii.

§ 300315. Preservation or historic preservation

In this division, the term “preservation” or “historic preservation” includes—

- (1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;
- (2) education and training regarding the foregoing activities; or
- (3) any combination of the foregoing activities.

§ 300316. Secretary

In this division, the term “Secretary” means the Secretary acting through the Director.

§ 300317. State

In this division, the term “State” means—

- (1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and
- (2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

§ 300318. State historic preservation review board

In this division, the term “State historic preservation review board” means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

- (1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);
- (2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

- (A) review National Register nominations and appeals from nominations;
- (B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;
- (C) provide general advice and guidance to the State Historic Preservation Officer; and
- (D) perform such other duties as may be appropriate.

§ 300319. Tribal land

In this division, the term “tribal land” means—

- (1) all land within the exterior boundaries of any Indian reservation; and
- (2) all dependent Indian communities.

§ 300320. Undertaking

In this division, the term “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

- (1) those carried out by or on behalf of the Federal agency;
- (2) those carried out with Federal financial assistance;
- (3) those requiring a Federal permit, license, or approval; and
- (4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

§ 300321. World Heritage Convention

In this division, the term “World Heritage Convention” means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

Subdivision 2—Historic Preservation Program

Chapter 3021—National Register of Historic Places

Sec.

302101. Maintenance by Secretary.

302102. Inclusion of properties on National Register.

302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List.

302104. Nominations for inclusion on National Register.

302105. Owner participation in nomination process.

302106. Retention of name.

302107. Regulations.

302108. Review of threats to historic property.

§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

§ 302102. Inclusion of properties on National Register

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(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.

§ 302104. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (c).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (c).

(c) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

§ 302105. Owner participation in nomination process

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (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.

§ 302107. Regulations

The Secretary shall promulgate regulations—

- (1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;
- (2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and
- (3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

- (1) determine the kinds of historic property that may be threatened;
- (2) ascertain the causes of the threats; and
- (3) develop and submit to the President and Congress recommendations for appropriate action.

Chapter 3023—State Historic Preservation Programs

Sec.

302301. Regulations.

302302. Program evaluation.

302303. Responsibilities of State Historic Preservation Officer.

302304. Contracts and cooperative agreements.

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

- (1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, 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 division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—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) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—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—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

- (2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;
- (3) prepare and implement a comprehensive statewide historic preservation plan;
- (4) administer the State program of Federal assistance for historic preservation within the State;
- (5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;
- (6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;
- (7) provide public information, education, and training and technical assistance in historic preservation;
- (8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;
- (9) consult with appropriate Federal agencies in accordance with this division on—
 - (A) Federal undertakings that may affect historic property; and
 - (B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and
- (10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

§ 302304. Contracts and cooperative agreements

- (a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.
- (b) SECRETARY.—
 - (1) IN GENERAL.—
 - (A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:
 - (i) Identification and preservation of historic property.
 - (ii) Determination of the eligibility of property for listing on the National Register.
 - (iii) Preparation of nominations for inclusion on the National Register.
 - (iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.— Nothing in subparagraph (A) 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.

(2) REQUIREMENTS.—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) 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 the Officer is fully capable of carrying out the responsibility in that manner;

(D) 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 the contract or cooperative agreement; and

(E) 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 that responsibility.

(3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant program area under the Secretary’s authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary’s duties in each of those programs.

(4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.— Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

Chapter 3025—Certification of Local Governments

Sec.

302501. Definitions.

302502. Certification as part of State program.

302503. Requirements for certification.

302504. Participation of certified local governments in National Register nominations.

302505. Eligibility and responsibility of certified local government.

§ 302501. Definitions

In this chapter:

(1) DESIGNATION.—The term “designation” means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) PROTECTION.—The term “protection” means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

§ 302503. Requirements for certification

(a) APPROVED STATE PROGRAM.—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

- (1) enforces appropriate State or local legislation for the designation and protection of historic property;
- (2) has established an adequate and qualified historic preservation review commission by State or local legislation;
- (3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;
- (4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and
- (5) satisfactorily performs the responsibilities delegated to it under this division.

(b) NO APPROVED STATE PROGRAM.—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

§ 302504. Participation of certified local governments in National Register nominations

(a) NOTICE.—Before a property within the jurisdiction of a certified local government may be considered by a 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.

(b) REPORT.—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission’s opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) RECOMMENDATION.—

- (1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received

within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—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 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

Chapter 3027—Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations

Sec.

302701. Program to assist Indian tribes in preserving historic property.

302702. Indian tribe to assume functions of State Historic Preservation Officer.

302703. Apportionment of grant funds.

302704. Contracts and cooperative agreements.

302705. Agreement for review under tribal historic preservation regulations.

302706. Eligibility for inclusion on National Register.

§ 302701. Program to assist Indian tribes in preserving historic property

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) COMMUNICATION AND COOPERATION.—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—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) 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 property.

(c) TRIBAL VALUES.—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe’s chief governing authority.

(e) CONSULTATION.—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations Officers, and other interested parties concerning the program under subsection (a).

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

- (1) the Indian tribe’s chief governing authority so requests;
- (2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe’s chief governing authority or as a tribal ordinance may otherwise provide;
- (3) 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;
- (4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—
 - (A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);
 - (B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and
 - (C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and
- (5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

§ 302703. Apportionment of grant funds

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 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or

cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) 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 division; and

(3) 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—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

§ 302705. Agreement for review under tribal historic preservation regulations

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 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property 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) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) 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 the property to the National Register and to carry out the cultural component of the preservation program or plan.

Chapter 3029—Grants

Sec.

302901. Awarding of grants and availability of grant funds.

302902. Grants to States.

302903. Grants to National Trust.

302904. Direct grants for the preservation of properties included on National Register.

302905. Religious property.

302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups.

302907. Grants to Indian tribes and Native Hawaiian organizations.

302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

302909. Prohibited use of grant amounts.

302910. Recordkeeping.

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust 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 deemed to be one grant and shall be administered by the Service as one grant.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) IN GENERAL.—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) 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; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division 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 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NONFEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS.—

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.— Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds \$65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.— The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified 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 certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding \$90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) 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 303901 of this title.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As 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, and the Republic of Palau 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. 1901 et seq., 2001 et seq.), 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. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

- (1) such records as the Secretary shall prescribe, including records that fully disclose—
 - (A) the disposition by the recipient of the proceeds of the assistance;
 - (B) the total cost of the project or undertaking in connection with which the assistance is given or used; and
 - (C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and
- (2) such other records as will facilitate an effective audit.

Chapter 3031—Historic Preservation Fund

Sec.

303101. Establishment.

303102. Content.

303103. Use and availability.

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

§ 303102. Contents

For each of fiscal years 2012 to 2015, \$150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

Chapters 3033 Through 3037—Reserved

Chapter 3039—Miscellaneous

Sec.

303901. Loan insurance program for preservation of property included on National Register.

303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property.

303903. Preservation education and training program.

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section 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 the amount and rate established by the Secretary by regulation;

(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 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) INSURANCE CONTRACTS.—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.

(f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.— The Secretary shall specify, by regulation 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.

(g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.— In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure 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 historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.—

(1) **ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.—**In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) **DISPOSITION OF FUNDS.—**Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) **ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—**The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) **TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—**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 on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) **INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—**No debt obligation that is made or committed to be made, or that 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.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

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 property 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.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

- (1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;
- (2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;
- (3) 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
- (4) where appropriate, coordination with the National Center for Preservation Technology and Training of—
 - (A) distribution of information on preservation technologies;
 - (B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and
 - (C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

Subdivision 3—Advisory Council on Historic Preservation

Chapter 3041—Advisory Council on Historic Preservation

Sec.

304101. Establishment; vacancies.

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§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.—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:

- (1) A Chairman appointed by the President selected from the general public.
- (2) The Secretary.

- (3) The Architect of the Capitol.
- (4) The Secretary of Agriculture and the heads of 7 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.
- (9) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.
- (10) Three members from the general public, appointed by the President.
- (11) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (9), or (10) of subsection (a). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) QUORUM.—Twelve members of the Council shall constitute a quorum.

§ 304102. Duties of Council

(a) DUTIES.—The Council shall—

- (1) advise the President and 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 those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) 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 Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; 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.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose 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 this division.

§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title 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.

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General

Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—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.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.— The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council’s duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the 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 shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—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 that will participate in the activities of the international Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

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 the recommendations, testimony, or comments to Congress. When 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 the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—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 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—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 division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.— 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 Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, 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.

§ 304111. Reimbursements from State and local agencies

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 this division.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

- (1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;
- (2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and
- (3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

Subdivision 4—Other Organizations and Programs

Chapter 3051—Historic Light Station Preservation

Sec.

305101. Definitions.

305102. Duties of Secretary in providing a national historic light station program.

305103. Selection of eligible entity and conveyance of historic light stations.

305104. Terms of conveyance.

305105. Description of property.

305106. Historic light station sales.

§ 305101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the 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 section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term “Federal aid to navigation” means 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.

(B) INCLUSIONS.—The term “Federal aid to navigation” includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term “historic light station” includes the light tower, lighthouse, keeper’s 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 with a historic light station that is a historic property.

§ 305102. Duties of Secretary in providing a national historic light station program

To provide a national historic light station program, the Secretary shall—

- (1) collect and disseminate information concerning historic light stations;
- (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 chapter regarding the conveyance of historic light stations.

§ 305103. Selection of eligible entity and conveyance of historic light stations

(a) PROCESS AND POLICIES.—The Secretary and the Administrator shall maintain 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 the light station by the eligible entity.

(b) APPLICATION REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) 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 section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) CONSULTATION.—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.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary's selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to 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).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

§ 305104. Terms of conveyance

(a) IN GENERAL.—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, that the Administrator considers necessary to ensure that—

(1) 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;

(2) 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;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or 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;

(4) (A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) 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 section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed 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;

(6) 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 of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, 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 the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, 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 any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, 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 that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's

Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

§ 305105. Description of property

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security 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 historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light 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 historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

§ 305106. Historic light station sales

(a) IN GENERAL.—

(1) **WHEN SALE MAY OCCUR.**—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) **COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.**— 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.

(b) NET SALE PROCEEDS.—

(1) **DISPOSITION AND USE OF FUNDS.**—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard’s Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) **AVAILABILITY OF FUNDS.**—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard’s Operating Expense appropriation for that purpose.

Chapter 3053—National Center for Preservation Technology and Training

Sec.

305301. Definitions.

305302. National Center for Preservation Technology and Training.

305303. Preservation Technology and Training Board.

305304. Preservation grants.

305305. General provisions.

305306. Service preservation centers and offices.

§ 305301. Definitions

In this chapter:

(1) BOARD.—The term “Board” means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) CENTER.—The term “Center” means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

§ 305302. National Center for Preservation Technology and Training

(a) ESTABLISHMENT.—There is 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) PURPOSES.—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 historic property;

(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 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) PROGRAMS.—The 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 305304 of this title.

(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) ASSISTANCE FROM SECRETARY.—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.

§ 305303. Preservation Technology and Training Board

(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

(b) DUTIES.—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 Congress.

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary;

(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 archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

§ 305304. Preservation grants

(a) IN GENERAL.—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.

(b) GRANT REQUIREMENTS.—

(1) ALLOCATION.—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) STANDARDS AND METHODS.—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

§ 305305. General provisions

(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—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.

(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—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 chapter.

(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

§ 305306. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Chapter 3055—National Building Museum

Sec.

305501. Definitions.

305502. Cooperative agreement to operate museum.

305503. Activities and functions.

305504. Matching grants to Committee.

305505. Annual report.

§ 305501. Definitions

In this chapter:

(1) BUILDING ARTS.—The term “building arts” includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, 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.

(2) COMMITTEE.—The term “Committee” means 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.

§ 305502. Cooperative agreement to operate museum

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum 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. The cooperative agreement shall include provisions that—

- (1) make the site available to the Committee without charge;
- (2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and
- (3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

§ 305503. Activities and functions

The National Building Museum shall—

- (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.

§ 305504. Matching grants to Committee

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than \$500,000 may be provided to the Committee in any one fiscal year.

§ 305505. Annual report

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

Subdivision 5—Federal Agency Historic Preservation Responsibilities

Chapter 3061—Program Responsibilities and Authorities

Subchapter I—In General

Sec.

- 306101. Assumption of responsibility for preservation of historic property.
- 306102. Preservation program.
- 306103. Recordation of historic property prior to alteration or demolition.
- 306104. Agency Preservation Officer.
- 306105. Agency programs and projects.
- 306106. Review of plans of transferees of surplus federally owned historic property.
- 306107. Planning and actions to minimize harm to National Historic Landmarks.
- 306108. Effect of undertaking on historic property.
- 306109. Costs of preservation as eligible project costs.
- 306110. Annual preservation awards program.
- 306111. Environmental impact statement.
- 306112. Waiver of provisions in event of natural disaster or imminent threat to national security.
- 306113. Anticipatory demolition.
- 306114. Documentation of decisions respecting undertakings.

Subchapter II—Lease, Exchange, or Management of Historic Property

- 306121. Lease or exchange.
- 306122. Contracts for management of historic property.

Subchapter III—Protection and Preservation of Resources

- 306131. Standards and guidelines.

Subchapter I—In General

§ 306101. Assumption of responsibility for preservation of historic property

(a) IN GENERAL.—

(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.

(b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).

(c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

§ 306102. Preservation program

(a) ESTABLISHMENT.—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.

(b) REQUIREMENTS.—The program shall ensure that—

(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;

(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(4) 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 the private sector; and

(5) the agency's procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on 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 historic property will be considered; and

(c) 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 Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

§ 306105. Agency programs and projects

Consistent with the agency's missions and mandates, each Federal agency 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 division and give consideration to programs and projects that will further the purposes of this division.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that 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 the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306108. Effect of undertaking on historic property

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, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306109. Costs of preservation as eligible project costs

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

§ 306110. Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed \$1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

§ 306111. Environmental impact statement

Nothing in this division shall be construed to—

- (1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security

The Secretary shall promulgate regulations under which the requirements of this subchapter (except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

Subchapter II—Lease, Exchange, or Management of Historic Property

§ 306121. Lease or exchange

(a) **AUTHORITY TO LEASE OR EXCHANGE.**—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

- (1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and
- (2) may lease 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 ensure the preservation of the historic property.

(b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

Subchapter III—Protection and Preservation of Resources

§ 306131. Standards and guidelines

(a) STANDARDS.—

(1) IN GENERAL.—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Management and Budget shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on 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 division include plans to—

- (1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;
- (2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;
- (3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and
- (4) encourage owners that are undertaking archeological 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 subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

Subdivision 6—Miscellaneous

Chapter 3071—Miscellaneous

Sec.

307101. World Heritage Convention.

307102. Effective date of regulations.

307103. Access to information.

307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol.

307105. Attorney's fees and costs to prevailing parties in civil actions.

307106. Authorization for expenditure of appropriated funds.

307107. Donations and bequests of money, personal property, and less than fee interests in historic property.

307108. Privately donated funds.

§ 307101. World Heritage Convention

- (a) **AUTHORITY OF SECRETARY.**—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.
- (b) **PARTICIPATION BY UNITED STATES.**—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. 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.

(c) **NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.**— The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each 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 nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) **NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.**—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) **CONSIDERATION OF UNDERTAKING ON PROPERTY.**—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that 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 the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

§ 307102. Effective date of regulations

(a) **PUBLICATION IN FEDERAL REGISTER.**—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) **DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.**— The regulation shall not become effective if, within 90 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 in the resolution being appropriately filled.

(c) **FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.**—If at the end of 60 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 the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) **SESSIONS OF CONGRESS.**—For 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 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) **CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.**—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

§ 307103. Access to information

(a) **AUTHORITY TO WITHHOLD FROM DISCLOSURE.**—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic property; or
- (3) impede the use of a traditional religious site by practitioners.

(b) **ACCESS DETERMINATION.**—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) **CONSULTATION WITH COUNCIL.**—When information described in subsection (a) has been developed in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies 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.

§ 307105. Attorney's fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

§ 307106. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) **MONEY AND PERSONAL PROPERTY.**—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) **LESS THAN FEE INTEREST IN HISTORIC PROPERTY.**—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division 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.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

- (A) the national significance of the project;
- (B) its historical value to the community;
- (C) the imminence of its destruction or loss; and
- (D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

**APPENDIX H
SECRETARY OF THE INTERIOR'S STANDARDS:
STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES;
PROFESSIONAL QUALIFICATION STANDARDS**

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The Secretary of the Interior’s Standards for 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 AND 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 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

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.

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.

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.

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.

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.*

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.

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.

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**APPENDIX I
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 WFF's mission. The Preservation Plan should identify interior and exterior character-defining features, assess the overall condition of historic 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 to inspect and perform preservation 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.

Preservation 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
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.

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (USDI 1995) provides the principal guidelines for the treatment of historic properties and outlines practical approaches for preserving the integrity of historic materials and character-defining architectural features. 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. Stabilization 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 requires 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 metal architectural 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.

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 allow 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 identify 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.

Implementation of the Preservation and Maintenance Plan

Annual Building Inspection Form

With basic training in the identification and correction of deficiencies 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.

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).

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?					
Element	Condition			Comments	Date
	Good	Poor	N/A		
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?					

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 a window or between double-pane 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 signs of deterioration. Moisture, watermarks, cracks, rot or insect infestation, and condensation are all potential indicators of problems (Fram 1992:67).

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
- 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 spaces, 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;
- Have a regular maintenance program to extend equipment life and 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 NPS 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;
- 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. 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 frame of doors and windows, where moisture can infiltrate a concrete opening, 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 NPS Preservation Brief 1, *Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings* and 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 NPS 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;
- 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 to determine that cleaning is inappropriate for the particular metal and then test to ensure that the gentlest cleaning method possible is selected;
- Clean soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods;
- Use the gentlest cleaning methods for hard metals (cast iron, wrought iron, and steel) 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.

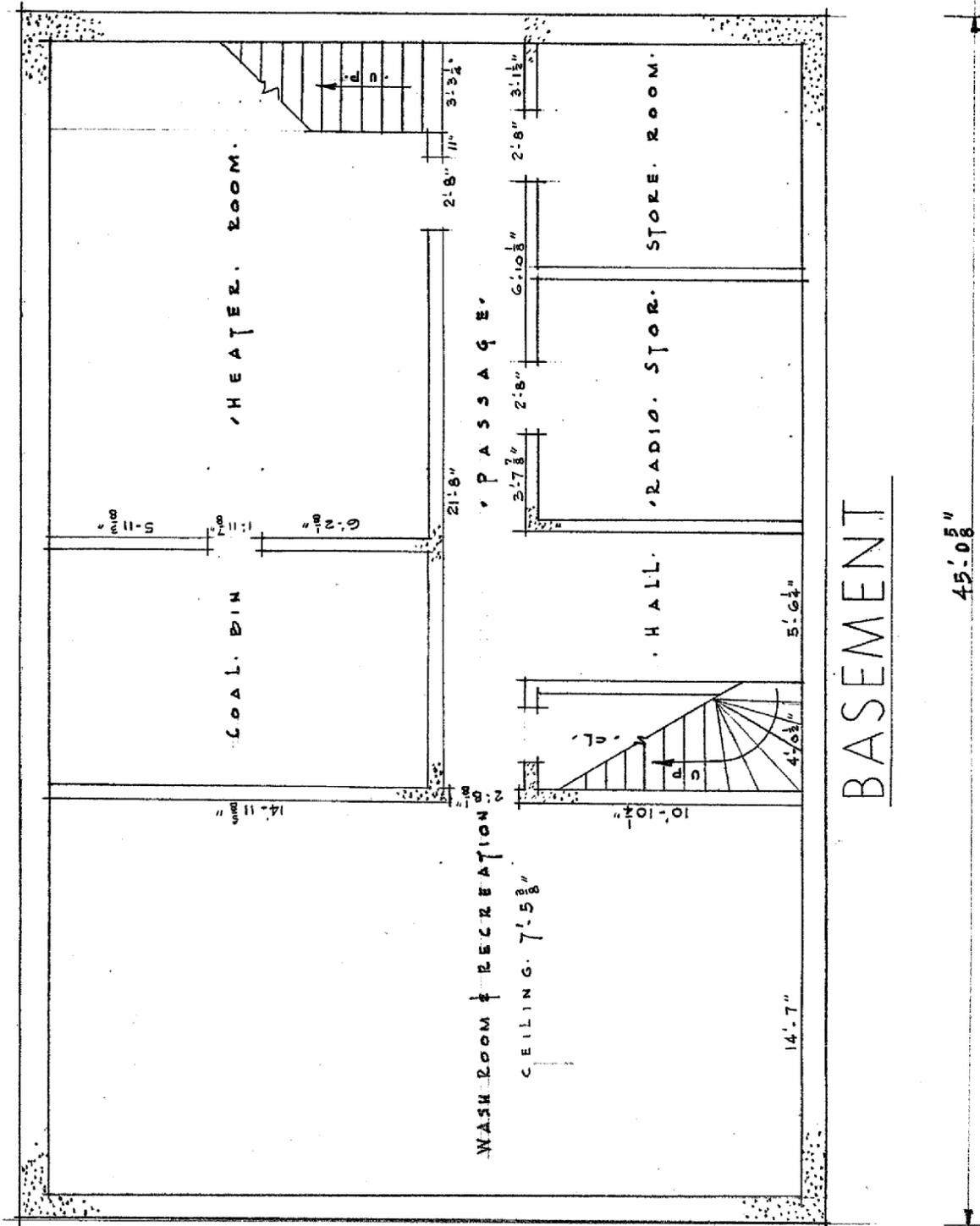
Guideline 8: Metal Windows

When dealing with metal windows, WFF's maintenance contractor should:

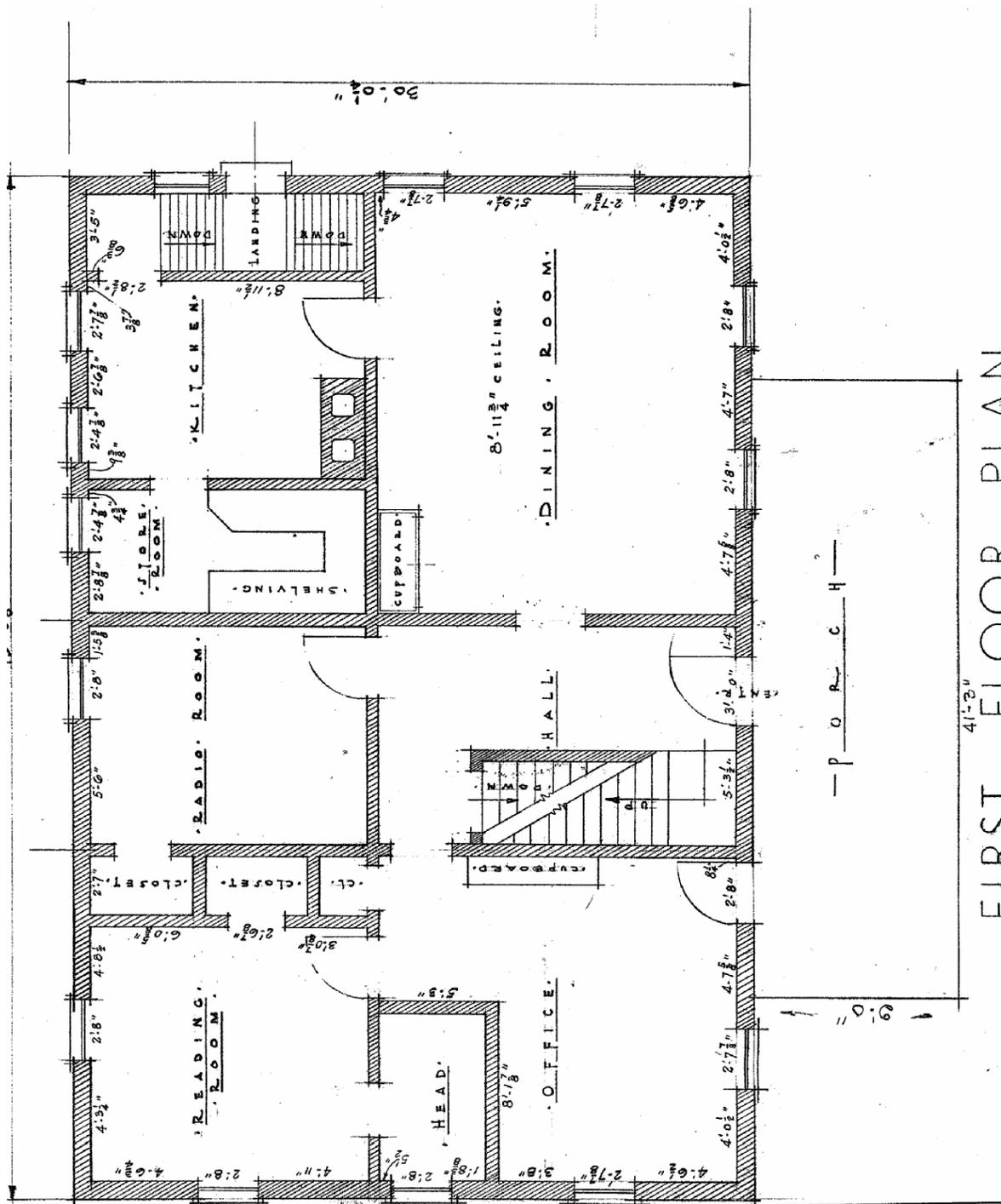
- Identify, retain, and preserve the existing windows – and their functional and decorative features – that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, paneled or decorated jambs and moldings, 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 window features will be required.
- For more information, refer to the NPS publication *The Window Handbook: Successful Strategies for Rehabilitating Windows on Historic Buildings* (Fisher 1986).

APPENDIX J
DRAWINGS: WALLOPS BEACH LIFE SAVING STATION
(VDHR #001-0027-0100)

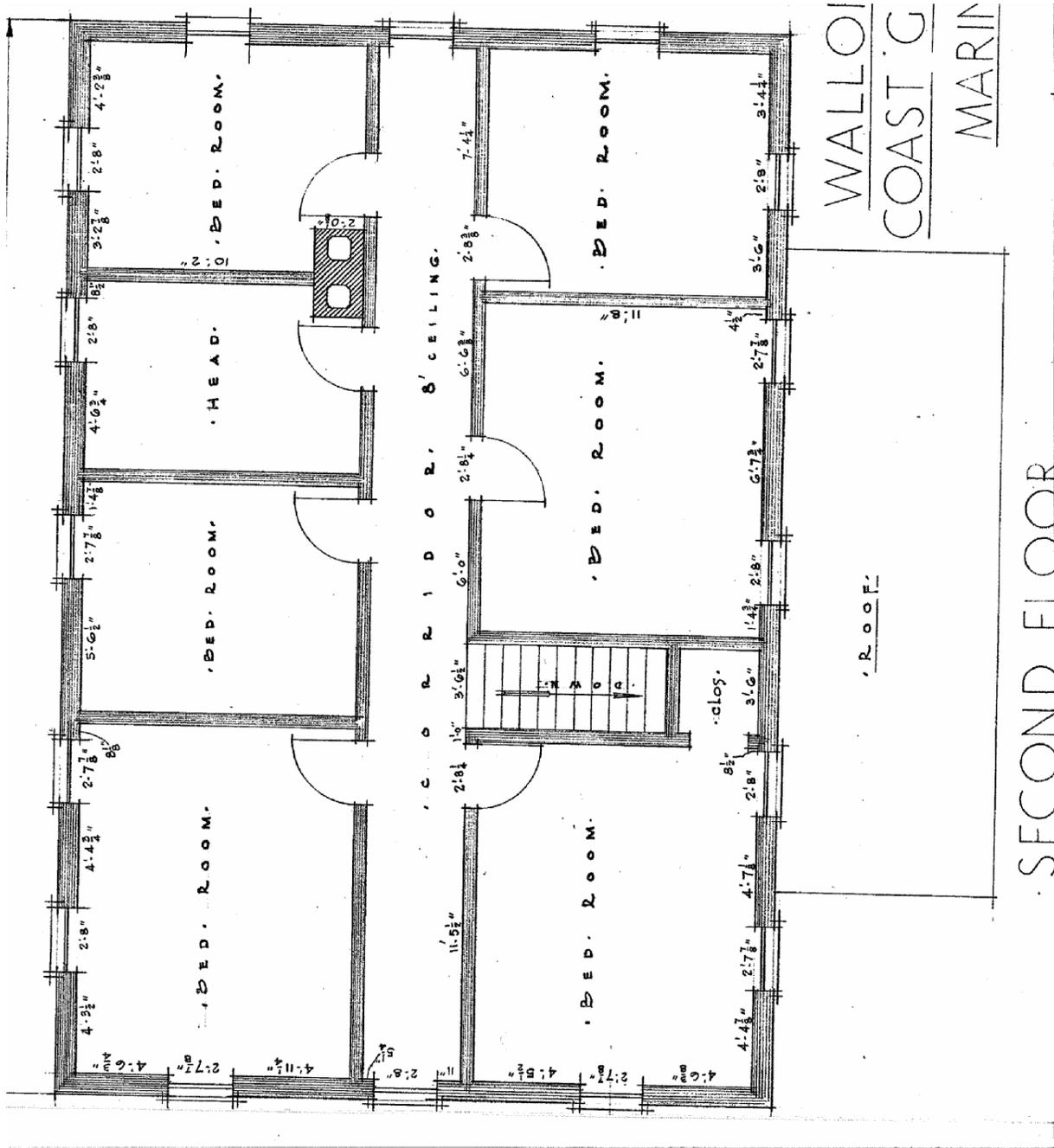
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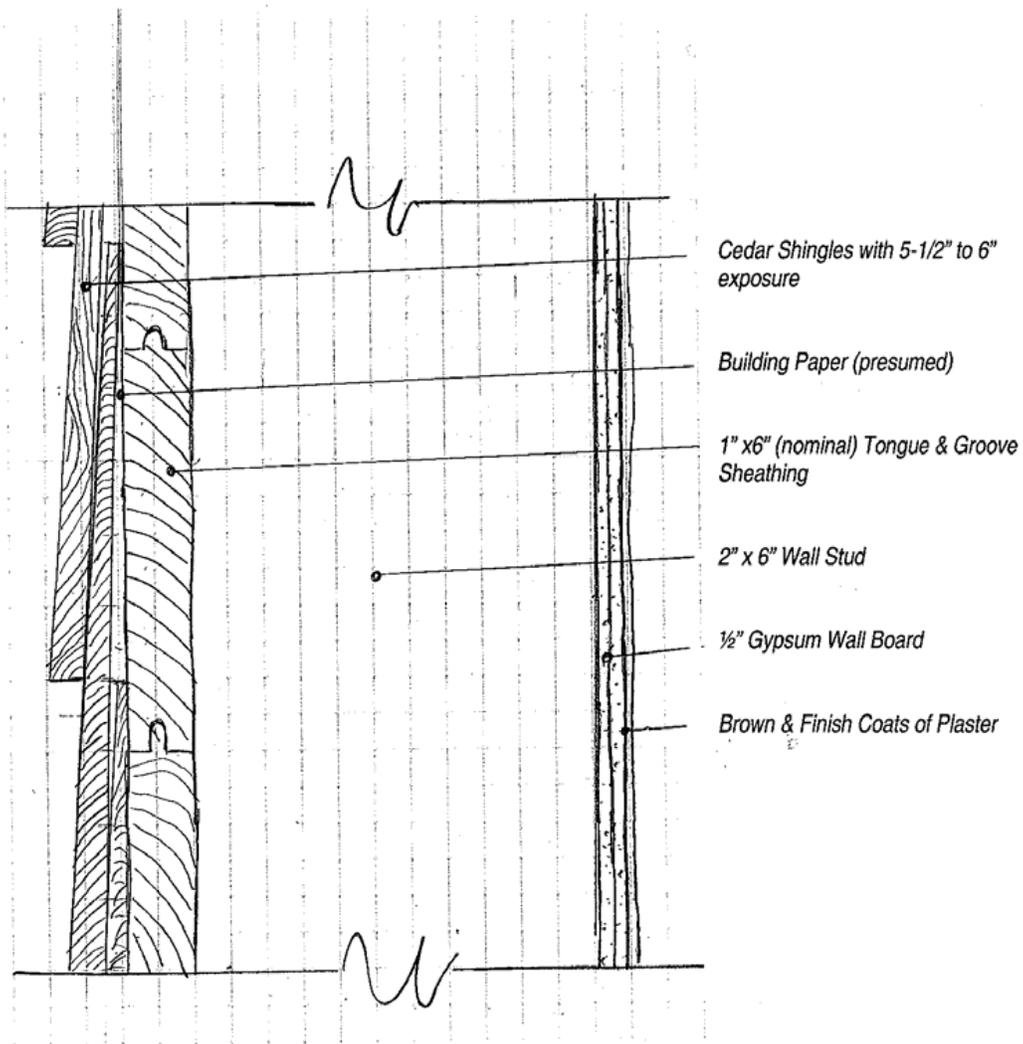
Wallops Beach Life Saving Station (VDHR #001-0027-0100), Basement Plan, December 20, 1951



Wallops Beach Life Saving Station (VDHR #001-0027-0100), First Floor Plan, December 20, 1951



Wallops Beach Life Saving Station (VDHR #001-0027-0100), Second Floor Plan, December 20, 1951



EXTERIOR WALL SECTION DETAIL (typical)

Scale: 1/2" = 1'-0"

LIFESAVING STATION
Wallops Island, Virginia

Date: June 2005

Wallops Beach Life Saving Station (VDHR #001-0027-0100), Exterior Wall Detail, June 2005

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**APPENDIX K
GLOSSARY**

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Glossary

Term	Definition
Advisory Council on Historic Preservation (ACHP)	An independent Federal regulatory commission that establishes standards for, and oversees, Federal compliance with historic preservation laws.
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 that 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"> • “associated funerary objects” which 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 will be considered as associated funerary objects; • “unassociated funerary objects” which 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; • “sacred objects” which mean specific ceremonial objects which are needed by traditional Native American religions by their present day adherents; and • “cultural patrimony” which means 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	Cultural resources include archaeological sites, historic buildings, historical records, Native American sacred and cultural areas and items, and historic landscapes.
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.
Federal Preservation Officer	A designated official responsible for overseeing NASA’s compliance with preservation laws.

Term	Definition
Historic property	Any prehistoric or historic district, site, building, structure, or object listed on, or eligible for listing in the National Register, including artifacts, records, and material remains related to such a property or resource.
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
Memorandum of Agreement (MOA)	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.
National Register of Historic Places (National Register)	A nationwide inventory of significant properties (prehistoric and history) worthy of preservation. Established under Section 101 of the National Historic Preservation Act.
Programmatic Agreement (PA)	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 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.
State Historic Preservation Office (SHPO)	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"> • those carried out by or on behalf of the agency; • those carried out with Federal financial assistance; • those requiring a Federal permit, license, or approval; or • those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

**APPENDIX L
PROJECT PERSONNEL**

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PROJECT MANAGER AND SENIOR ARCHITECTURAL HISTORIAN: LORI THURSBY

M.A.H. Architectural History, University of Virginia

B.E.D. Architecture, Miami University

Ms. Thursby is an architectural historian with more than 18 years of professional experience. As a Project Manager and Principal Investigator, she has successfully conducted and directed historical and architectural resource surveys in compliance with the National Historic Preservation Act (Sections 106 and 110) for federal and state agencies and private clients. She has completed numerous historical inventories, determinations of eligibility, and assessments of effect on a diverse range of property types. Ms. Thursby has prepared several Agreement documents and mitigation projects, including Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) documentations. Ms. Thursby's technical experience also includes National Environmental Policy Act (NEPA) project management and impact analysis.

HISTORIAN: JENNIFER BRYANT

M.A. History and Public History, University of Colorado at Denver

B.A. History and Anthropology, University of Colorado at Boulder

Ms. Bryant, a Historian, has more than 10 years of experience in conducting historical investigations, intensive architectural surveys, cultural resources surveys, and conservation projects for local, state, and museum clients. She has prepared historical contexts and evaluations of cultural resources in the areas of history, historic preservation, architectural history, archaeology, and artifact conservation. Ms. Bryant has assessed National Register of Historic Places eligibility for buildings, linear resources, and potential historic districts for the preparation of National Historic Preservation Act (Section 106) documentation. She has prepared architectural inventory forms and photo documentation using both digital and large-format black and white photography in accordance with National Register standards as well as HABS/HAER standards. Additionally, she has performed HABS/HAER level documentation in multiple states for a variety of clients.

ARCHAEOLOGIST: ALLISON PARRISH

B.A. Anthropology, University of Denver

Ms. Parrish is a staff archaeologist with seven years of experience in environmental consulting, and has contributed to multiple cultural resources and NEPA projects throughout the western United States. Ms. Parrish has worked extensively in North Dakota, South Dakota, Colorado, Arizona, and Nevada, with some experience in Montana, New Mexico, Wyoming, and Virginia. Ms. Parrish is trained in all archaeological field methods, and has participated in Class I, II and III archaeological surveys, Phase I, II and III archaeological excavations, and historic structures surveys. Ms. Parrish is responsible for and adept at a variety of tasks in the field, including the completion of applicable forms, descriptions, maps, photography, illustration/sketching/profiling, artifact tallies, and evaluation of resource National Register eligibility. Ms. Parrish has completed pre-and-post field research and post-field reports, including both project reports and sections of Environmental Assessments (EAs) and Environmental Impact Statements (EISs).

SENIOR ARCHAEOLOGIST: KIMBERLY SEBESTYEN

M.A. American Studies, Pennsylvania State University

B.A. Anthropology, Kutztown University

Ms. Sebestyen has 19 years of experience conducting and managing historic and prehistoric archaeological investigations, including Phase IA assessments, Phase I surveys, Phase II evaluations, and Phase III data recoveries. She has worked throughout the Mid-Atlantic, northeastern, and southeastern United States. She has extensive lab work experience including the processing and identification of both historic and prehistoric artifacts, database creation and maintenance, curation of artifact collections to state and federal standards, processing of floatation samples, and curation of photographic and record documentation. Ms. Sebestyen has also assisted in historic structures survey and determinations of eligibility, NEPA clearance for cell and emergency services towers, viewshed analyses, development of Memorandums of Agreement, tribal consultation, development of public involvement plans, and public meetings.

National Aeronautics and Space Administration

Wallops Flight Facility

Wallops Island, VA 23337

www.nasa.gov/centers/wallops

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