



DEPARTMENT OF DEFENSE CULTURAL RESOURCE PROGRAM

CULTURAL RESOURCES *UPDATE*

November/ December 2012 Edition

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New Army, American Indian, Alaska Native Policy

From the Office of the Assistant Secretary of the Army for Installations, Energy and Environment

In January 2012, the Assistant Secretary of the Army for Installations, Energy and Environment initiated consultation with federally recognized tribes to develop a Department of the Army American Indian Alaska Native policy. During the following months, the Department of the Army corresponded with and met with tribal representatives to develop the policy. The *Army American Indian Alaska Native Policy* was signed by the Secretary of the Army John M. McHugh on October 24th, 2012. The policy aligns with and builds on DoD's policy. The Secretary of the Army American Indian Alaska Native Policy is a milestone for the Army. It is the first American Indian Alaska Native policy signed by the Secretary of the Army and institutionalizes principles for Department of the Army interaction with federally recognized tribes.

The policy recognizes the Army's responsibilities to federally recognized tribes derived from the federal trust doctrine, treaties, and agreements. It commits the Army to build stable and enduring government-to-government relations with federally recognized tribes, and to communicate with federally recognized tribes on a government-to-government basis in recognition of their sovereignty. It recognizes, respects and takes into consideration the significance that federally-recognized tribes ascribe to protected tribal resources on Army managed lands, and recognizes the importance of understanding and addressing the concerns of federally-recognized tribes prior to reaching decisions on matters that may affect tribal rights, tribal lands or protected tribal resources.

The *Army American Indian Alaska Native Policy* commits to fully integrate these principles at all organizational levels in the Army and sets the Army's strategic direction to further improve and strengthen tribal relations. Aware that the United States Army and Indian tribes have a complex historical relationship, it's clear why this policy is truly a historic moment for Army-Indian relations. The Army's next step is to implement the policy and will now develop implementing guidance in consultation with federally recognized tribes. The policy memorandum is posted at: www.asaie.army.mil/Public/ESOH/enviro_quality.html.



(Photo: Among those pictured, Ms. Hammack (ASA-IEE) front row center, and Mr. John Conger (Acting DUSD-I&E) back row fourth from right)



November is Native American Heritage Month



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CONFERENCES,
MEETINGS,
AND MORE

**NATIONAL CONFERENCE OF STATE
PRESERVATION OFFICERS ANNUAL
CONFERENCE**

PLACE: WASHINGTON, D.C.

DATE: 25-27 FEBRUARY 2013

**SOCIETY FOR AMERICAN
ARCHAEOLOGY ANNUAL
CONFERENCE**

PLACE: HONOLULU, HI

DATE: 2-7 APRIL 2013

...TO INCLUDE:

- ⇒ THE DOD CULTURAL
RESOURCE PROGRAM TOWN
HALL MEETING FOR DOD
CRMS
- ⇒ THE MILITARY
ARCHAEOLOGICAL RESOURCES
STEWARDSHIP INTEREST GROUP
MEETING

MOU on Sacred Sites Signed by Four Cabinet Departments

From the Advisory Council on Historic Preservation

Four cabinet-level departments joined the Advisory Council on Historic Preservation (ACHP) today in signing a Memorandum of Understanding (MOU) to improve the protection of Indian sacred sites. The MOU also calls for improving tribal access to sites. It was signed by the ACHP's chairman, and the secretaries of the Departments of Agriculture, Defense, Energy and the Interior. "Through collaboration and consultation, the signatory agencies will work to raise awareness about Indian sacred sites and the importance of maintaining their integrity. The tools to be developed under this MOU will help all federal agencies meet their Section 106 responsibilities," said Milford Wayne Donaldson, FAIA, ACHP chairman. "The Advisory Council on Historic Preservation is very pleased to be part of this historic initiative to address the protection and preservation of Indian sacred sites."

Section 106 of the National Historic Preservation Act requires all federal departments and agencies to consider possible adverse effects to historic properties before funding, licensing or initiating projects that might harm such sites. Section 106 implementation regulations also require involvement of tribal officials and notifications of Indian tribes and consultations on a nation-to-nation basis when such federal undertakings involve Indian lands or sacred sites.

"The President is insistent that these Sacred Sites be protected and preserved: treated with dignity and respect. That is also my commitment as Secretary of USDA," said Agriculture Secretary Tom Vilsack. "I know my fellow Secretaries share in this commitment. We understand the importance of these sites and will do our best to make sure they are protected and respected." "We have a special, shared responsibility to respect and foster American Indian and Alaska Native cultural and religious heritage, and today's agreement recognizes that important role," said Secretary of the Interior Ken Salazar. "Inter-agency cooperation fosters our nation-to-nation relationship with tribes, and that's certainly true when it comes to identifying and avoiding impacts to the sites that tribes hold sacred."

"American Indian service members are fighting to protect America on distant battlefields," said Defense Secretary Leon Panetta. "I'm pleased this new agreement will help protect Indian sacred sites here at home." "Protecting America's air and water and our nation's heritage is an important part of the Energy Department's commitment to Tribal Nations across the country, particularly those that are neighbors to the Department's National Laboratories, sites and facilities," said Energy Secretary Steven Chu. "I look forward to continuing this important work and collaborating with other federal agencies and Tribal Nations to protect Indian sacred sites throughout the U.S."

The MOU will be in effect for five years. It requires participating agencies to determine inter-agency measures to protect sacred sites. It also sets up a framework for consultation with tribes, creation of a training program for federal employees to provide educational opportunities concerning legal protections and limitations related to protection of the sites, creation of a Web site that includes links to federal agency...

(Continued on Next Page...)

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...responsibilities regarding sacred sites and the establishment of management practices that could include collaborative stewardship of those sites. The MOU calls for development of guidance for management and treatment of sacred sites including creation of sample tribal-agency agreements. It sets up a public outreach plan to maintain, protect and preserve the sites, and calls for identification of impediments to federal-level protection of the sites. Additionally, the MOU provides for outreach to non-federal partners, tribal capacity-building efforts and it establishes a working group to implement the terms of the agreement.

To view the MOU visit http://www.achp.gov/docs/SacredSites-MOU_121205.pdf. To read the definition of a "sacred site" as defined in Executive Order 13007 visit: www.achp.gov/docs/EO13007.pdf.

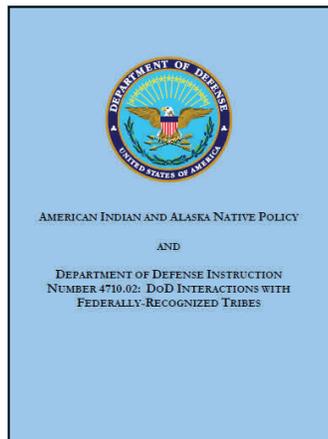
Highlight – DoD Policy on Tribal Consultation

From the DoD Cultural Resource Program, Office of the Under Secretary of Defense for Installations and Environment

Given that November was American Indian and Alaska Native Heritage Month, it is opportune to highlight the Department of Defense's current policy for DoD-wide interactions with federally recognized tribes. Issued as a DoD Instruction (4710.02) in September of 2006, the policy applies to most DoD organizational entities, to include the Military Services. Among other things, the DoDI 4710.02 sets DoD policy to:

- Build stable and enduring government-to-government relations with federally-recognized tribal governments in a manner that sustains the DoD mission and minimizes effects on protected tribal resources [as directed];
- Fully integrate, down to staff officers and civilian officials at the installation level, the principles and practices of meaningful consultation and communication with tribes [as directed]; and,
- Take into consideration the significance that tribes ascribe to protected tribal resources on protected land [as directed].

In addition, DoDI 4710.02 sets forth responsibilities and procedures for implementation of the policy. To read this Instruction in its entirety or for more on DoD's American Indian and Alaska Native policies generally, visit: www.denix.osd.mil/na/upload/American-Indian-and-Alaska-Native-Policy-Booklet-Version-2-for-Web-Posting.pdf. Additionally, it is important to mention DoD Instruction 4710.03 "Consultation With Native Hawaiian Organizations". View this policy at: www.denix.osd.mil/na/upload/DoDI-4710-03-Consultation-with-Native-Hawaiian-Organizations-Oct-2011-for-Web-Posting.pdf. View the Office of the Under Secretary of Defense's Native American Affairs home web page with various other information at: www.denix.osd.mil/na.



SEMINARS, COURSES, AND MORE

DoD ADVANCED HISTORIC PRESERVATION LAW & SECTION 106 COMPLIANCE (VIA NAVAL CECOS)

WWW.NETC.NAVY.MIL/CENTERS/CSFE/CECOS/COURSELIST.ASPX?DIV=4

PLACE: JB PEARL-HICKHAM, HI
DATE: 5-7 FEB 2013

...
PLACE: FT. BELVOIR, VA
DATE: 7-9 MAY 2013

...
PLACE: NTC GREAT LAKES, IL
DATE: 4-6 JUNE 2013

DoD INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS & REGS (VIA NAVAL CECOS)

WWW.NETC.NAVY.MIL/CENTERS/CSFE/CECOS/COURSELIST.ASPX?DIV=4

PLACE: SCHOLFIELD BARRACKS, HI
DATE: 12-14 FEB 2013

ALSO SEE THE NEW ACHP SECTION 106 TRAINING SCHEDULE FOR 2013 AT WWW.ACHP.GOV/106SELECT.HTML

ALSO SEE THE NEW NATIONAL HISTORIC LANDMARK'S WEBINARS AT WWW.NPS.GOV/TRAINING/NRS

ALSO SEE THE NATIONAL PRESERVATION INSTITUTE'S SEMINAR LISTING AT WWW.NPI.ORG/SEMINARS

New HUD Tribal Notification Database

From the Advisory Council on Historic Preservation

To assist its grant recipients, the Department of Housing and Urban Development (HUD) has recently launched a database, *HUD's Tribal Directory Assessment Tool (TDAT)*, which allows users to quickly identify which Indian tribes have expressed an interest in a particular county. Although the intended audience is HUD's grant recipients, it is available online for anyone to use. With this tool, any federal agency will be able to quickly identify which Indian tribes should be invited to consult in the Section 106 process for any undertaking.

The database also provides contact information for the tribal leader and the Tribal Historic Preservation Officer. Federal agencies have long recognized the need for a database that includes information about which Indian tribes to consult [with by region]. The Bureau of Indian Affairs maintains a list of tribal leaders with contact information, but it does not include areas of interest to each of the tribes. The Federal Communications Commission developed such a database, but it is only available to its applicants.

Visit <http://egis.hud.gov/tdat/Tribal.aspx> for more information and to access the TDAT.

SECDEF Environmental Award Criteria Updated & Call for Nominations

From the DoD Cultural Resource Program, Office of the Under Secretary of Defense for Installations and Environment

A recent memorandum from the Acting Deputy Under Secretary of Defense for Installations and Environment, Mr. John Conger, requested nominations from each Military Service Assistant Secretary and the Directors of the Defense Agencies for the 2013 Secretary of Defense Environmental Awards.

Importantly, the award criteria have changed since last year. Other than for acquisition, the evaluation criteria were standardized into six broad areas for all award categories (program management, technical merit, orientation to mission, transferability, stakeholder interaction, and project impact) with more evaluation specific to each award category spelled out in that category.

For complete details and instructions, visit <https://www.denix.osd.mil/awards/FY12SECDEF.cfm>.



New Program Comment on Post-1945 Concrete and Steel Bridges

From the Federal Highway Administration

At the request of the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP) has issued a Program Comment that will eliminate individual historic review requirements under Section 106 of the National Historic Preservation Act for common post-1945 concrete and steel bridges and culverts. The Program Comment is available for use by any Federal agency, though the FHWA must develop a list of common bridges that are of exceptional significance and that will also not be covered by the Program Comment for each state wishing to use the Program Comment.

The intent of Program Comment is to ensure that more unique historic bridges receive the attention they deserve while the process is substantially streamlined for common, “cookie-cutter” bridges that are unlikely to be significant for preservation in place. These bridges were constructed in vast numbers after World War II using standardized plans. Although there has been little public interest in the preservation of these common bridges and culverts, FHWA was required under Section 106, to consider and document the potential historic significance of any bridge approaching 50 years of age that might be affected by FHWA projects.

This new Program Comment applies to effects of undertakings on certain common concrete and steel bridges lacking distinction, not previously listed or determined eligible for listing on the National Register, and not located in or adjacent to historic districts. It makes no findings regarding the historic significance of the bridges included under its terms, but goes directly to treatment for these types of bridges which in any case are not likely to be preserved in place. The Program Comment also obligates FHWA to carry out certain programmatic mitigation to address the potential loss of some historic bridges under its terms.

The Program Comment is not a waiver for bridge projects. It eliminates case-by-case review for bridges and culverts meeting the criteria, while retaining the requirement for FHWA to consider the effects of its actions on any other historic properties affected by a proposed project. The Program Comment supports the FHWA Administrator's Every Day Counts initiative, as well as the provisions contained within MAP-21 to improve the efficiency of the environmental review process. The FWHA estimates that the action could exempt almost 200,000 bridges and culverts from individual reviews and save taxpayers \$78 million over the next 10 years.

See www.environment.fhwa.dot.gov/histpres/bridges.asp for examples of common bridges covered by the Program Comment. The full text of the Program Comment is available at: www.gpo.gov/fdsys/pkg/FR-2012-11-16/pdf/2012-27866.pdf.



For examples of common bridges covered by the Program Comment, visit:
www.environment.fhwa.dot.gov/histpres/bridges.asp



Revision of the Secretary of the Interior's Professional Qualification Standards

From the NPS National Center for Preservation Technology and Training

The National Park Service intends to revise the Secretary of the Interior's Historic Preservation Professional Qualifications Standards, which are authorized by the National Historic Preservation Act (NHPA). These standards apply to each statutorily identified discipline as it is practiced in historic preservation nationwide.

Five disciplines were addressed in 1983 according to the statutory provisions then in place. A proposed [revised] version of these standards was published last on June 20, 1997. Unfortunately, though comments were received, it was not possible to proceed with the requisite analyses and revisions sufficient for publication of the final standards [at that time]. This new current initiative will provide another publication of proposed standards for public comment after appropriate preliminary consultation with organizations, institutions, and agencies at all levels of government. The Secretary of the Interior's Historic Preservation Professional Qualifications Standards outline the minimum education, experience, and products that together provide an assurance that the program and project manager, applicant, employee, consultant, or advisor will be able to perform competently on the job and be respected within the larger historic preservation community. Information about the activities and progress will be posted on the NCPTT website: www.ncptt.nps.gov/articles/c2a/soi-professional-qualification-standards/.

New Solar Installation Resources Available

From Preserve America News

Two new resources concerning installation of solar panels on historic buildings are now online. The Department of Energy, the National Trust for Historic Preservation and the North Carolina Solar Center has collaborated to produce *Installing Solar Panels on Historic Buildings: A Survey of the Regulatory Environment* (http://ncsc.ncsu.edu/wp-content/uploads/Installing-Solar-Panels-on-Historic-Buildings_FINAL_2012.pdf). Also, the National Park Service has posted a new web site on the topic (<http://www.nps.gov/tps/sustainability/new-technology/solar-on-historic.htm>).

Ms. Serena Bellew, DoD Deputy Federal Preservation Officer, is temporarily also Acting DoD Senior Advisor and Liaison for Native American Affairs. (A new, permanent replacement will begin in approximately 3 months time.)

Mr. David Sanborn no longer serves in that capacity as he has since left DoD for the Native American Indian Housing Council based in Washington, DC., where he is the Executive Director.

The US Green Building Council's new Green Building Information Gateway (GBIG) has just gone live at www.gbig.org. According to the website, "GBIG is a global innovation platform for exploring and comparing the green dimensions of the built environment." *Use the GBIG to explore case studies of LEED buildings, GIS maps, comparison charts of LEED projects, and more.*

The DoD Legacy Resource Management Program welcomes Ms. Kelly Merrifield as the new Cultural Resources Component Lead. She comes to DoD from the National Park Service and has a background in the historic built environment.

CULTURAL RESOURCES UPDATE

To Contribute to this Newsletter:

The DoD Cultural Resource Program welcomes information, news, briefs, announcements, photos, articles, suggestions, questions, etc. that relate to cultural resource activities on installations, within regions or information that generally pertains to DoD and Military Service cultural resource endeavors.

To contribute, email Serena.Bellew@osd.mil.

Office of the Deputy Under Secretary of Defense for Installations and Environment, Environmental Management Directorate, Cultural Resources Program



The Department of Defense maintains thousands of historic and cultural resources, which form an integral part of mission support and readiness. The Department's cultural resources are the Nation's assets and the Department holds these resources in trust for future generations. As stewards of the nation's largest inventory of Federally owned or managed historic properties, DoD strives to maintain, promote, and interpret the resources it manages, both to support the mission and to preserve military heritage for future generations. Cultural resources are mission enhancing assets, connecting our fighting men and women with their proud history and traditions. The Department continues to use and maintain some of the nation's most prized cultural properties as an integral part of mission support and readiness.

The DoD historic property portfolio includes a total of 73 National Historic Landmarks, 694 entries on the National Register for Historic Places, and over 19,000 individual historic properties, including over 16,700 known archaeological sites and 3,200 historic buildings. The majority of these resources are managed at the installation level by the Services, working closely with various stakeholders, including Indian tribes, State Historic Preservation Offices, and the Advisory Council on Historic Preservation. This ensures DoD's compliance with applicable Federal laws, Executive Orders, and regulations, while simultaneously supporting the multiple missions of DoD.

Office of the Deputy Under Secretary of Defense for Installations and Environment, Environmental Management Directorate, Legacy Resource Management Program



The Legacy program was established by Congress in 1990 to provide financial assistance to DoD to preserve our natural and cultural heritage. The program assists the DoD in protecting and enhancing resources while supporting military readiness. A Legacy project may involve regional ecosystem management initiatives, habitat restoration and enhancement efforts, invasive species control, monitoring species at risk and species of concern, economics of historical preservation, cultural resources data management, communication, partnerships and public awareness, and/or context and model development.

Visit www.DoDLegacy.org for more information.

The *DoD Cultural Resources UPDATE* is sponsored by the DoD Cultural Resource Program.

Requests to be added to or removed from the Cultural Resources *UPDATE* distribution list may be sent to Serena.Bellew@osd.mil.

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