

**PROGRAMMATIC AGREEMENT  
DE-GM58-22NA25554  
AMONG THE  
U.S. DEPARTMENT OF ENERGY  
AND THE  
NEVADA STATE HISTORIC PRESERVATION OFFICER  
AND THE  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
CONCERNING THE  
PROTECTION OF HISTORIC PROPERTIES ON THE  
NEVADA NATIONAL SECURITY SITE, NYE COUNTY, NEVADA**

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**WHEREAS**, the U.S. Department of Energy (DOE) is responsible for the management of the Nevada National Security Site (NNSS) and must assess the effects of its federal undertakings upon historic properties pursuant to Title 54 United States Code (USC) § 306108, commonly known as Section 106 of the National Historic Preservation Act (NHPA), Title 54 USC § 300101, et seq., and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800; and

**WHEREAS**, the NNSS contains thousands of archaeological sites, hundreds of buildings and structures of historic age, traditional cultural properties, and several defined historic districts; and

**WHEREAS**, cultural resource management at the NNSS is one part of a large set of planning activities that have the responsible use of the NNSS built environment and landscape in support of the DOE missions as their common goal; and

**WHEREAS**, the DOE has determined that the evolving missions of the NNSS in the areas of national security and defense, environmental management, and nondefense-related activities (such as general site support and infrastructure, conservation and renewable energy programs, and other research and development) may have both direct and indirect effects on historic properties; and

**WHEREAS**, the DOE has consulted with the Nevada State Historic Preservation Officer (SHPO), pursuant to Section 106 of the NHPA and 36 CFR § 800.14(b)(2), who is a Signatory to this Programmatic Agreement (PA) and has an interest in continuing its cooperative relationship with the DOE to facilitate a more effective and efficient Section 106 consultation process and promote activities of mutual benefit; and

**WHEREAS**, the DOE, in accordance with 36 CFR § 800.6(a)(1)(C), has notified the Advisory Council on Historic Preservation (ACHP) of the development of this PA and the ACHP has elected to participate per 36 CFR Part 800, Appendix A(c)1, and is a Signatory; and

**WHEREAS**, the DOE, in consultation with the SHPO and the ACHP, developed this PA per 36 CFR § 800.14(b) to ensure the timely implementation of essential mission

operations while considering the potential effects of those operations on historic properties; and

**WHEREAS**, the DOE is consulting with the Chemehuevi Indian Tribe, Colorado River Indian Tribes, Kaibab Band of Paiutes, Las Vegas Paiute Tribe, Moapa Band of Paiutes, Pahrump Paiute Tribe, Paiute Indian Tribe of Utah, Duckwater Shoshone Tribe, Ely Shoshone Tribe, Timbisha Shoshone Tribe, Yomba Shoshone Tribe, Benton Paiute Tribe, Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Fort Independence Indian Reservation, and Lone Pine Paiute-Shoshone Reservation (collectively referred to as the Tribes) and has invited the Tribes to participate as Concurring Parties to this PA. The Tribes will be consulted in the future as detailed in this PA. It is understood that the Tribes' participation does not necessarily imply an endorsement of any undertaking in part or as a whole; and

**WHEREAS**, the DOE has notified the Counties of Clark and Nye and the Nevada Test Site Historical Foundation and has invited them to express their views and participate in the development of this PA pursuant to 36 CFR § 800.14(b)(2)(ii), with Nye County indicating interest. The DOE has invited these parties to participate as Concurring Parties to this PA; and

**NOW, THEREFORE**, the DOE, the SHPO, and the ACHP agree that undertakings on the NNSS shall be administered in accordance with the stipulations of this PA to satisfy the DOE's responsibilities under Section 106 of the NHPA.

## **DEFINITIONS AND ACRONYMS**

Specific terms and acronyms used herein are located in Appendix E. Specific terms used herein, and not defined herein, have the meanings given them in 36 CFR § 800.16.

## **STIPULATIONS**

The DOE shall ensure that the following stipulations are followed:

### **I. SCOPE OF AGREEMENT**

- A. The NNSS comprises approximately 1,360 square miles of land in southern Nye County, Nevada, managed by the DOE. The provisions of this PA shall apply to all undertakings on the NNSS except for the modernization and operations undertaking efforts in the Mercury Historic District (MHD). The MHD modernization and operations undertaking is implemented in accordance with the *Programmatic Agreement between the National Nuclear Security Administration Nevada Field Office and the Nevada State Historic Preservation Officer Regarding Modernization and Operational Maintenance for the Nevada National Security Site, at Mercury in Nye County, Nevada*.
- B. This PA sets forth alternative procedures to streamline the Section 106 process:

1. Exemptions from SHPO review for certain undertakings (Stipulation III.A).
2. Identification of areas where pedestrian archaeological inventories may not be appropriate or required (Stipulation IV.C.2).
3. Establishment of certain property types or categories considered not eligible for the National Register of Historic Places (NRHP) (Stipulation IV.D.1).
4. Elimination of case-by-case consultation with the SHPO on any undertaking that results in a finding of:
  - a. No Historic Properties Affected either because historic properties do not exist or will not be affected (Stipulation V.A); or
  - b. No Adverse Effect when the DOE incorporates standard conditions into the undertaking to avoid potential adverse effects (Stipulations VI.A.1).
  - c. No Adverse Effect when the undertaking is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOIS) and is carried out in accordance with Appendix C (Stipulation VI.A.2)
5. Reduction of case-by-case consultation requirements with the SHPO for certain undertakings resulting in adverse effects by instituting mutually accepted standard mitigation (Stipulation VII.A).

C. The DOE will carry out all undertakings that do not qualify as exempt undertakings per Stipulation III.A using the procedures set forth in Stipulations IV through VII.

## **II. ROLES, RESPONSIBILITIES, STANDARDS, AND QUALIFICATIONS**

The Signatories agree that the DOE will be responsible for administering and implementing this PA. This includes but is not limited to overseeing all cultural resource management work; assembling all submissions to the SHPO, including reports, determinations of eligibility and project effect, and treatment or data recovery plans; and seeking SHPO advisement with agency compliance decisions. The DOE will consult with the Tribes whose traditional homelands include the NNSS and other interested parties and will make information regarding its decisions available to the public if requested in writing (subject to confidentiality requirements).

The DOE shall ensure that all historic property identification and evaluation, assessment of adverse effects, and treatment activities undertaken to satisfy the terms of this PA meet the Secretary of the Interior's (SOI) Standards for Archeology and Historic Preservation (48 FR 44716) (*Federal Register*, September 29, 1983) and are consistent with applicable National Park Service guidance for evaluating NRHP properties. The DOE shall also consider and, where feasible, adhere to the SOIS, including approaches to new construction in the SOI Standards for Rehabilitation.

The DOE shall support a staff of Cultural Resource Subject Matter Experts (SME) who meet the qualifications set forth in the SOI Professional Qualifications Standards for

archaeology, history, architectural history, and/or historic architecture as appropriate (48 FR 44739) (hereinafter referred to as SOI Professional Qualifications) to provide support to the DOE Cultural Resource Program Manager (CRPM) in meeting the obligations of this PA.

The DOE shall ensure that all actions under this PA, with the exception of Tier I exemptions (Stipulation III.A.1), are carried out by or under the direct supervision of a person or persons meeting, at a minimum, the SOI Professional Qualifications.

### **III. REVIEW OF UNDERTAKINGS**

- A. Exempt undertakings. The DOE, in consultation with the SHPO and the ACHP, have agreed that specific types of undertakings are exempt from SHPO review (Appendix A). The DOE, the SHPO, and the ACHP may revise Appendix A in accordance with Stipulation XII.

Exempt undertakings fall within two categories:

1. Tier I exemptions. All management staff may approve and implement routine maintenance activities, whether or not they meet SOI Professional Qualifications (see Appendix A.I). An undertaking's Responsible Manager shall ensure that said undertaking is included in Appendix A.I before proceeding. If there is a question whether a proposed undertaking is included in Appendix A.I or whether the undertaking may affect historic properties, the CRPM will consult with the Cultural Resource SME. The CRPM may delegate consultation with the Cultural Resource SME to other Responsible Managers or NNSS contractors for Tier I exemptions. Undertakings qualifying as Tier I exemptions will not be tracked or reported annually to the SHPO.
  2. Tier II exemptions. At the CRPM's direction, SOI-qualified archaeologists, historians, architectural historians, and/or historic architects, as appropriate for the resource or undertaking, will review these activities (see Appendix A.II) to ensure they will not cause effects on historic properties. The Cultural Resource SME will make a recommendation to the CRPM based on the review. The CRPM will make a determination based on the recommendation. Upon such review and determination, the undertaking will be considered exempt from SHPO review.
    - a. The CRPM and Cultural Resource SME will include the undertaking in the Annual Report prepared in accordance with Stipulation VIII.A.4.
- B. The DOE shall proceed according to Stipulations IV through VII if the undertaking does not qualify for an exemption from SHPO review pursuant to Stipulation III.A. If DOE submits a consultation document for an individual undertaking containing multiple steps in the review process found at Stipulations IV through VII, the SHPO will have thirty (30) days from receipt to provide a timely response.

#### IV. IDENTIFICATION AND EVALUATION OF POTENTIAL HISTORIC PROPERTIES

- A. Determine and document the Area of Potential Effects (APE). The CRPM, in consultation with the Cultural Resource SME, will determine and document the APE for the undertaking considering any potential direct, indirect, and cumulative effects (including physical, visual, atmospheric, or audible elements). The CRPM may initially consult with the SHPO on defining the APE for undertakings that are complex, multifarious, or controversial.
- B. The DOE shall consult with the Tribes regarding the identification of properties with traditional religious and cultural significance to them within the APE or that could be affected by the undertaking.
- C. Identify potential historic properties. The Cultural Resource SME will make a reasonable and good faith effort to identify potential historic properties in the APE. These efforts will include, but not be limited to, an archival review that consists of literature and records searches (including project and test reports, architectural or engineering plans and drawings, maps, and other imagery), interviews with knowledgeable persons, oral histories, and in-field observations, as necessary. Identification efforts will be tailored to address different types of potential effects, such as physical, visual, auditory, and atmospheric effects.
  - 1. The Cultural Resource SME may determine that in-field observations—such as pedestrian archaeological inventory surveys, sample surveys, or architectural inventories—are appropriate and necessary to identify and evaluate historic properties in the APE and if so, the CRPM will authorize the conduct of such observations, inventories, and surveys.
    - a. Archaeological inventory reports: All reporting of inventory results will be executed in a professional manner, through utilization of currently acceptable scientific practices and in conformance with the standards and guidelines set forth in Appendix F. All final reports submitted to the DOE and the SHPO will include copies of all relevant GIS data generated during activities conducted under this PA.
    - b. Architectural survey report: All reporting of inventory results will be executed in a professional manner and in conformance with the standards and guidelines set forth in Appendix F. All final reports submitted to the DOE and the SHPO will include copies of all relevant GIS data generated during activities conducted under this PA.
  - 2. The Cultural Resource SME may determine that pedestrian archaeological and architectural inventories of all or part of an APE are not appropriate or possible under the following circumstances:

- a. The APE has been previously inventoried within the past 10 years and review of the inventory and associated report determines that they meet reporting standards in Appendix F; or
- b. The APE is so heavily disturbed that properties with the integrity necessary for NRHP eligibility are unlikely to be present; or
- c. The APE has been built over or capped by deep fill or an impenetrable surface cover preventing observation of any potential archaeological sites; or
- d. The APE is radiologically, chemically, structurally, or physically hazardous to the health and safety of surveyors; or
- e. The area is restricted or inaccessible for classification and/or security reasons for the duration of the PA.

The Cultural Resource SME will clearly document, in the cultural resource identification report (or other documentation), which parts of the APE were not subject to inventory and the reasons why inventory was not appropriate or possible, if all or part of an APE is not subject to pedestrian archaeological inventory and architectural survey.

3. The Cultural Resource SME will record identified sites, buildings, structures, objects, and districts on NNSS site forms, SHPO Architectural Resource Assessment (ARA) forms, or tables of categorically ineligible properties (Appendix B), as appropriate.
- D. The CRPM, in consultation with the Cultural Resource SME, will evaluate properties for eligibility for inclusion in the NRHP based on the Secretary of Interior's significance criteria in 36 CFR § 60.4.
1. Property Types Considered Categorically Not Eligible for the NRHP: The DOE, in consultation with the SHPO, the ACHP, and the Tribes as appropriate, has determined that specific types of properties are categorically not eligible for listing in the NRHP (Appendix B).
    - a. The Cultural Resource SME will identify and list in a table all individual properties in the APE that are examples of resource types listed in Appendix B.I with a brief description of contents, condition, and location.
    - b. The Cultural Resource SME will record categorically not eligible properties in Appendix B.II on ARA forms or NNSS site forms.
  2. The CRPM, in consultation with the Cultural Resource SME, may leave certain properties unevaluated, and treat them as eligible for the NRHP for the purposes of an undertaking, when special circumstances preclude their complete NRHP evaluation. These circumstances include undertakings where restricted access precludes an adequate recordation of a property. The decision to leave



properties unevaluated and treat them as eligible will be made on a case-by-case basis. The CRPM will analyze the effects of the undertaking on the unevaluated properties in accordance with Stipulation V. Pending the results of the assessment of potential effects properties in accordance with Stipulation V, the CRPM will apply the Criteria of Adverse Effect and consult with the SHPO on the effects to unevaluated properties in accordance with Stipulation VI.

3. The CRPM, in consultation with the Cultural Resource SME, will evaluate properties for NRHP eligibility under the *Cultural Resource Management Plan for the Nevada National Security Site, Nye County, Nevada* (CRM Plan) historic context section (CRM Plan Appendix B, hereafter NNSS Historic Contexts and Research Questions).
4. The Cultural Resource SME will identify the historic context(s) under which a property is being evaluated, evaluate the property under all significance criteria as an individual property and within larger historic districts as appropriate, and identify those aspects of integrity that are important to conveying the property's significance. The Cultural Resource SME will use the research questions presented in the CRM Plan Appendix B to evaluate archaeological properties for listing in the NRHP under criterion D. Themes and research questions in the NNSS Historic Contexts will be cited and described when used to evaluate properties.
5. The CRPM will provide documentation regarding NRHP eligibility findings to the SHPO and the Tribes, as appropriate, for review and comment in accordance with the processes found in Stipulation VIII.A.1 and VIII.B.
6. If the SHPO or the Tribes disagree with the eligibility findings, the CRPM, the SHPO, and the Tribes as appropriate will consult further to resolve the disagreement. If the dispute cannot be resolved, the CRPM shall obtain a formal determination of eligibility from the Keeper of the NRHP pursuant to 36 CFR § 63.4. The Keeper's determination will be final.
7. The DOE shall consult with the Tribes concerning the NRHP eligibility of any properties that the Tribes might attach traditional religious and cultural significance to in the APE for the undertaking. The DOE will provide the SHPO with a summary of the consultation with the Tribes in any NRHP evaluation of these properties with the documentation submitted under Stipulation IV.D.5. The summary will include, but not be limited to, the dates of consultation, Tribes consulted, and the results of the consultation.
8. If the CRPM, in consultation with the SHPO and the Tribes, as appropriate, determines that all properties in the APE are not eligible for the NRHP, the CRPM will proceed to Stipulation V.A.
9. If the CRPM, in consultation with the SHPO and the Tribes as appropriate, determines that historic properties are present in the APE, the CRPM will

proceed to assess the effects of the undertaking on historic properties under Stipulation V.

## **V. FINDINGS OF EFFECT**

The CRPM, in consultation with the Cultural Resource SME, will assess the potential effects—including physical, visual, atmospheric, audible, and cumulative effects—of the undertaking on historic properties and any unevaluated properties.

- A. Finding of No Historic Properties Affected. If the CRPM, in consultation with the Cultural Resource SME, finds either that no historic properties are present, or that historic properties are present, but the undertaking will have no effect on them, the CRPM shall document and retain records of that finding in the undertaking's administrative file. Following satisfactory completion of these steps, no SHPO review is required pursuant to this PA. The DOE will include the undertaking information in the Annual Report to the SHPO in accordance with Stipulation VIII.A.4.

Examples of undertakings resulting in a finding of No Historic Properties Affected include, but are not limited to, the following:

1. If the APE contains either no historic properties or only properties that are categorically not eligible per Appendix B; or
  2. If the APE contains only properties that have been previously determined not eligible to the NRHP with SHPO concurrence; or
  3. If the Cultural Resource SME finds that historic properties or unevaluated properties in the APE are unaffected by an undertaking without the use of any standard conditions.
- B. If the DOE determines that an undertaking may affect a historic property identified by a Tribe as having traditional religious or cultural significance, the DOE shall consult the Tribe regarding the finding of effect. The DOE will provide a summary of the results of such consultation to the SHPO including, but not limited to, dates of consultation, the aspects of integrity possessed by the historic property, and the effect of the undertaking on the integrity of the historic property with any submission made in accordance with Stipulation V through Stipulation VI.
- C. Historic Properties Affected. If the CRPM, in consultation with the Cultural Resource SME, finds that historic properties may be affected by the undertaking, the CRPM and Cultural Resource SME shall apply the Criteria of Adverse Effect in accordance with Stipulation VI.

## **VI. ASSESSMENT OF EFFECTS**

The CRPM, in consultation with the Cultural Resource SME, shall apply the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a) to historic properties and/or unevaluated

properties within the APE, taking into account views provided by the Tribes, the SHPO, other consulting parties, and the public as necessary.

A. Finding of No Adverse Effect (FNAE). The CRPM may make a finding of No Adverse Effect in the following situations:

1. Finding of No Adverse Effect with Standard Conditions (FNAE-SC). This finding is appropriate when an undertaking's possible adverse effects on historic properties will be avoided when standard conditions are imposed in accordance with Appendix C to this PA.
  - a. The Cultural Resource SME shall prepare and submit a technical analysis and supporting documentation for a FNAE-SC to the CRPM for review.
  - b. The CRPM shall provide documented notification of the FNAE-SC to any consulting parties that have expressed views in writing regarding potential effects on historic properties.
  - c. If the CRPM agrees with the proposed FNAE-SC, the undertaking will not be subject to further SHPO review under this PA.
  - d. The CRPM shall document the FNAE-SC in the undertaking's administrative file and the DOE may move forward with the undertaking. The DOE shall provide summary notification to the SHPO of all FNAE-SC findings in an annual report in accordance with Stipulation VIII.A.4.
2. Finding of No Adverse Effect with Standard Conditions, Secretary of the Interior's Standards for the Treatment of Historic Properties (SOIS) (FNAE-SC SOIS): This finding is appropriate when an undertaking's effects on historic properties are not considered adverse because the undertaking is consistent with the SOIS (36 CFR Part 68) and carried out in accordance with Appendix C to this PA.
  - a. The Cultural Resource SME, appropriate for the resource, shall prepare and submit a technical analysis and supporting documentation for a FNAE-SC SOIS to the CRPM for review. If the DOE does not have access to a Cultural Resource SME appropriate for the resource, the CRPM will submit its proposed FNAE-SC SOIS and supporting documentation to the SHPO for review and comment in accordance with the process found in Stipulation VIII.A.1.
  - b. The CRPM shall provide documented notification of the FNAE-SC SOIS to any consulting parties that have expressed views in writing regarding potential effects on historic properties.
  - c. If the CRPM agrees with the proposed FNAE-SC SOIS finding, the CRPM will document the finding in the undertaking's administrative file and the DOE may move forward with the undertaking. The DOE shall provide

summary notification to the SHPO of all FNAE-SC SOIS findings in an annual report in accordance with Stipulation VIII.A.4.

3. FNAE without Standard Conditions.

- a. The CRPM will submit its proposed FNAE and supporting documentation to the SHPO and the Tribes, as appropriate, for review and comment in accordance with the process found in Stipulation VIII.A.1 and VIII.B.
- b. The CRPM will concurrently provide a documented notification of the finding to any consulting parties that have expressed views regarding potential effects of an undertaking on historic properties. The CRPM will provide the SHPO with any comments received from any other consulting party within ten (10) days of receipt.
- c. The CRPM will document the finding in the undertaking's administrative file and the DOE may move forward with the undertaking. The DOE shall provide summary notification to the SHPO of all FNAE findings in an annual report in accordance with Stipulation VIII.A.4.

4. Reassessment of Effects. If the undertaking will not be implemented as proposed in relation to any historic property, the CRPM will reopen consultation with the SHPO and the Tribes, as appropriate, in accordance with this Stipulation.

B. Finding of Adverse Effect. The CRPM will make a finding of adverse effect when an undertaking alters any of the characteristics of a historic property that qualify it for inclusion in the NRHP in a manner that would diminish the property's integrity. If the CRPM determines that an undertaking will have an unavoidable adverse effect on historic properties, the DOE will proceed with the resolution of adverse effect procedures in Stipulation VII.

## **VII. RESOLUTION OF ADVERSE EFFECTS**

A. Resolve adverse effects with standard treatment measures. The DOE, in consultation with the SHPO, the ACHP, the Tribes, and other consulting parties that have expressed interest in the class of historic properties, has developed standard treatment measures for certain types of properties (Appendix D). The application of these standard treatment measures will adequately resolve the adverse effects of an undertaking.

- 1. The DOE will notify the SHPO, the ACHP, the Tribes, and other consulting parties, as appropriate, of its intention to use a standard treatment to resolve the adverse effects of the undertaking. The notification will include descriptions of historic properties affected by the undertaking and references to the standard treatment measures proposed.

2. The SHPO will have fifteen (15) days from receipt to review the notification submitted in hard copy in accordance with Stipulation VIII.A.1.a below. If the submission contains more than the notification, the SHPO will have thirty (30) days from receipt to review the submission consistent with Stipulation III.B above.
  3. The DOE will address all timely SHPO comments on the notification and provide the SHPO with a revised notification.
  4. The DOE may proceed with the proposed treatment if the SHPO has agreed with the proposal, or has not provided a timely response, and no consulting party has notified the DOE in writing that it disagrees with the proposal.
  5. The DOE will not negotiate a Memorandum of Agreement for undertakings when the standard treatment measures found in Appendix D will resolve the adverse effects of the undertaking.
  6. The CRPM will authorize and support a qualified Cultural Resource SME to implement and complete the standard treatment measures.
  7. The Cultural Resource SME will submit a progress report to the CRPM following the completion of the treatment measures prescribed. The progress report will describe the procedures completed.
  8. If the CRPM determines that the treatment measures have been satisfactorily completed, the CRPM shall submit the progress report to the SHPO for review and comment in accordance with the process found in Stipulation VIII.A.1.
  9. The Cultural Resource SME will prepare the draft final documentation of mitigation activities within one year of completion of the undertaking.
  10. The CRPM will submit a draft of the final mitigation documentation to the SHPO for review and comment in accordance with the process found in Stipulation VIII.A.1.
  11. The CRPM will finalize the documentation and post the documents at the DOE Office of Scientific and Technical Information (OSTI), as approved for public release of information.
  12. Completion of the final mitigation documentation package constitutes a resolution of adverse effects and completion of the Section 106 process for the undertaking.
- B. Resolve adverse effects for multi-element classes. The DOE, in consultation with the SHPO, the ACHP, and the concurring parties as appropriate, may determine that the documentation of a specific multiple-element class is adequate as a representative sample for all members of that element class and no additional mitigation will be required for future adverse effects to other elements of that class.

1. If an NRHP eligible member of a multiple-element class will be adversely affected, the Cultural Resource SME will determine the extent to which previous description(s) of one or more members of that class has already been adequately characterized.
  2. If the Cultural Resource SME determines that an existing previous description(s) is adequate to characterize the adversely affected property and that no additional mitigation for that class is necessary, then the DOE will submit this determination and associated documentation to the SHPO for review and comment. This documentation will reference previous description(s) of similar properties and a description of the subject property, its location, historic context, and any minor differences that the subject property may have that distinguish it from previous descriptions of similar properties within the multiple-element class.
  3. If the SHPO does not concur with the adequacy of the documentation to characterize the subject property, then the subject property will be documented in accordance Appendix D, Sections I, II, or III, as appropriate, and described as a representative example of the multiple-element class.
  4. If any property is unique or an outstanding example of its type, it will be considered outside the norm for standard mitigation of multiple-element classes. The DOE will consult with the SHPO to determine the best strategy for resolving adverse effects using other standard mitigations described in Appendix D, Sections I, II, or III, or a suitable alternative.
- C. If the DOE determines that an undertaking may adversely affect a historic property identified by a Tribe as having traditional religious or cultural significance, the DOE shall consult further with the Tribe regarding the resolution of adverse effects in accordance with Stipulation VII.C.
- D. The DOE will resolve the adverse effects of undertakings that cannot be resolved with the standard treatment measures found in Appendix D through the requirements of 36 CFR § 800.6(b) as these undertakings are outside the scope of this PA.

## **VIII. REPORTING AND COMMUNICATION**

- A. Consultation with the SHPO. Consultation affords the SHPO a reasonable opportunity to comment on undertakings and guides the DOE in making informed decisions. Consultations between the DOE and the SHPO are documented for the administrative record through letters on official letterhead. These may be transmitted via email or regular mail or they may be hand delivered to the SHPO, the DOE, and other consulting party offices.
1. Review and comment.

- a. The DOE will request review of formal submissions via letters sent by mail to the SHPO. The DOE may delegate authority to the Cultural Resource SME to mail hard copies of letters and reports on the DOE's behalf directly to the SHPO for review and comment.
  - b. The SHPO will have thirty (30) days from receipt to review and comment on formal hard copy draft submissions from the DOE, unless an alternative timeframe is agreed to in advance by the DOE and the SHPO or is identified for specific consultation documents (e.g., Stipulation VII.A.2 above) unless multiple steps in the process found at Stipulations IV through VII are submitted concurrently. If the SHPO does not respond within thirty (30) days of receipt, the DOE will finalize the submission, continue to the next step in the process, or proceed with the undertaking, whichever is appropriate.
  - c. The DOE shall address all SHPO comments on the draft submission and submit revisions to the SHPO for review and comment. The SHPO will review the revisions within fifteen (15) days of receipt. If the SHPO does not respond within fifteen (15) days of receipt, the DOE will finalize the submission, continue to the next step in the process, or proceed with the undertaking, whichever is appropriate.
2. Informal consultation, meetings, and other communication. The SHPO and the DOE representatives (including the CRPM or other DOE officials, Cultural Resource SMEs, and Management and Operations (M&O) contractor officials tasked with integrating cultural resource compliance relative to NNSS activities) may meet at any time to discuss annual work plans, specific undertakings, outreach efforts, or other issues related to the DOE's management of cultural resources. Both parties will make every effort to arrange such meetings in a timely manner and provide information requested. The SHPO and the DOE may discuss specific undertakings prior to formal consultation on any aspect of the DOE's Cultural Resource Management Program. Unless a topic falls under the category of formal consultation, communication may be via telephone, email, and virtual meetings. Agreements made in such informal consultations must be documented in writing to ensure the agreements are part of the administrative record. Such written agreements are not subject to the review process in Stipulation VIII.A.1.
3. NNSS Historic Contexts and CRM Plan Updates.
  - a. The DOE will review and update the NNSS Historic Contexts and Research Questions every ten (10) years starting from the date this PA is executed. The DOE will submit the revised historic contexts and research questions to the SHPO for review and comment in accordance with Stipulation VIII.A.1.
  - b. The DOE will review and update the CRM Plan concurrently with the NNSS Historic Contexts and submit the revised CRM Plan to the SHPO for review and comment in accordance with Stipulation VIII.A.1.

- c. The DOE will ensure that the final CRM Plan, including NNSS Historic Contexts and Research Questions, will be publicly available on the NNSS website (<https://www.nnss.gov/>).
4. Annual Report. The DOE will prepare an annual report detailing the activities conducted pursuant to this PA and submit this to the SHPO no later than January 31 after the end of the federal fiscal year being reported. The SHPO will review the report in accordance with Stipulation VIII.A.1. The annual report will include the following:
- a. A count of the number of Tier II exemptions (Stipulation III.A.2); and
  - b. A table of undertakings with findings of No Historic Properties Affected (Stipulation V.A). The table will include a description of each undertaking, the efforts made to identify historic properties, the historic properties identified, if any, and why no historic properties were affected; and
  - c. A table of undertakings with all FNAE findings (Stipulation VI.A.1-2). The table will include a description of each undertaking, the historic properties present, any standard conditions utilized pursuant to Appendix C, as appropriate, and references to the SOIS used in accordance with VI.A.2; and
  - d. An account of activities conducted during the previous year that supported preservation and public promulgation of the NNSS's history to include any recordation of historic properties (including districts) to meet the DOE's responsibilities under 54 USC § 306102 commonly known as Section 110 of the NHPA; and
  - e. All reports of cultural resources identification efforts conducted in accordance with Stipulation IV.C.1 and all records of resources completed in accordance with Stipulation IV.C.3, along with all relevant GIS data, not previously submitted to the SHPO for incorporation into the Nevada Cultural Resources Inventory System (NVCRIS, <https://shpo.nv.gov/services/nvcris>); and
  - f. Any planned activities that may affect the management of cultural resources on the NNSS in the upcoming year; and
  - g. Any issues that are affecting or may affect the ability of the federal agency to continue to meet the terms of this PA; and
  - h. Other pertinent matters.
- B. Consultation with Tribes. The DOE shall consider the effects of its undertakings on historic properties with traditional religious or cultural significance to Tribes that ascribe cultural affiliation to NNSS lands.



1. Opportunity to comment on projects. The DOE will ensure that Tribes ascribing traditional cultural affiliation to NNSS lands are afforded the opportunity to comment on historic property concerns and participate as consulting parties in all aspects of consultation for projects that are of interest to them. General notification will occur as early as possible in the planning process.
    - a. When applicable, the DOE will follow the principles within the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects, dated March 1, 2023 (<https://www.achp.gov/treatment-burial-sites>).
  2. Tribal Planning Committee. The DOE will use periodic Tribal Planning Committee meetings, project-specific consultation requests, and other meetings as needed to provide opportunities for the Tribes to provide comment and input. The DOE shall document the Tribes who are contacted and the recommendations derived from the consultation process.
  3. Tribal Consultation Letters. Following the Tribal Planning Committee quarterly meetings, the DOE will follow up with a consultation letter to the Tribal Chairpersons, the THPOs, and designated Cultural Resource managers. The consultation letters will include a description of any new undertakings and updates for ongoing Section 106 projects. The DOE shall document the recommendations derived from the consultation process.
  4. Tribal Update Meeting. The DOE will provide updates on NNSS activities and cultural resource management projects at the Tribal Update Meeting held annually and provide the Tribes an opportunity to identify their concerns about historic properties, including those of traditional and cultural importance.
- C. Consultation with Other Interested Parties. Representatives of other governmental agencies with jurisdiction over the area in which an undertaking occurs are entitled to participate as consulting parties to the review of an undertaking. The DOE will notify governmental agencies with such jurisdiction of the undertaking's APE, and if the undertaking will result in adverse effects, the DOE will inform the governmental representatives and inquire if they wish to participate as consulting parties.

During the effect assessment review process of an undertaking (Stipulation VI), the DOE will inform known interested individuals and organizations that have a demonstrated legal or economic interest in or relation to an undertaking or historic properties affected by an undertaking, or a concern about the undertaking's adverse effects on historic properties. These interested parties may participate as consulting parties in the assessment and resolution of adverse effects of the undertaking.

## **IX. EMERGENCY ACTIONS**

Responses to emergencies that are immediate threats to personnel and public safety and property loss will be treated as a Tier I exempt undertaking (Stipulation III.A.1) while the

response is carried out. This Stipulation applies only to responses that occur within thirty (30) days of the event or its conclusion, as appropriate. Emergencies include, but are not limited to, hazards (such as fires or explosions; floods, landslides, and debris flows; immediate meteorological-related hazards, including damages from wind, rain, heat, or cold), structural or infrastructural failures (such as catastrophic building or structural failure or collapse, electrical line or water line breaks, or life-threatening vehicular accidents), and exposure to releases of radiological, biological, or chemical agents.

- A. The CRPM shall notify a Cultural Resource SME within two (2) days after the DOE approves access to the hazard area, to assess any effects on historic properties. The Cultural Resource SME will report to the CRPM concerning any effects and propose mitigative measures if necessary.
- B. The DOE will notify the SHPO and request review and comment on the proposed treatment plan if historic properties, or unevaluated properties, were affected during an emergency or hazard.
- C. The SHPO will review the proposed treatment plan within seven (7) days of receipt. If the SHPO does not respond in a timely fashion, the DOE may finalize the treatment plan.
- D. The DOE will address all SHPO comments and revise the treatment plan accordingly. The DOE will submit the revised treatment plan to the SHPO for review and comment.
- E. The SHPO will review the revised treatment plan within five (5) days of receipt. If the SHPO does not respond in a timely fashion, the DOE may finalize the treatment plan.
- F. The DOE will submit a draft fieldwork summary of the treatment measures within ninety (90) days after the completion of the fieldwork portion of the treatment to the SHPO for review in accordance with the process in Stipulation VIII.A.1.
- G. The DOE will submit a draft treatment report within one year following the completion of the fieldwork to the SHPO for review in accordance with the process in Stipulation VIII.A.1.

## **X. POST-REVIEW DISCOVERIES**

If historic properties are discovered or if unanticipated effects on historic properties occur within the APE after the undertaking activities have been initiated, then DOE personnel will implement the following procedure:

- A. The Responsible Manager will immediately cease all operations for that portion of the undertaking that has the potential to affect an historic property or a new discovery (with a buffer of ten [10] meters surrounding the discovery) and notify the DOE CRPM of the discovery or effect.

- B. The CRPM will ensure that a Cultural Resource SME assesses the NRHP eligibility of the property and the potential for the undertaking to affect its qualifying characteristics. The Cultural Resource SME will report the findings to the CRPM and develop a treatment plan to avoid or mitigate the effect(s) as appropriate.
- C. The DOE will consult with the SHPO on the discovery and the treatment plan within five (5) working days of the discovery. The SHPO will have five (5) working days to provide any comments on the discovery, the DOE's determination of NRHP eligibility, and the treatment plan, as necessary. If the SHPO does not respond within five (5) working days of receipt, the DOE will proceed with the proposed treatment plan developed per Stipulation X.B.
- D. The DOE will address any changes requested by the SHPO, and then submit the revised final draft documents to the SHPO for review. The SHPO will review the revised final draft documents within five (5) working days of receipt. If the SHPO does not respond within five (5) working days of receipt, the DOE will finalize the documents.
- E. The DOE will notify the Tribes of discoveries that have the potential to adversely affect properties of religious or cultural significance. After reviewing such discoveries, the Tribes can request further consultation on the undertaking by notifying the DOE and the SHPO in writing.
  - a. When applicable, the DOE will follow the principles within the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects, dated March 1, 2023 (<https://www.achp.gov/treatment-burial-sites>).
- F. The Cultural Resource SME will submit a summary of the fieldwork activities to the DOE within ten (10) days after the fieldwork portion of the treatment plan is completed.
- G. The DOE will submit this fieldwork summary along with the DOE determination that the fieldwork was adequate to mitigate the adverse effect of the undertaking on the historic property to the SHPO for review and comment.
- H. The SHPO will have five (5) working days to provide comment on the fieldwork summary. If the SHPO concurs with this determination or does not respond within five (5) working days of receipt, the DOE will advise the Responsible Manager to resume the activities that were halted to address the discovery situation.
- I. If the SHPO has comments regarding the fieldwork summary, then the DOE will have the Cultural Resource SME complete any additional activities to address these comments and resubmit the revised fieldwork summary to the SHPO.
- J. The DOE will then advise the Responsible Manager to resume the activities that were halted to address the discovery situation.

- K. The DOE will submit a draft treatment report within 180 days of the completion of the fieldwork portion of the treatment to the SHPO for review in accordance with the process in Stipulation VIII.A.1.

## **XI. DISPUTE RESOLUTION**

Should any Signatory or Concurring Party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, then the DOE, the SHPO, and the objecting party must consult to resolve the objection. If the DOE determines that such objection cannot be resolved, then the DOE must:

- A. Forward all documentation relevant to the dispute to the ACHP, including the DOE's proposed resolution. The ACHP will advise the DOE on how to resolve the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the DOE must prepare a written response that takes into account any timely advice or comments regarding the dispute from the SHPO, the ACHP, or the Concurring Parties and provide them with a copy of this written response. The DOE may then proceed according to its final decision.
- B. If the ACHP does not provide advice regarding the dispute within the thirty (30) day period, then the DOE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the DOE must prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and Concurring Parties and provide the SHPO, the Concurring Parties, and the ACHP with a copy of the written response.
- C. The DOE's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remains unchanged.

## **XII. AMENDMENTS**

- A. This PA may be amended at any time when such an amendment is agreed to in writing by all Signatories. An amendment to this PA shall take effect on the date that it is fully executed by the Signatories.
- B. Revision to Appendices  
The appendices to the PA may be revised to add, edit, or delete items when such a modification is agreed to in writing by all Signatories. These modifications may not require an amendment to the PA.
  - 1. The Signatory proposing modifications to an appendix will submit their proposal to the other Signatories and Concurring Parties for review.
  - 2. The Signatories will consult for a period of thirty (30) days from receipt (or another time period agreed to by all Signatories) to consider the proposed revision.

3. If all Signatories have agreed in writing to the proposed modifications, the DOE will provide the final revised appendix to the Signatories and Concurring Parties. The final revised appendix will be attached to the PA with a title that includes the effective date of the revision.
4. If the Signatories are unable to agree in writing to the proposed revisions, the DOE will provide notification to the Concurring Parties that the appendix will not be revised.

### **XIII. LEGAL EFFECT**

This PA shall not be construed to provide a private right or cause of action for or by any person or entity who is not party to this PA. This PA in no way restricts any of the parties from participating in any undertaking with other public or private agencies, organizations, or individuals.

### **XIV. FUNDING**

This PA is neither a fiscal nor a funds-obligation document. Nothing in this PA authorizes or is intended to obligate the parties to expend, exchange, or reimburse funds, services, or supplies or transfer or receive anything of value. The details of the level of support to be furnished to one party by the other with respect to funding will be developed in specific interagency agreements or other agreements, subject to the availability of funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act (31 USC § 1341). If compliance with the Antideficiency Act alters or impairs the DOE's ability to implement the Stipulations in this PA, the DOE will consult with the SHPO and the ACHP in accordance with the amendment and termination procedures found at Stipulations XII and XVII of the PA.

### **XV. FREEDOM OF INFORMATION ACT**

Subject to the Freedom of Information Act (5 USC § 552), decisions on disclosure of DOE information to the public regarding projects or programs referenced in this PA shall be made by the DOE National Nuclear Security Administration.

### **XVI. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS**

All understandings herein are subject to and will be carried out in accordance with all applicable laws, regulations, and other legal requirements.

### **XVII. TERMINATION**

If any Signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation XII, 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 PA upon written notification to the other Signatories.

Should this PA be terminated, then the DOE will either consult in accordance with 36 CFR § 800.14(b) to develop a new PA or, beginning with the date of the termination, the DOE will ensure that the actions covered by this PA will be reviewed individually in accordance with 36 CFR §§ 800.4-800.6.

#### **XVIII. DURATION OF THE AGREEMENT**

The PA shall remain in effect for ten (10) years from the effective date, unless terminated earlier in accordance with Stipulation XVII. The DOE may consult with the SHPO and the ACHP prior to expiration to reexamine the terms of this PA, determine if those terms remain acceptable, and renew the PA for another period of time not to exceed ten (10) years.

*EXECUTION* of this PA by the DOE, the SHPO, and the ACHP and implementation of its terms constitute evidence that the DOE has taken into account the effects of its undertakings on historic properties and afforded the ACHP an opportunity to comment.

This PA may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

**PROGRAMMATIC AGREEMENT  
DE-GM58-22NA25554  
AMONG THE  
U.S. DEPARTMENT OF ENERGY  
AND THE  
NEVADA STATE HISTORIC PRESERVATION OFFICER  
AND THE  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
CONCERNING THE  
PROTECTION OF HISTORIC PROPERTIES ON THE  
NEVADA NATIONAL SECURITY SITE, NYE COUNTY, NEVADA**

**SIGNATORIES:**

U.S. Department of Energy, National Nuclear Security Administration Nevada Field Office

\_\_\_\_\_  
Date: \_\_\_\_\_  
David R. Bowman, Ph.D.  
Manager, Nevada Field Office

Nevada State Historic Preservation Office

\_\_\_\_\_  
Date: \_\_\_\_\_  
Rebecca Lynn Palmer  
State Historic Preservation Officer

Advisory Council on Historic Preservation

\_\_\_\_\_  
Date: \_\_\_\_\_  
Reid Nelson  
ACHP Executive Director

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PROTECTION OF HISTORIC PROPERTIES ON THE  
NEVADA NATIONAL SECURITY SITE, NYE COUNTY, NEVADA**

**CONCURRING PARTIES:**

Benton Paiute Tribe

\_\_\_\_\_  
Shane Saulque  
Chairperson

Date: \_\_\_\_\_

Big Pine Paiute Tribe of Owens Valley

\_\_\_\_\_  
Cheyenne Stone  
Chairperson

Date: \_\_\_\_\_

Bishop Paiute Tribe

\_\_\_\_\_  
Meryl Picard  
Chairperson

Date: \_\_\_\_\_

Chemehuevi Indian Tribe

\_\_\_\_\_  
Glenn Lodge  
Chairperson

Date: \_\_\_\_\_



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PROTECTION OF HISTORIC PROPERTIES ON THE  
NEVADA NATIONAL SECURITY SITE, NYE COUNTY, NEVADA**

**CONCURRING PARTIES (continued):**

Clark County, Nevada

\_\_\_\_\_  
Andrew Bennett  
Office of the County Manager

Date: \_\_\_\_\_

Colorado River Indian Tribes

\_\_\_\_\_  
Amelia Flores  
Chairperson

Date: \_\_\_\_\_

Duckwater Shoshone Tribe

\_\_\_\_\_  
Warren Graham  
Chairperson

Date: \_\_\_\_\_

Ely Shoshone Tribe

\_\_\_\_\_  
Diana Buckner  
Chairperson

Date: \_\_\_\_\_

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NEVADA NATIONAL SECURITY SITE, NYE COUNTY, NEVADA**

**CONCURRING PARTIES (continued):**

Fort Independence Indian Reservation

\_\_\_\_\_  
Carl Dahlberg  
Chairperson

Date: \_\_\_\_\_

Kaibab Band of Paiutes

\_\_\_\_\_  
Ona Segundo  
Chairperson

Date: \_\_\_\_\_

Las Vegas Paiute Tribe

\_\_\_\_\_  
Deryn Pete  
Chairperson

Date: \_\_\_\_\_

Lone Pine Paiute-Shoshone Reservation

\_\_\_\_\_  
Mary Wuester  
Chairperson

Date: \_\_\_\_\_

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NEVADA NATIONAL SECURITY SITE, NYE COUNTY, NEVADA**

**CONCURRING PARTIES (continued):**

Moapa Band of Paiutes

\_\_\_\_\_  
Gregory Anderson, Sr.  
Chairperson

Date: \_\_\_\_\_

Nevada Test Site Historical Foundation

\_\_\_\_\_  
Darwin Morgan  
Vice President

Date: \_\_\_\_\_

Nye County, Nevada

\_\_\_\_\_  
Lorinda Wichman  
Natural Resources Office Director

Date: \_\_\_\_\_

Pahrump Paiute Tribe

\_\_\_\_\_  
Richard Arnold  
Chairperson

Date: \_\_\_\_\_

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**CONCURRING PARTIES (continued):**

Paiute Indian Tribe of Utah

\_\_\_\_\_  
Corrina Bow  
Chairperson

Date: \_\_\_\_\_

Timbisha Shoshone Tribe

\_\_\_\_\_  
Margaret Cortez  
Chairperson

Date: \_\_\_\_\_

Yomba Shoshone Tribe

\_\_\_\_\_  
Darryl Brady  
Chairperson

Date: \_\_\_\_\_

## APPENDIX A.

### Programmatic Exemptions (Review of Undertakings)

The DOE, in consultation with the SHPO and the ACHP, have agreed that specific types of undertakings have no potential to affect historic properties, and therefore they are considered exempt from SHPO review. These undertakings fall in two categories: Tier I and Tier II exemptions.

#### **I. TIER I EXEMPTIONS**

These undertakings may be reviewed by Responsible Managers who do not meet the SOI Professional Qualifications; they do not require review by a Cultural Resource SME. These common tasks (a) do not alter the historic character of NRHP-eligible buildings, structures, and historic districts and (b) do not include ground disturbance. These undertakings are not subject to further Section 106 documentation. If there is a question whether a specific undertaking may have the potential to affect historic properties, the Responsible Manager should notify the CRPM who will consult with the Cultural Resource SME. The CRPM may delegate consultation with the Cultural Resource SME to other responsible managers or NNSS contractors for Tier I exemptions.

- A. Issuing or renewing permits or rights-of-way (ROWs) where no new surface disturbance or modifications are authorized. Examples include renewing transmission line ROWs, communication site ROWs, and road or pipeline ROWs.
- B. Routine operations, maintenance, upkeep and cleanup of buildings, structures, and associated exterior built environment where no new ground disturbance will occur in the following undertakings:
  - 1. Routine landscaping and cleanup (e.g., planting, pruning, mowing, watering, repair of watering systems in previously disturbed areas, weed control, pest abatement, debris collection and removal, snow removal, removal of fallen trees and branches, and grading and laying fill on previously disturbed ground).
  - 2. Disposal and management of trash and waste at existing landfill sites.
  - 3. Maintenance and repair of existing paved roadways, airstrips, shoulders, sidewalks, and parking areas where the proposed work will not extend beyond previously disturbed areas.
  - 4. Maintenance, resurfacing, repair, and cleanup of graveled or improved dirt roads, parking areas, vacant lots, equipment yards, staging areas, and laydown yards—including brush control and surface treatment, refilling, and regrading of previously disturbed areas—where the work will not extend beyond previously disturbed areas or involve grading or scraping of undisturbed substrate. Storage or removal of vehicles, machinery, equipment, containers, and supplies in actively used equipment yards and staging areas.
  - 5. Maintenance and repair of existing utility ROWs, firebreaks, well pads, and drill and geotechnical pads, including weed and brush control.

6. Maintenance, minor repair, and rehabilitation of ditches, drain ways, culverts, and retention basins—including dredging or removing debris—and stabilizing earth berms and retaining walls.
  7. Maintenance and repair of existing power lines and poles—including upgrading and replacing crossarms, conductors, lines, insulators, and pole hardware—with like materials where no changes in routing pole placement occur.
  8. Maintenance and repair of existing solar (photovoltaic) installations and their supporting infrastructure (e.g., batteries and transformers), when the work will not require ground disturbance.
  9. Placement of construction fill on existing fill or on a previously disturbed surface where no new ground disturbance will occur, and the fill will not be placed on previously undisturbed ground surfaces.
  10. Installation and removal of temporary barriers, fencing, and equipment where no new ground disturbance will occur.
  11. Maintenance and repair of existing loading docks where no new ground disturbance will occur.
- C. Routine building maintenance and operations, including laboratory and office activities, custodial activities, housekeeping services, upkeep, and minor repair activities, such as:
1. Repaint or touch-up of previously painted exterior surfaces with a like color if destructive surface preparation treatments are not used (e.g., pressure washing sandblasting, and/or chemical removal).
  2. Maintenance and minor repair of existing common interior surfaces, flooring, interior stairs, furnishings, fixtures, and appliances.
  3. Reconfiguration of modular furniture, offices, conference rooms, lunch and breakrooms, electronic media (i.e., televisions, projectors, and computers), and other equipment.
  4. Equipment repairs, portable equipment and appliance replacement, and minor alterations or upgrades to active laboratories and other facilities.
  5. Maintenance, operation, repairs, storage, removal, and replacement of routine laboratory equipment, associated systems, and supplies that postdate 1992 and are therefore not associated with legacy nuclear testing.
  6. Changing replaceable/expendable supplies, such as light bulbs, filters, smoke detectors, etc.
  7. Fire alarm system maintenance on existing systems and upgrades to existing systems in existing locations.
  8. Fire suppression system maintenance (e.g. changing sprinkler heads, upgrading panels, upgrading wiring) on existing systems in existing locations.
  9. Installation of basic, non-destructive interior window coverings (e.g., curtains, roller shades, and blinds) for the purposes of light and temperature controls.

- D. Scientific testing, data collection, diagnostic monitoring, geotechnical exploration, and water and biological sampling that are noninvasive or minimally invasive. Examples include:
  - 1. Ground penetrating radar, airborne remote sensing and mapping, and magnetometer surveys.
  - 2. Water sampling at established wells and other sampling locations for radiological monitoring, and water characterization. This includes sampling from wells with dedicated pumps and associated plumbing at the wellhead and sampling from wells without pumps using a wireline bailer or portable pumping system. Ground disturbance must be limited to established well pads and access must be by existing roads. Removal or cleanup of legacy nuclear testing elements would require Cultural Resource SME Tier II review.
  - 3. Routine well head maintenance including replacing locking mechanisms, sealing gaps around cover plates, sealing for rainwater, ice, or snow, installing lockable casing or security caps, replacement of borehole caps to provide better fit or coverage.
  - 4. Air monitoring activities at established environmental samplers at or near historical or current operation sites on the NNSS.
  - 5. Potholing in previously disturbed areas to determine and observe the configuration of buried utilities.
  - 6. Clipping vegetation, setting animal traps, and installing cameras or other sensors.
  - 7. Installing temporary weather gauges, radiation monitoring stations, traffic counters, or similar devices where no new ground disturbance is proposed.
- E. Demarcation of various legacy sites throughout the NNSS, including the repair or replacement of radiological boundaries which may require installing new T-posts and replacing or installing signage.
- F. Unmanned Aircraft Systems (UAS) activities that will not use or impact buildings or yield ground disturbance or require off-road driving.
- G. Training exercises that will not use or impact buildings or yield ground disturbance or require off-road driving.

## II. TIER II EXEMPTIONS

These are undertakings that the DOE and the SHPO agree require review by a Cultural Resource SME who meets the SOI Professional Qualifications Standards to ensure that no effects to historic properties will occur. If the Cultural Resource SME recommends that the undertaking will have no effect on historic properties, then the DOE CRPM may approve it without requiring additional review by the SHPO.

- A. Modifications to or removal of buildings and structures that have been previously evaluated as individually not eligible to the NRHP with SHPO concurrence and are not located in a recognized or an unevaluated historic district.

- B. Modifications to or removal of buildings and structures that post-date 1992, when the modifications or removal have no potential to impact historic properties. Examples include:
  - 1. Interior modifications to a post-1992 buildings with no potential to possess exceptional significance under Criteria Consideration G (e.g. office buildings, housing, recreational facilities, warehouses, and storage buildings with no scientific or experimental associations), provided that the modifications will not be visible from the exterior.
  - 2. Removal or exterior modification of a post-1992 building in an unevaluated district when the removal or modification has no potential to physically damage or alter potential district contributors in the vicinity and the building has no potential to possess exceptional significance under Criteria Consideration G (e.g. office buildings, housing, recreational facilities, warehouses, and storage buildings with no scientific or experimental associations).
  - 3. Removal or exterior modification of a post-1992 building in an isolated location, not located in an unevaluated historic district, when the building has no potential to possess exceptional significance under Criteria Consideration G (e.g., office buildings, housing, recreational facilities, warehouses, and storage buildings with no scientific or experimental associations).
- C. Activities involving surface or ground disturbance where eligible or potentially eligible properties are not present on the surface based on a previous pedestrian cultural resources inventory that meets current standards; the probability of finding buried historic properties is negligible; and potential visual, atmospheric, or audible adverse effects to known historic properties will not occur.
- D. Activities in which proposed locations of small-scale ground disturbance are limited in size to no more than one square meter of surface disturbance and one cubic meter of subsurface disturbance. Individual undertakings may have no more than ten such ground disturbance areas and they may not be contiguous. *Note: Cultural Resource SME review may require designating and/or approving specific appropriate locations of surface or subsurface ground disturbance.*
- E. Installation of temporary or portable signage, including roadway directional signage, traffic signage, safety and security signage, parking signs, and protective signage if such installation will not have a visual effect on historic properties.
- F. Routine maintenance, operation, minor repairs, retrofitting, replacement, and upgrades to above and below ground utility systems, including communications, information, safety and hazard protection, security, traffic control, lighting, power and power delivery, water, plumbing, sewer, and HVAC. This work includes excavation to gain access to existing underground utilities to maintain, inspect, repair, or replace components provided the work is consistent with previous conditions and does not extend beyond the area excavated during the original installation.
- G. Maintenance, repair, and rehabilitation of exterior features and foundations of historic buildings and structures provided the modifications do not affect historically significant or character-defining features. This work must use in-kind materials, designs, and



methods of construction and ensure the modifications are not visible from the ground level of the primary façade.

- H. Roof repair with materials that match or closely resemble the historic materials and form. Flat or shallow pitch roof repair or replacement where no portion of the surface of the roof is visible from the ground.
- I. Installation or replacement of rain gutters, downspouts, and extensions provided the color and style are historically appropriate for the building.
- J. Weatherization and sealing of air leaks of the building shell or around fixtures, including windows and doors, and threshold installation in a manner that does not harm or obscure historic windows or trim (spray foam must not be used). Installation of vents if they are not located on a primary roof elevation or not visible from ground level. Vents may also be installed in the foundation if they are painted or finished to match the existing foundation materials.
- K. Maintenance, repair, and installation of thermal insulation in walls, floors, ceilings, attics, and foundations using methods that do not harm or damage historic fabric and do not result in visible holes drilled through the exterior siding or in a location where these holes may visibly alter the exterior. Pipes, water heaters, and ductwork may be insulated, but spray foam must not be used.
- L. Installation of energy-efficient windows in a manner that does not change the appearance of the interior or exterior of the building. Window repair or window-glazing treatments that do not change the appearance of the building interior or exterior.
- M. Installation of storm windows, storm doors, or wood screen doors in a manner that does not harm historic windows, doors, or trim. Repair and replacement of doors in a manner that does not change the appearance of the interior or exterior of the building. Replacement of elements on primary doors and doorframes that are deteriorated beyond repair with in-kind materials.
- N. Replacement of existing common interior surfaces, furnishings, carpeting, fixtures, and appliances with like style, color, materials, and historic character.
- O. Maintenance, operation, repairs, and storage of legacy nuclear testing laboratory equipment and associated systems that may be considered historic properties.
- P. Removal or encapsulation of asbestos for safety and health concerns. Treatment is limited to pipe/ductwork, lagging, insulation, and flooring. Replacement of asbestos-containing building products with like or in-kind materials that maintain the historic character of the facility.
- Q. Installation, maintenance, repair, or replacement of equipment used to comply with Occupational Safety and Health Act (OSHA) and Americans with Disabilities Act (ADA) regulations in a manner consistent with the guidance provided by Preservation Brief #32 titled *Making Historic Properties Accessible*.
- R. Maintenance, repair, and safety improvements to exterior walkways, paths, ramps, stairways, and curbs in a way does not detract from the defining character of adjacent historic properties.

- S. Planting new landscaping that will require new ground disturbance or removing mature trees that does not affect the historic character of neighboring buildings or surrounding historic district.
- T. Maintenance, repair, and upgrades of fire hydrants and post-indicator valves or pressure reducing valves.
- U. Geophysical seismic survey, including installing geophones, seismic sensors, and support equipment (e.g., temporary, portable photovoltaic array, battery backup).
- V. Modification or removal of legacy nuclear testing elements from wells, well pads, and other environmental monitoring facilities.
- W. Removal or addition of rock or fill in existing borrow pits which have been previously reviewed for cultural resource compliance and found to contain no historic properties, or areas where the work will not extend beyond previously disturbed areas.

## APPENDIX B.

### Property Types Considered Categorically Not Eligible for the NRHP

For the purposes of this PA, the DOE, the SHPO, and the ACHP agree that specific property types listed below are not eligible for the NRHP under any of the Secretary of Interior's Significance criteria. They will therefore be considered not eligible and do not require evaluation or consultation with the SHPO or other parties for the purposes of Section 106. During undertaking review the Cultural Resource SME will identify and record the presence of individual properties that are examples of resource types listed below as occurring in the APE. If the Cultural Resource SME advises the DOE CRPM that a particular member of one of these property types exhibits distinctive and exceptional archaeological, architectural, or engineering features warranting eligibility, then the DOE will evaluate the NRHP eligibility of that member.

#### **I. Ineligible Property Types Not Requiring Individual Recordation Forms:**

- A. Underground storage tanks, septic tanks, buried pits and dumps, underground pipelines, sewer lines, and buried power and communication lines not associated with an eligible or unevaluated historic district.
- B. Aboveground storage tanks, including those for fuel, water, and chemicals not associated with an eligible or unevaluated historic district.
- C. Wellheads and pads, boreholes, drill pads, muck pits, and accessory structures not directly associated with a nuclear test.
- D. Post-1950 graded areas, areas covered with fill or hard cap (e.g., asphalt, Portland cement, or concrete) not directly associated with specific nuclear tests.
- E. Post-1950 material pits, quarries, or other borrow sources used for construction or landscaping material.
- F. Parking lots, driveways, curbs, curb ramps, sidewalks, and paths not associated with an eligible or unevaluated historic district.
- G. Post-1950 outdoor lighting, streetlights, light poles, T-posts and other posts, fence lines, and enclosures unless located in an eligible or unevaluated historic district.
- H. Directional signage, mile markers, road reflectors, traffic signals and control devices, guardrails, traffic barricades, jersey barriers, and other safety and security barriers, such as steel or concrete bollards.
- I. Segments of post-1950 unimproved two-track trails unless located in an eligible or unevaluated historic district. Unimproved two-track trails are ubiquitous on the NNSS.
- J. Modern improved highways, roads, and streets that are currently in common use and subject to ongoing regular maintenance and upgrading not associated with an eligible or unevaluated historic district.
- K. Post-1950 trash scatters, wire, cable, conduit, spools, milled wood, sheet or plate metal, metal fragments, pipe, rebar, cans, glass fragments, tile, ceramic fragments, asphalt, concrete, other construction debris, plastic, foil, paper, hazardous materials, and waste

containers (drums, barrels) that are not directly associated with specific eligible or unevaluated historic properties (buildings and structures) or specific testing events. *Note: Specific items that are directly associated with a specific eligible historic property or historically significant event will be documented and evaluated as accessories to determine if they contribute to the NRHP eligibility of the property.*

- L. Ammunition debris (e.g., bullets, shell casings, clips, and shrapnel) and unexploded ordnance (UXO) not associated with existing targets.
- M. Isolated finds, defined as: (a) an individual artifact, or several pieces from an individual artifact (e.g., broken bottle or ceramic vessel fragments, or a stone core and associated flakes) separated by at least thirty (30) meters from the nearest adjacent artifact or feature; or (b) individual features not associated with related artifacts, separated by at least thirty (30) meters from the nearest adjacent artifact or feature. Isolated artifacts will be recorded in tabular format on a project-by-project basis, but they are considered ineligible for the NRHP and not subject to further Section 106 review and consultation.

## **II. Ineligible Property Types Requiring Individual Recordation Forms:**

- A. Telecommunication, transmission, and distribution lines; transformers; electrical substations; circuit boxes; and other structures used to support or enclose telecommunication systems that meet one or more of the following criteria: (a) postdate 1992, (b) lack unique engineered features associated with that segment of the line, and/or (c) lack integrity due to upgrading of the original poles or lines to the degree that they reflect post-1992 construction.

## APPENDIX C.

### Findings of No Adverse Effect with Standard Conditions

This appendix identifies the methods and procedures required to make a finding of “No Adverse Effect with Standard Conditions” in accordance with Stipulation VI.A.1. Standard conditions may be added to this appendix via the procedures set forth in Stipulation XII.B.

#### **I. AVOIDANCE AS A STANDARD CONDITION**

The DOE may make a “Finding of No Adverse Effect with Standard Conditions” when the following standard conditions are used to avoid adversely affecting historic properties within an undertaking’s APE. For avoidance to be effective, all proposed activities, improvements, and disturbances associated with an undertaking shall be conducted in a manner that avoids historic properties and all historic properties shall be excluded from the undertaking’s activity areas. No undertaking activities shall occur within identified avoidance boundaries, including any defined buffer zones, designed to protect historic properties. Portions of undertakings may need to be modified, redesigned, or eliminated to properly avoid historic properties.

The Responsible Manager, under the direction of the CRPM and Cultural Resource SME, shall implement some or all of the following protection measures to avoid adverse effects to historic properties from undertakings under this PA.

##### **A. Avoidance Principles and Methods**

1. Undertaking redesign or relocation to avoid historic properties is the most effective technique and should be prioritized where possible. All changes to an undertaking designed to avoid historic properties (e.g., project modifications, redesign, or elimination; redefining maps or changing specifications of proposed activities; removing old or confusing project markings or engineering stakes within historic property boundaries), shall be completed prior to initiating any undertaking activities.
2. Temporary physical demarcation and barriers delineating a protected zone around historic properties are the next most effective techniques and may be adopted in cases where project activities cannot be relocated or redesigned.
3. Active real-time monitoring of project activities by a Cultural Resource SME should be used only in limited circumstances where other avoidance measures are not sufficient or in situations where the discovery of cultural materials is anticipated.
4. The minimum avoidance requirement for historic properties eligible only under the Secretary of Interior’s Significance Criterion D (important for the information potential they contain) is the physical demarcation of the historic property boundary and its exclusion from an undertaking’s proposed activity area.
5. For historic properties eligible under the Secretary of Interior’s Significance Criteria A-C, when setting and feeling are aspects of integrity possessed by the historic property, the physical demarcation of the avoidance area will also include a buffer zone sufficient to ensure avoidance of all adverse visual, atmospheric, or audible effects of the undertaking. The Cultural Resource SME will conduct an analysis to determine an appropriate buffer size on a case-by-case basis to ensure avoidance of adverse effects. The analysis will include a combination of in-field observations,

photographic analyses, and computer-generated analyses of viewsheds, sight lines, auditory, and atmospheric conditions. Visual simulations will be prepared when necessary to determine the extent of visual effects of an undertaking.

6. Physical demarcation may involve signage, coded flagging, temporary fencing, or other markers or barriers as determined necessary by the CRPM, in consultation with the Cultural Resources SME, to adequately protect the historic property.

#### B. Avoidance Plan and Procedures

1. All avoidance measures will be agreed upon by the CRPM and Responsible Manager prior to initiating any undertaking that may affect historic properties. The avoidance measures will remain in effect throughout the life of the undertaking to ensure that its effects on historic properties are avoided.
2. The Cultural Resource SME will recommend appropriate avoidance measures to the CRPM following the identification of historic properties, or potentially eligible cultural resources, in an APE that may be adversely affected by the undertaking.
3. The CRPM will consult with the Responsible Manager to determine appropriate administrative or physical measures to avoid adverse effects on historic properties within the APE and will include these measures as stipulations in the undertaking documentation.
4. The Responsible Manager will be required to agree to these stipulations prior to project authorization.
5. The Cultural Resource SME will delineate avoidance areas in a detailed avoidance plan that will include a map identifying all areas to be avoided and the avoidance methods to be employed and provide it to the CRPM.
6. The CRPM, by coordinating with the Responsible Manager, will ensure that the avoidance areas are properly protected in accordance with the plan prior to initiating the undertaking.
7. The Cultural Resource SME will inspect the avoidance area upon the completion of the undertaking to determine if historic properties were adequately avoided by the undertaking and will notify the CRPM of any findings.
8. At the direction of the CRPM, the undertaking's Responsible Manager will remove flagging and other markings and barriers as soon as possible after the undertaking is completed to avoid calling undue attention to historic properties.
9. The CRPM shall keep records of all correspondence and documentation related to the avoidance process in the administrative file. All undertakings resulting in a Finding of No Adverse Effect with Standard Conditions for Avoidance will be listed in the DOE's annual report to the SHPO per PA Stipulation VIII.A.4.c.

## **II. SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES**

Use of the Secretary of the Interior's Standards for the Treatment of Historic Properties – preservation, rehabilitation, restoration, and reconstruction - may be considered a standard condition to avoid adverse effects on historic properties when an undertaking's activities are

limited to stabilization, maintenance, repairs, rehabilitation, or alterations and these activities are completed in a manner consistent with the SOIS, the applicable SOIS guidelines, and current Preservation Briefs.

The DOE may make a finding of “No Adverse Effect with Standard Conditions, Secretary of the Interior’s Standards for the Treatment of Historic Properties” with the following conditions and procedures:

#### A. Conditions Required for a FNAE-SC SOIS

1. All documentation must be prepared by a qualified Cultural Resource SME who meets the Secretary of the Interior’s Professional Qualifications Standards for Architectural History and/or Historic Architecture (codified in Appendix A of 36 CFR Part 61) and approved by the CRPM.
2. Adequate information must be available to identify the character-defining features of the historic property and accurately determine the scope of construction activities and their effects on the property. Information on the historic property’s character-defining or essential physical features may be obtained from the NRHP nomination form for a listed property, the NRHP determination of eligibility documentation, including the property’s ARA form(s), or they may be identified as part of the Finding of No Adverse Effect with Standard Conditions report prepared for the undertaking.
3. The scope and design of the undertaking must be sufficiently developed and detailed to ensure that the proposed work can meet the SOIS, and an analysis of the proposed work and how it meets the specific SOIS must be prepared by a Cultural Resource SME.
4. All appropriate protection and avoidance measures must be defined, including whether any materials testing is necessary, in sufficient detail in the plans and specifications provided to the Cultural Resource SME preparing the SOIS analysis.
5. A clear chain of command must be established identifying specific tasks, responsibilities and contact information for DOE staff, contractors, consultants, or other responsible members of the project team.
6. A SOIS Action Plan must be developed as an attachment to the Finding of No Adverse Effect with Standard Conditions report to ensure that provisions for protection are carried out and will be documented and retained on file.

#### B. Procedures for a FNAE-SC SOIS

1. The Cultural Resource SME shall review project plans and identify potentially affected historic properties and their character-defining features.
2. The Cultural Resource SME shall identify the appropriate SOIS treatment (preservation, restoration, reconstruction, or rehabilitation) and analyze the scope for compliance with the applicable standards if the undertaking includes stabilization, maintenance, repairs, rehabilitation, or alterations.

3. The Cultural Resource SME shall prepare and submit supporting documentation to make a FNAE-SC SOIS to the CRPM for review and approval if the undertaking complies with the SOIS.
  - a. The supporting documentation will include a detailed analysis of the proposed scope of work and each applicable standard.
  - b. A SOIS Action Plan will be included as an attachment. The SOIS Action Plan will include the following in table format:
    - i. Activities to be reviewed or monitored by the CRPM and Cultural Resource SME;
    - ii. Timeline for when reviews/monitoring must take place;
    - iii. List of all parties responsible for each review/monitoring activity;
    - iv. Explanation of how the specified action will avoid adverse effects; and
    - v. A “date completed” column to be filled in as each specified action is completed.
4. If the Cultural Resource SME determines that the undertaking does not comply with the SOIS as designed but can be adequately modified to do so, the Cultural Resource SME shall notify the CRPM and the CRPM shall direct the Responsible Manager to revise the project plans accordingly.
  - a. If the project plans are satisfactorily revised, the process shall continue according to II.B.3, above. The CRPM shall keep records of undertaking revisions in the undertaking’s administrative file.
  - b. If the undertaking plans are not satisfactorily revised, then the CRPM shall proceed with the procedures in Stipulation VI of the PA.
5. The CRPM and Cultural Resource SME shall ensure that contractors comply with the SOIS Action Plan in the contract provisions during construction.
6. The CRPM and SME shall ensure that the undertaking is completed in compliance with the SOIS Action Plan and the undertaking plans.
7. The CRPM, following Cultural Resource SME review, must approve all changes to the undertaking plans after the completion of the FNAE-SC SOIS report to ensure that they comply with the SOIS.
8. If the CRPM, following Cultural Resource SME review, determines that the proposed changes to the undertaking do not comply with the SOIS, the changes must be redesigned to comply or the project review process will be reopened in accordance with Stipulation VI of the PA.
9. The CRPM shall keep records of all correspondence and documentation completed as part of the avoidance process in the administrative file.



## APPENDIX D.

### Standard Mitigation for the Resolution of Adverse Effects

The DOE, in consultation with the SHPO and the ACHP, has determined that the following standard mitigation measures outlined here are appropriate for historic properties determined individually eligible for inclusion in the NRHP under Criteria A, B, and/or C and/or as a contributing element to a historic district associated with the development of nuclear testing during the Cold War for the period of national significance from 1951 to 1992.

Standard mitigation procedures are outlined for historic properties subject to adverse effects in three different situations:

- (a) Contributing elements in recorded NRHP eligible historic districts whether individually eligible or not (Appendix D.I);
- (b) Elements in unrecorded and unevaluated historic districts (Appendix D.II); and
- (c) Properties individually eligible for the NRHP that do not contribute to a recognized historic district (Appendix D.III).

#### **I. CONTRIBUTING ELEMENTS IN RECORDED NRHP-ELIGIBLE HISTORIC DISTRICTS**

Recorded NRHP-eligible historic districts contain substantial known information regarding the unique historic significance of buildings, structures, objects, and other accessories (contributing elements) making up the district; the spatial, functional, and contextual relationships of contributing elements to one another within the district; and the condition and integrity of these contributing elements. This existing information is a valuable baseline for resolving project-related adverse effects to specific contributing elements in recorded NRHP-eligible historic districts.

Adverse effects to buildings and structures that are contributing elements in a historic district will be mitigated in accordance with the following actions.

- A. The DOE, with Cultural Resource SME support, will update the ARA form(s) to document current condition(s). If a contributing element has not been recorded on an ARA form, a form will be completed for that element, or it will be added to the appropriate ARA form as an accessory resource. Documentation will include:
  - 1. High-quality digital photographic images of the affected contributing element that conform to the best practices guidelines in the National Park Service National Register Photo Policy Fact Sheet with a photo log of the images describing each view with the file name, subject, and direction of view and a photographic plan map ([https://www.nps.gov/subjects/nationalregister/upload/Photo\\_Policy\\_update\\_2013\\_05\\_15\\_508.pdf](https://www.nps.gov/subjects/nationalregister/upload/Photo_Policy_update_2013_05_15_508.pdf)).
  - a. The Cultural Resources SME will determine if the interior of a building or structure contains any character-defining spaces or features that contribute to the building's or structure's significance, either as an individual historic property or as a contributing element to the historic district, in accordance with *NPS Preservation Brief 17: Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*. Character-defining

interior spaces and features will be photographed (depending on accessibility). Historically significant equipment and artifacts (including lab and field equipment, historic signage, and other historical records) will be identified and photographed before removal or demolition. The National Atomic Testing Museum in Las Vegas will be notified and given the opportunity to include items in their collection.

- b. If the element is an associated accessory or other object, images will be taken to illustrate multiple vantages of the element and its relationship to the primary element and to other nearby elements.
2. Current annotated sketch plans (which indicate building room layout and use, if known) or historic facility plans and drawings.
- B. The DOE, with Cultural Resource SME support, will prepare a Mitigation Report in accordance with the standards and guidelines for Mitigation Reports in Appendix F. The updated ARA form will be an appendix to the report.

## **II. ELEMENTS WITHIN UNRECORDED AND UNEVALUATED DISTRICTS**

Adverse effects to the historic character of buildings, structures, objects, and accessory elements may occur in areas that appropriately may be considered historic districts but are presently unrecorded as such and where the NRHP eligibility of the district is unknown. Adverse effects will be resolved by the actions below before the initiation of the undertaking.

- A. Boundary and Landscape Documentation. If a building, structure, or object subject to adverse effect is located within an unrecorded and unevaluated historic district, then the DOE, with cultural Resource SME support, will complete a reconnaissance architectural survey of the district and prepare a draft letter report (hereinafter the boundary report) with a map showing the unrecorded and unevaluated district boundary. In accordance with the standards and guidelines for Boundary Reports in Appendix F, this boundary report will include, but not be limited to:
  1. A discussion of how the district boundary was defined based on archival research and the preliminary results of the archaeological and architectural fieldwork; and
  2. Draft digital color photographs of the landscape surrounding and within the district; and
  3. A photo log of the images describing each view with the file name, subject, and direction of view and a photographic plan map.
  4. If the DOE plans to initiate the undertaking before completion of the district architectural survey report, the boundary report will include draft digital color photographs of contributing district resources subject to adverse effect showing context, setting, exterior elevations, interior views, and relationships to other contributing elements. These images will be sufficient for later use in ARA forms.
  5. The intensive survey and written portions of the ARA forms will not be fully completed as part of the boundary report. These will be completed as part of Appendix D.II.B.
- B. Historic District Architectural Survey

1. The DOE, with cultural Resource SME support, will complete an intensive architectural survey of the district and prepare a report in accordance with the standards and guidelines for Architectural Survey Reports in Appendix F. The report will include a historic context that describes the district's origin, history, and support functions as well as its significance to the development of the NNSS. The report will contain an NRHP evaluation for the district and will provide the results of the architectural survey with contributing and non-contributing elements identified and documented.
2. The DOE, with cultural Resource SME support, will record all architectural or archaeological resources discovered within the historic district boundary on ARA forms or NNSS site forms, as appropriate, and include them as an appendix to the Architectural Survey Report.

### **III. ELIGIBLE PROPERTIES NOT LOCATED IN A HISTORIC DISTRICT**

Certain historic properties may be individually eligible under the Secretary of Interior's Significance Criteria A through C. As part of the procedures outlined in the PA, such properties will already have been identified and documented using ARA or other standard forms, evaluated and determined to be eligible for the NRHP, and found to be subject to undertaking-related adverse effects. Adverse effects to these individual historic properties will be resolved in accordance with the following procedures:

- A. The DOE, with cultural Resource SME support, will update the ARA form or NNSS site form, as necessary, with:
  1. Additional detailed color images of the historic property and accessories that conform to the best practices guidelines in the National Park Service National Register Photo Policy Fact Sheet (see link above). The photograph submission will include a photo log of the images describing each view with the file name, subject, and direction of view and a photographic plan map; and
  2. Historical photographs from archival sources, an annotated sketch plan, and engineering drawings or plans.
- B. The DOE, with cultural Resource SME support, will prepare a brief Mitigation Report in accordance with the standards and guidelines for Mitigation Reports in Appendix F. The updated ARA form will be an appendix to the report.

### **IV. INFORMATION PRESERVATION, PUBLICATION, AND PUBLIC OUTREACH**

- A. The DOE will archive copies of all ARA forms, photographs, image files, databases, and reports produced as part of the standard mitigation measures with the Nuclear Testing Archive in Las Vegas.
- B. The DOE will publish documentation to the DOE Office of Scientific and Technical Information for access by the public at the following website: [www.osti.gov](http://www.osti.gov). This will include:
  1. Mitigation documentation for elements within a recorded historic district; and
  2. Final historic district evaluation reports and related mitigation documentation for elements in an unrecorded historic district; and

3. Mitigation documentation for individually eligible properties not in a historic district.

## APPENDIX E.

## Definitions and Acronyms

The following acronyms and terms are used throughout this PA and its appendices. Specific terms listed below and not defined below are defined in 36 CFR § 800.16.

ACHP	Advisory Council on Historic Preservation
ADA	Americans with Disabilities Act
APE	Area of Potential Effect(s)
ARA	Architectural Resource Assessment
CFR	Code of Federal Regulations
CRC	Cultural Resource Coordinator. The M&O Contractor's primary coordinator for cultural resource compliance relative to NNSS activities.
CRM	Cultural Resource Management
CRPM	DOE Cultural Resource Program Manager
Day(s)	Calendar day(s), unless otherwise stated to mean working day(s)
DOE	U.S. Department of Energy
FNAE	Finding of No Adverse Effect
FNAE-SC	Finding of No Adverse Effect with Standard Conditions
FNAE-SOIS	Finding of No Adverse Effect with Standard Conditions for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
FR	Federal Register
HDRA	Historic District Resource Assessment
HRIF	Historical Resource Inventory Form
M&O	Management and Operations Contractor
MHD	Mercury Historic District

Multi-Element Classes	Buildings, structures, and other elements having several to many identical and redundant examples. Some members of these multiple-element classes may be NRHP-eligible based on their association with important historic events or themes, particularly nuclear testing under Criterion A. An adequate description of a subset of examples of the class may be considered to represent the class as a whole and the documentation of one or more examples may serve to mitigate adverse effects to other members of that class.
NHPA	National Historic Preservation Act
NNSS	Nevada National Security Site
NRHP	National Register of Historic Places
NVCRIS	Nevada Cultural Resources Inventory System
OSHA	Occupational Safety and Health Act
OSTI	DOE Office of Scientific and Technological Information
PA	Programmatic Agreement
Responsible Manager	The person or persons responsible for managing the execution of a particular undertaking on the NNSS. The person or persons may be employed by the DOE, the M&O, a national laboratory, another government agency, or another contractor involved in the undertaking.
ROW	Right of Way
SHPO	State Historic Preservation Office or Officer
SME	Subject Matter Expert(s)
SOI	Secretary of the Interior
SOIS	Secretary of the Interior's Standards for the Treatment of Historic Properties
USC	United States Code
UXO	Unexploded ordinance
Year	Federal fiscal year (FY), from October 1 to September 30

## APPENDIX F. REPORT STANDARDS

This appendix includes standards for the following types of reports produced under the PA:

Identification and Evaluation Reports, Finding of Effect Reports, Mitigation Reports, Boundary Reports, and Architectural Survey Reports.

For each report type, a simple outline is provided first, followed by a detailed, annotated outline describing the required contents of each section.

The standards provided herein are minimum standards and are not intended to limit the contents of reports. Additional sections and appendices may be added as necessary to adequately describe an undertaking, historic properties in the APE, the effects on historic properties, and the scope of mitigation activities.

### **I. IDENTIFICATION AND EVALUATION REPORTS**

Standards for both archaeology reports and architectural history reports produced in accordance with PA Stipulation IV are provided herein. In some cases, the application of the Criteria of Adverse Effect and recommended effect findings for an undertaking may be incorporated into the Identification and Evaluation Report, in which case it will be called an Identification, Evaluation, and Finding of Effect Report. In others, the application of the Criteria of Adverse Effect and recommended effect findings will be included in a separate, standalone letter report. The outlines provide standards for Identification and Evaluation Reports with and without effects analysis and recommended findings, accordingly.

### **II. FINDING OF EFFECT REPORTS**

Per PA Stipulations VI.A.3 and VI.B, the DOE will consult with the SHPO on Findings of No Adverse Effect without Standard Conditions (FNAE-No SC) and Findings of Adverse Effect (FAE). The standards herein apply to reports generated to support such findings.

### **III. MITIGATION REPORTS**

These are the cover reports that must accompany the other mitigation work products specified in Appendix D.I and D.III (ARA forms or NNS site forms).

### **IV. BOUNDARY REPORTS**

These are used to define the potential boundary and potential contributing elements of a potential historic district following completion of a reconnaissance survey. They are completed as part of the standard mitigation outlined in Appendix D.II.

### **V. ARCHITECTURAL SURVEY REPORTS**

These are used to document and evaluate potential historic districts in detail following completion of an intensive survey. They are completed as part of the standard mitigation outlined in Appendix D.II.

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<b>Simple Outline for Archaeology Identification and Evaluation Reports</b>
REPORT DOCUMENTATION PAGE AND EXECUTIVE SUMMARY
INTRODUCTION
PROJECT DESCRIPTION
Description of the Undertaking
Area of Potential Effects (APE)
ENVIRONMENTAL CONTEXT
RESEARCH DESIGN
Objectives
Field Methods
Archival Review and Expectations
Consultation with Tribes and Interested Parties
HISTORIC CONTEXT
Research Questions
Evaluation Criteria
IDENTIFICATION AND EVALUATION
Summary of Historic Properties Identified
Previously Identified Historic Properties / Newly Recorded Cultural Resources
Isolated Finds
APPLICATION OF THE CRITERIA OF ADVERSE EFFECT*
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REFERENCES
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Appendix B. Isolated Finds Table and Cultural Resource Maps
Appendix C. Inventories and Previously Recorded Resources
Appendix D. Cultural Resource Forms

\*If included in this report; otherwise, omit section.

^Appendices may vary based on the undertaking and findings within the APE.

## Annotated Outline for Archaeology Identification and Evaluation Reports

### REPORT DOCUMENTATION PAGE AND EXECUTIVE SUMMARY

<b>REPORT TITLE</b>	
Consultant Report:	Consultant Project Number:
Inventory Date(s):	Report Date:
Report Author(s):	Field Personnel:
USGS Map Reference(s):	
Pedestrian Inventory Area: x hectares (x acres)	APE Area: x hectares (x acres); y feet depth of ground disturbance
<p><b>Executive Summary:</b></p> <p>This section provides a brief project summary that includes a description of the undertaking, APE, total acreage surveyed, the number of sites documented, NRHP eligibility recommendations for sites documented, the total number and type of historic properties within the APE, and a recommended finding of effect for the undertaking.</p>	

### INTRODUCTION

This section provides background information to introduce the undertaking, such as the federal agency(ies) responsible for the undertaking, consultant responsible for preparing the report, basic project information, and project location. A project location map showing location on the NNSS must be included, either in the body of the report or in the maps appendix.

### PROJECT DESCRIPTION

**Description of the Undertaking** provides a thorough description of the undertaking. Plans and figures may be included to illustrate the undertaking if applicable.

**Area of Potential Effects (APE)** includes dimensions of the APE (horizontal and vertical), a discussion of the types of effects anticipated, and total acreage surveyed (inventory area). An APE map must be included, either in the body of the report or in the maps appendix. The APE map may be multiple sheets if necessary to depict the APE at a readable scale. Photographs of the APE will be included in this section to depict the nature of the APE.

### ENVIRONMENTAL CONTEXT

This section consists of local geology, vegetation patterns, past ground modifications, and aspects of the landscape that may limit or allow for the potential for intact cultural resources. This information is obtained through field observations, GIS data layers, and other research sources.

### RESEARCH DESIGN

**Objectives** describes the purpose of the inventory effort (e.g., to comply with Section 106 of the National Historic Preservation Act and the NNSS PA).

**Field Methods** provides information on the methodology used to conduct the inventory and record cultural resources. Inventory methodology describes transect intervals and GPS and field equipment. Site recording methodology includes a brief summary about how sites were identified and recorded.

**Archival Review and Expectations** provides the results of an archival review of the NNSS Cultural Resources Program archives, the digital Nevada Cultural Resources Information System (NVCRIS), and available aerial imagery. Other relevant sources in this section may include past reports and articles, ethnographic literature, and historical documents and maps. The literature review identifies past cultural resources projects and inventories and the types of cultural resources previously documented in and near the project area. The purpose of the literature review is to develop an overview of prehistoric, historic, and ethnographic knowledge of the area and is scaled to the size and scope of the project. A table summarizing the results of the literature review must be provided in an appendix, typically Appendix C. Expectations briefly describe the type of cultural resources expected to be encountered in the project area based on the literature review.

**Consultation with Tribes and Interested Parties** provides the date(s) American Indian Tribes and interested parties were contacted with information about the undertaking and summarizes any responses received.

## HISTORIC CONTEXT

This section is the basis for making National Register of Historic Places eligibility determinations of cultural resources encountered in the APE and to establish the significance of cultural resources in the APE. The context is based on the archival review and the types of resources encountered. Relevant historic contexts for the NNSS relate to three major cultural traditions on the NNSS (American Indian Occupation History; Early Euro-American Exploration and Settlement and Land Use up to the 1950s; and Cold War and Nuclear Testing). Appendix B of the *Cultural Resource Management Plan for the Nevada National Security Site, Nye County, Nevada* provides a historic context statement with relevant themes and research questions for the NNSS. It will be used as the basis for the historic context report section. It will be expanded upon or added to as necessary to address the cultural resources in the APE.

**Research Questions** define specific research questions tailored to the historic contexts and research themes that are used to evaluate the data potential of archaeological resources encountered under Criterion D. The research questions must be able to be addressed through archaeological and scientific methods. Each research question is followed by data requirements necessary to address each question. Common research questions and data requirements that will be utilized in this section will be drawn from Appendix B of the *Cultural Resource Management Plan for the Nevada National Security Site, Nye County, Nevada*.

**Evaluation Criteria** outlines the four NRHP significance criteria in 36 CFR § 60.4 under which cultural resources in the APE are evaluated for significance. The section also includes a brief discussion on the seven aspects of integrity utilized to determine whether a cultural resource is able to convey its significance.

## IDENTIFICATION AND EVALUATION

***Summary of Historic Properties Identified*** begins with a brief statement of the number and types of archaeological sites identified in the APE and resources determined eligible or recommended eligible for the NRHP. For the sake of clarity, the information may be presented in table form. The table must include site number, historic theme/association, site type, and recommended NRHP eligibility or the date of previous SHPO NRHP eligibility concurrence (if appropriate).

***Previously Identified Historic Properties / Newly Recorded Cultural Resources*** consists of narrative summaries of all known historic properties (previously evaluated and determined eligible) and newly evaluated archaeological resources in the APE, respectively.

Summaries of each historic property or archaeological site will include the following information:

***Description:*** A brief description which provides information on the type of archaeological site, general environmental location, nearby vegetation, and a brief summary of artifacts and features. This summary at a minimum includes material types, artifact types, quantity, and general distribution. Detailed information regarding the site assemblage can be included in the site form; the description in the report only contains sufficient information to support eligibility recommendations.

***National Register Evaluation Summary:*** A summary of the NRHP evaluation. Each resource must be evaluated under all four significance criteria (36 CFR § 60.4) with reference to the historic contexts and research questions developed in previous sections. To make a recommendation of eligibility, each site must also be assessed based on the seven aspects of integrity: location, design, setting, workmanship, materials, feeling, and association. More detailed NRHP evaluation text can be included in the site form when appropriate.

Per PA Stipulation IV.D.2, there may be situations in which it may not be possible to fully evaluate a site. When this occurs, the site will be considered “unevaluated.” In addition, sites that have not received SHPO review and concurrence are also considered unevaluated. Any sites that are unevaluated must be treated as eligible for the purposes of the undertaking.

***Isolated Finds*** briefly summarizes the isolated artifacts and features in the APE and provides a statement that isolated finds are not recommended for the NRHP under any of the Secretary of the Interior’s significance criteria (36 CFR § 60.4). Detailed reporting of isolated finds will be included in Appendix B.

## APPLICATION OF THE CRITERIA OF ADVERSE EFFECT

Per PA Stipulations VI.A.3 and VI.B, the DOE will consult with the SHPO on Findings of No Adverse Effect without Standard Conditions (FNAE-No SC) and Findings of Adverse Effect (FAE). This section may be included in the identification and evaluation report, or it may be part of a separate finding of effect report following consultation with the SHPO regarding the identification and evaluation effort. It must include the definition of adverse effect from 36 CFR § 800.5(a)(1) and the examples of adverse effects from 36 CFR § 800.5(2). The criteria of adverse effect must be applied and a description of the project’s effects on all the historic properties in the APE must be included. Tables may be used to produce succinct analyses and/or to summarize recommended effect findings, in addition to narrative analyses.

## CONCLUSIONS

This section includes the results of the inventory, the number of eligible and ineligible sites recorded, and NRHP eligibility recommendations. When applicable, it clearly states a finding of 1) No Adverse Effect without Standard Conditions; or 2) Adverse Effect. If the recommended finding is FNAE-No SC, this section will clearly state that no mitigation is recommended.

If effects will be analyzed in a separate finding of effect report, then this section clearly states that effects will be determined following consultation with the SHPO regarding the identification and evaluation of historic properties in the APE.

***Recommended Mitigation*** summarizes proposed mitigation when the recommended finding is FAE. If standard mitigation from PA Appendix D will be proposed to resolve adverse effects, it will be clearly stated in this section with a reference to the specific measures to be followed. If standard mitigation from PA Appendix D will not be proposed, it will be clearly stated that the DOE will continue to consult with the SHPO regarding appropriate measures to resolve adverse effects.

***Unanticipated Discovery*** contains a statement that if any buried and/or previously unidentified resources are located during the project activities, all work in the vicinity of the find should cease and additional consultation be sought.

## REFERENCES

This section includes all citations in the text, including printed and online references, websites, and other archival documents.

## PREPARERS' QUALIFICATIONS

This section provides brief qualification summaries (one paragraph per professional) for the professionals responsible for preparing the report.

## APPENDICES

***Appendix A. Project Maps*** includes 1) Project Location Coordinates and 2) Area of Potential Effects map, at minimum. Other project maps may be added as necessary, such as maps of project features and depictions of the APE overlaid on aerials.

Project Location Coordinates are displayed in a table with major project coordinates in UTM NAD83.

The APE map must be on a USGS topographic background map at a 1:24,000 scale and include a UTM grid. Information to include on the map is the USGS quadrangle name, a scale, a north arrow, UTM projection (NAD83), report number, and a legend. Additional sheets may be necessary to show the APE at a readable scale.

***Appendix B. Isolated Finds Table and Cultural Resource Maps*** includes a table detailing isolated finds in the APE and map(s) for archaeological sites and isolated finds.

The isolated finds table includes unique identifiers, a brief description, location coordinates, and a photograph (if applicable).

Cultural resources maps must be at an appropriate scale that displays archaeological sites (polygons) and isolated finds (points) in relation to the APE. Cultural resources must be labeled on the map. Information on the map at minimum consists of a USGS quadrangle

name, a scale, a north arrow, UTM projection, report number, and a legend. The background may be a USGS topographic map or a recent aerial image, as best appropriate to depict the cultural resources within their setting.

***Appendix C. Inventories and Previously Recorded Resources within the Archival Review Area*** includes previously conducted inventories and previously recorded resources in the APE identified during the literature review. It must be clearly presented which resources are within the APE and which are outside its bounds but within the archival review radius.

The table for previous inventories must include associated report number, reference, and type of survey/inventory.

The table for previously recorded cultural resources must include SHPO resource number/site number, site age (prehistoric/historic/ NNSS activities), resource type, and NRHP eligibility determination with the date of SHPO concurrence if available. Note that if there is no determination of eligibility for a resource in the APE, the resource should be considered unevaluated.

A references list must be included in this appendix after the tables.

***Appendix D. Cultural Resource Forms*** includes a cover page listing cultural resources forms (NNSS Site Forms or ARA or HDRA Forms) appended to the document.

All NNSS Site Forms include updated and original site forms. Site forms must include a location map, a site sketch map, and photographs (at minimum, two overviews).

ARA and HDRA Forms must include updated and original ARA Forms and any earlier Historic Resource Inventory Form (HRIF), if applicable.

## **Simple Outline for Architectural History Identification and Evaluation Reports**

### **REPORT DOCUMENTATION PAGE AND EXECUTIVE SUMMARY**

#### **INTRODUCTION**

#### **PROJECT DESCRIPTION**

Description of the Undertaking

Area of Potential Effects (APE)

#### **ENVIRONMENTAL CONTEXT**

#### **RESEARCH DESIGN**

Objectives

Survey Methods

Archival Review and Expectations

Consultation with Tribes and Interested Parties

#### **HISTORIC CONTEXT**

Evaluation Criteria

#### **IDENTIFICATION AND EVALUATION**

Summary of Historic Properties Identified

Previously Identified Historic Properties / Newly Evaluated Cultural Resources

#### **APPLICATION OF THE CRITERIA OF ADVERSE EFFECT\***

#### **CONCLUSIONS**

Recommended Mitigation\*

#### **REFERENCES**

#### **PREPARERS' QUALIFICATIONS**

#### **APPENDICES^**

Appendix A. Project Maps

Appendix B. Inventories and Previously Recorded Resources

Appendix C. Cultural Resource Forms

\* If included in this report; otherwise, omit section.

^Appendices may vary based on the undertaking and findings within the APE.

## Annotated Outline for Architectural History Identification and Evaluation Reports

### REPORT DOCUMENTATION PAGE AND EXECUTIVE SUMMARY

<b>REPORT TITLE</b>	
Consultant Report:	Consultant Project Number:
Survey Date(s):	Report Date:
Report Author(s):	Field Personnel:
USGS Map Reference(s):	
Survey Area: x hectares (x acres)	APE Area: x hectares (x acres); y feet depth of ground disturbance
<p><b>Executive Summary:</b></p> <p>This section provides a brief project summary that includes a description of the undertaking, APE, total acreage surveyed, the number of resources documented, NRHP eligibility recommendations for resources documented, the total number and type of historic properties within the project area, and a recommended finding for the undertaking.</p>	

### INTRODUCTION

This section provides background information to introduce the undertaking, such as the federal agency(ies) responsible for the undertaking, consultant responsible for preparing the report, basic project information, and project location. A project location map showing location on the NNSS must be included, either in the body of the report or in the maps appendix.

### PROJECT DESCRIPTION

***Description of the Undertaking*** provides a thorough description of the undertaking. Plans and figures may be included to illustrate the undertaking if applicable.

***Area of Potential Effects (APE)*** includes dimensions of the APE (horizontal and vertical), a description of the boundary and physical characteristics of the APE, and a discussion of the types of effects anticipated. An APE map must be included, either in the body of the report or in the maps appendix. The APE map may be multiple sheets if necessary to depict the APE at a readable scale. Photographs of the APE will be included in this section to illustrate the nature of the APE.

### ENVIRONMENTAL CONTEXT

This section consists of brief development history and a general description of the environmental setting of the APE. This information is obtained through field observations, GIS data layers, NNSS building data, and other research sources.

RESEARCH DESIGN ***Objectives*** describes the purpose of the survey effort (e.g., to comply with Section 106 of the National Historic Preservation Act and the PA).

***Survey Methods*** provides information on the methodology used to conduct the survey and document cultural resources. Survey methodology at minimum describes date(s) of survey, type



of survey (reconnaissance or intensive), field personnel, and procedures for documenting built resources in the APE in the field.

**Archival Review** provides the results of an archival review of the NNSS Cultural Resources Program archives and the digital NVCRIS, and available aerial imagery. Other relevant sources in this section may include past reports and articles, ethnographic literature, and historical documents and maps. The literature review identifies past cultural resources projects and inventories and the types of cultural resources previously documented within the APE for the undertaking. The purpose of the literature review is to develop an overview of historic knowledge of the area and is scaled to the size and scope of the project. A table summarizing the results of the literature review must be provided in an appendix, typically Appendix C.

**Consultation with Tribes and Interested Parties** provides the date(s) American Indian Tribes and interested parties were contacted with information about the undertaking and summarizes any responses received.

An additional sub-section may be included for other scholarly sources consulted as part of the research for the report. Other sources may include books, newspaper articles, oral histories, journal articles, reputable websites, and the like.

## HISTORIC CONTEXT

This section is the basis for making eligibility determinations of resources encountered in the APE and to establish the significance of cultural resources in the APE. The context is based on the extant resources in the APE. Primary historic contexts for built resources on the NNSS relate to the military, the Cold War, and nuclear testing. Appendix B of the *Cultural Resource Management Plan for the Nevada National Security Site, Nye County, Nevada* provides a historic context statement with relevant themes for the NNSS. It will be used as the basis for the historic context report section. It will be expanded upon or added to as necessary to address the cultural resources in the APE.

**Evaluation Criteria** outlines the four NRHP significance criteria in 36 CFR § 60.4 under which cultural resources in the APE are evaluated for significance. The section also includes a brief discussion on the seven aspects of integrity utilized to determine whether a cultural resource is able to convey its significance.

## IDENTIFICATION AND EVALUATION

**Summary of Historic Properties Identified** begins with a brief statement of the number and types of cultural resources identified in the APE, recommended evaluation conclusions, and a table(s) that lists them. The table(s) must include the SHPO number, resource name and/or NNSS number as applicable, resource type, and recommended NRHP eligibility. If a property in the APE has been previously evaluated for NRHP eligibility with SHPO concurrence, the concurrence date must be included in the table. The table(s) may be incorporated into the sub-sections outlined below or in the summary sub-section, as appropriate for clarity and ease of use. In some cases, it may be appropriate to separate summaries of properties within the direct effects area and indirect effects area, so additional sub-sections may be added as needed.

**Previously Identified Historic Properties** and **Newly Evaluated Cultural Resources** consist of narrative summaries of all known historic properties (previously evaluated and determined

eligible) and newly evaluated built environment cultural resources in the APE, respectively. When summarizing a historic property for which the SHPO has previously concurred on its NRHP eligibility, the date of concurrence must be included in the summary.

Summaries of each historic property or cultural resource will include the following information:

***Description:*** A brief description of the resource, including its date(s) of construction, historic use(s), physical characteristics, and number of contributing Accessory Resources (ARs). Detailed descriptions may be included in the cultural resource form (ARA or HDRA, as applicable) in an appendix; the description in the report should only contain sufficient information to support eligibility recommendations.

***National Register Evaluation Summary:*** A summary of the NRHP evaluation. It must summarize significance or lack thereof, and integrity or lack thereof. More detailed NRHP evaluation text must be included on the cultural resource form for each resource.

Per PA Stipulation IV.D.2, there may be situations in which it may not be possible to fully evaluate a resource. When this occurs, the resource will be considered “unevaluated.” In addition, resources that have not received SHPO review and concurrence are also considered unevaluated. Any resources that are unevaluated must be treated as eligible for the purposes of the undertaking.

#### APPLICATION OF THE CRITERIA OF ADVERSE EFFECT

Per PA Stipulations VI.A.3 and VI.B, the DOE will consult with the SHPO on FNAE-No SC and FAE. This section may be included in the identification and evaluation report, or it may be part of a separate finding of effect report following consultation with the SHPO regarding the identification and evaluation effort. It must include the definition of adverse effect from 36 CFR § 800.5(a)(1) and the examples of adverse effects from 36 CFR § 800.5(2). The criteria of adverse effect must be applied and a description of the project’s effects on all the historic properties in the APE must be included. Tables may be used to produce succinct analyses and/or to summarize recommended effect findings, in addition to narrative analyses.

#### CONCLUSIONS

This section includes the results of the survey, the number of eligible and ineligible resources, and NRHP eligibility recommendations. When applicable, it clearly states a finding of 1) No Adverse Effect without Standard Conditions; or 2) Adverse Effect. If the recommended finding is FNAE-No SC, this section will clearly state that no mitigation is recommended.

If effects will be analyzed in a separate finding of effect report, then this section clearly states that effects will be determined following consultation with the SHPO regarding the identification and evaluation of historic properties in the APE.

***Recommended Mitigation*** summarizes proposed mitigation when the recommended finding is FAE. If standard mitigation from PA Appendix D will be proposed to resolve adverse effects, it will be clearly stated in this section with a reference to the specific measures to be followed. If standard mitigation from PA Appendix D will not be proposed, it will be clearly stated that the DOE will continue to consult with the SHPO regarding appropriate measures to resolve adverse effects.

#### REFERENCES

This section includes all citations in the text, including printed and online references, websites, and other archival documents.

## PREPARERS' QUALIFICATIONS

This section provides brief qualification summaries (one paragraph per professional) for the professionals responsible for preparing the report. The summaries will state education, years of experience, and which Professional Qualification Standard(s) each professional meets.

## APPENDICES

**Appendix A. Project Maps** includes 1) Project Location map and 2) Area of Potential Effects map, if not included in the body of the report. Other project maps may be added as necessary, such as maps of project features and historic maps.

The APE map must be at a readable scale commensurate with the size of the undertaking. Information to include on the map is the USGS quadrangle name, a scale, a north arrow, UTM projection (NAD83), report number, and a legend. Additional sheets may be necessary to show the APE at a readable scale. Depicting the APE on both a USGS topographic map and a recent aerial image is preferred for built resources.

**Appendix B. Inventories and Previously Recorded Resources within the Archival Review Area** includes previously conducted inventories and surveys and previously recorded resources in the APE identified during the archival review.

The table for previous inventories must include associated report number, reference, and type of survey/inventory.

The table for previously recorded cultural resources must include SHPO resource number/site number, site age (prehistoric/historic/ NNSS activities), resource type, and NRHP eligibility determination. Note that if there is no determination of eligibility with SHPO concurrence for a resource in the APE, the resource should be considered unevaluated.

A references list must be included in this appendix after the tables. **Appendix C. Cultural Resource Forms** includes a cover page listing cultural resources forms (ARA and/or HDRA Forms) appended to the document.

ARA and HDRA Forms must include updated and original ARA Forms and any earlier HRIF, if applicable.

## **Simple Outline for Finding of Effect Reports**

### **INTRODUCTION**

### **PROJECT DESCRIPTION**

Description of the Undertaking

Area of Potential Effects (APE)

### **HISTORIC PROPERTIES IN THE APE**

Summary of Historic Properties

Historic Property(ies)

Description

National Register Eligibility Summary

### **APPLICATION OF THE CRITERIA OF ADVERSE EFFECT**

**FINDING OF NO ADVERSE EFFECT WITHOUT STANDARD CONDITIONS or FINDING OF ADVERSE EFFECT (as applicable)**

Recommended Mitigation\*

### **REFERENCES**

### **PREPARERS' QUALIFICATIONS**

### **APPENDICES^**

Appendix A. Project Maps

Appendix B. Photographs of Historic Properties

Appendix C. Project Plans and Specifications

\* If applicable; otherwise, omit section.

^Appendices may vary based on the undertaking and findings within the APE. Appendix C will only be provided when applicable and appropriate for illustrating effects. For example, if the undertaking is demolition of a historic property, no plans appendix will be required.

## Annotated Outline for Finding of Effect Reports

### INTRODUCTION

This section provides background information to introduce the undertaking, such as the federal agency(ies) responsible for the undertaking, consultant responsible for preparing the report, basic project information, and project location. A project location map showing location on the NNSS must be included, either in the body of the report or in the maps appendix.

### PROJECT DESCRIPTION

***Description of the Undertaking*** provides a thorough description of the undertaking. Plans and figures may be included to illustrate the undertaking, either in the body of the report or in the plans and specs appendix, if applicable.

***Area of Potential Effects (APE)*** includes dimensions of the APE (horizontal and vertical), a description of the boundary and physical characteristics of the APE, and a discussion of the types of effects (e.g., physical, visual, atmospheric, audible). An APE map must be included, either in the body of the report or in the maps appendix. The APE map may be multiple sheets if necessary to depict the APE at a readable scale. A photograph(s) of the APE may be included in this section if it is useful in illustrating the nature of the APE.

### HISTORIC PROPERTIES IN THE APE

***Summary of Historic Properties*** begins with a brief statement of the number and types of historic properties in the APE and a table that lists them. The table must include the SHPO number, resource name and/or NNSS number as applicable, resource type, and NRHP eligibility with date of SHPO concurrence if available. The table is followed by narrative descriptions of the historic properties as outlined below.

***Historic Property(ies)*** consists of narrative summaries of all known historic properties in the APE.

Summaries of each historic property will include the following information:

***Description:*** A brief description of the historic property, including its date(s) of construction, historic use(s), physical characteristics, and number of contributing Accessory Resources (ARs).

***National Register Eligibility Summary:*** A summary of why the historic property was determined eligible for listing in the NRHP. It must summarize significance and integrity based on the previous determination of eligibility for the resource. If a resource is unevaluated but treated as eligible per PA Stipulation IV.D.2, it will be clearly stated in this sub-section.

### APPLICATION OF THE CRITERIA OF ADVERSE EFFECT

Per PA Stipulations VI.A.3 and VI.B, the DOE will consult with the SHPO on Findings of No Adverse Effect without Standard Conditions (FNAE-No SC) and Findings of Adverse Effect (FAE). This section must include the definition of adverse effect from 36 CFR § 800.5(a)(1) and the examples of adverse effects from 36 CFR § 800.5(2). The criteria of adverse effect must be applied and a description of the project's effects on all the historic properties in the APE must be included. Tables may be used to produce succinct analyses and/or to summarize recommended effect findings, in addition to narrative analyses.

## FINDING OF NO ADVERSE EFFECT WITHOUT STANDARD CONDITIONS or FINDING OF ADVERSE EFFECT (as applicable)

This section clearly states a recommended finding of 1) No Adverse Effect without Standard Conditions; or 2) Adverse Effect. If the recommended finding is FNAE-No SC, this section will clearly state that no mitigation is recommended.

**Recommended Mitigation** summarizes proposed mitigation when the recommended finding is FAE. If standard mitigation from PA Appendix D will be proposed to resolve adverse effects, it will be clearly stated in this section with a reference to the specific measures to be followed. If standard mitigation from PA Appendix D will not be proposed, it will be clearly stated that the DOE will continue to consult with the SHPO regarding appropriate measures to resolve adverse effects.

## REFERENCES

This section includes all citations in the text, including printed and online references, websites, and other archival documents.

## PREPARERS' QUALIFICATIONS

This section provides brief qualification summaries (one paragraph per professional) for the professionals responsible for preparing the report. The summaries will state education, years of experience, and which Professional Qualification Standard(s) each professional meets.

## APPENDICES

**Appendix A. Project Maps** includes 1) Project Location map and 2) Area of Potential Effects map, if not included in the body of the report. Other project maps may be added as necessary, such as maps of project features and historic maps.

The APE map must be at a readable scale commensurate with the size of the undertaking. Information to include on the map is the USGS quadrangle name, a scale, a north arrow, UTM projection (NAD83), report number, and a legend. Additional sheets may be necessary to show the APE at a readable scale. Depicting the APE on both a USGS topographic map and a recent aerial image is preferred for built resources.

**Appendix B. Photographs of Historic Properties** includes representative photographs of the historic properties in the APE. For additional photos, reviewers should consult the ARA or NNSS site forms for the historic properties.

**Appendix C. Project Plans and Specifications** is only included when necessary to adequately illustrate project effects. Contents may include sketches, schematics, construction drawings, renderings, and/or materials/product specifications.

### **Simple Outline for Mitigation Reports**

INTRODUCTION

MITIGATION CONTENTS

PROPERTY DESCRIPTION

SIGNIFICANCE SUMMARY

REFERENCES

PREPARERS' QUALIFICATIONS

APPENDICES

Appendix A. Updated ARA forms or NNSS site forms

### **Annotated Outline for Mitigation Reports**

INTRODUCTION

This section provides background information about the undertaking, such as the federal agency(ies) responsible for the undertaking, consultant responsible for preparing the report, basic project information, summary of cultural resource consultation completed for the undertaking to date, and a statement that the report is being prepared in accordance with standard mitigation procedures in PA Appendix D. The exact category of standard mitigation will be explicitly stated (Appendix D.I, D.II, or D.III).

MITIGATION CONTENTS

This section lays out the contents of the mitigation prepared in accordance with Appendix D. Each deliverable will be explicitly stated.

HISTORIC PROPERTY(IES) DESCRIPTION

This section provides a brief physical description of the historic property(ies) being mitigated. It may also include more general descriptions of the property type, architectural style, and historic uses to enhance the understanding of the historic property.

SIGNIFICANCE SUMMARY

This section summarizes the historic significance of the historic property(ies) being mitigated. It must clearly state the applicable NRHP significance criteria, context, and theme under which it is significant; the period of significance; the level (local, state, or national) of significance; and that the property retains integrity. It may also include additional context, theme, and property type narratives to enhance the understanding of the historic property.

REFERENCES

This section includes all citations in the text, including printed and online references, websites, and other archival documents.

PREPARERS' QUALIFICATIONS

This section provides brief qualification summaries (one paragraph per professional) for the professionals responsible for preparing the report. The summaries will state education, years of experience, and which Professional Qualification Standard(s) each professional meets.

## Simple Outline for Boundary Reports

### INTRODUCTION

Purpose

### POTENTIAL HISTORIC DISTRICT BOUNDARY

Methodology

Narrative Description

### PRELIMINARY RESULTS

### SUMMARY

### REFERENCES

### PREPARERS' QUALIFICATIONS

### APPENDICES

Appendix A. Photography

## Annotated Outline for Boundary Reports

### INTRODUCTION

This section provides background information about the undertaking, such as the federal agency(ies) responsible for the undertaking, consultant responsible for preparing the report, basic project information, and a summary of cultural resource consultation completed for the undertaking to date.

**Purpose** explicitly states that the report is being prepared in accordance with standard mitigation procedures in Appendix D.II.A to define the potential district boundary and explain how it was defined.

### POTENTIAL HISTORIC DISTRICT BOUNDARY

This section explains the likely eligibility of the potential historic district and states which Significance Criteria apply. This section must include a clearly drawn map of the boundary and the potential contributing and non-contributing elements. The map must be drawn at a legible scale in relation to the size of the district. Multiple sheets may be necessary to depict the district and elements. Recent aerial imagery is the preferred background for the boundary map to show existing conditions.

**Methodology** lays out the research and survey methods utilized to define the boundary and prepare the report. Research will include archival review, scholarly publications, NNSS historic documents, historic maps, aerials, and photographs, and historic engineering drawings. This section will clearly state if the survey was reconnaissance or intensive. Surveys for Boundary Reports will typically be reconnaissance surveys. Date(s) of survey, limits of the survey area, field personnel, and specific field methods will be stated herein.

**Narrative Description** describes the boundary in terms of geography, shape, size, contents, landscape, setting, physical, and visual features.



## PRELIMINARY RESULTS

This section provides a summary of the preliminary findings resulting from the research, reconnaissance survey, and boundary delineation. It provides totals for the anticipated numbers of contributing and non-contributing primary elements and lists the elements in table form. It may include additional descriptive information about the potential district and its potential contributors. It also may provide an outline of how elements will be documented in the subsequent Architectural Survey Report (how many elements will receive new ARA Forms, how many will receive updated ARA Forms, if any NNSS Site Forms will be prepared, etc.).

## SUMMARY

This section summarizes the contents and conclusions in the report.

## REFERENCES

This section includes all citations in the text, including printed and online references, websites, and other archival documents.

## PREPARERS' QUALIFICATIONS

This section provides brief qualification summaries (one paragraph per professional) for the professionals responsible for preparing the report. The summaries will state education, years of experience, and which Professional Qualification Standard(s) each professional meets.

## APPENDICES

*Appendix A. Photography* includes the digital color photographs taken during the reconnaissance survey, a photo plan map, and a photo index. The photographs will illustrate the boundary of the district, the general setting and landscape, and representative views from within the district. The photo log will include the file name, the direction of view, and description of view for each image and will be keyed to the photo plan map.

### **Simple Outline for Architectural Survey Reports**

EXECUTIVE SUMMARY

INTRODUCTION

ENVIRONMENTAL CONTEXT

METHODOLOGY

Objectives

Survey Methods

Evaluation Criteria

HISTORIC CONTEXT

NATIONAL REGISTER EVALUATION

BOUNDARY DESCRIPTION

CONTRIBUTING ELEMENTS\*

CHARACTER-DEFINING FEATURES\*

PREPARERS' QUALIFICATIONS

APPENDICES

Appendix A. Resource List

Appendix B. Maps^

Appendix C. Cultural Resource Forms

\*These sections only apply to districts recommended eligible for the NRHP. For districts evaluated and recommended ineligible for the NRHP, these sections may be omitted.

^May be omitted if all maps are incorporated into the body of the report as illustrations.

### **Annotated Outline for Architectural Survey Reports**

EXECUTIVE SUMMARY

This section summarizes the contents of the report and its findings.

INTRODUCTION

This section provides background information about the undertaking, such as the federal agency(ies) responsible for the undertaking, consultant responsible for preparing the report, basic project information, and a summary of cultural resource consultation completed for the undertaking to date.

ENVIRONMENTAL CONTEXT

This section consists of a brief development history, and a general description of the environmental setting of the potential district. This information is obtained through field observations, GIS data layers, NNSS building data, and other research sources. It may include subsections for natural setting and built environment setting if appropriate.

METHODOLOGY

**Objectives** describes the purpose of the survey effort (e.g., to determine if the potential district is eligible for the NRHP as part of mitigating the adverse effect from an undertaking in accordance with standard mitigation procedures in PA Appendix D.II.B).

**Survey Methods** provides information on the methodology used to conduct the survey and document cultural resources. Surveys conducted for Architectural Survey Reports must be intensive. This section at minimum describes date(s) of survey, field personnel, and procedures for documenting resources in the field.

**Evaluation Criteria** outlines the four NRHP significance criteria in 36 CFR § 60.4 under which cultural resources in the APE are evaluated for significance. The section also includes a brief discussion on the seven aspects of integrity utilized to determine whether a cultural resource is able to convey its significance.

## HISTORIC CONTEXT

This section is the basis for assessing the significance of the potential district and potential contributing elements within the district boundary. Primary historic contexts for built resources on the NNSS relate to the military, the Cold War, and nuclear testing. Appendix B of the *Cultural Resource Management Plan for the Nevada National Security Site, Nye County, Nevada* provides a historic context statement with relevant themes for the NNSS. It will be used as the basis for the historic context report section. It will be expanded upon or added to as necessary to address the potential district. It will specifically describe the district's origin, history, layout, and function. It will include subsections on architects, builders, styles, and building types as necessary and relevant to the resources in the district boundary.

## NATIONAL REGISTER EVALUATION

This section provides a detailed evaluation of the potential district for inclusion in the NRHP. It addresses all four significance criteria and all seven aspects of integrity. It ends with a summary conclusion statement that states whether or not the district is recommended eligible for the NRHP and a brief explanation of the recommendation. For districts recommended eligible, the summary conclusion clearly states the applicable significance criteria, period(s) of significance, level of significance (local, state, or national), applicable contexts and themes, and how the district retains sufficient integrity to convey its significance.

## BOUNDARY DESCRIPTION

This section describes the district boundary in terms of geography, shape, size, contents, landscape, setting, physical, and visual features. It also summarizes how it was defined. It will be based on the prior Boundary Report prepared for the district to fulfill PA Appendix D.II.A.

This section must include a clearly drawn map of the boundary and the contributing and non-contributing elements. The map must be drawn at a legible scale in relation to the size of the district. Multiple sheets may be necessary to depict the district and elements. Recent aerial imagery is the preferred background for the boundary map to show existing conditions.

## CONTRIBUTING ELEMENTS

This section applies only to districts recommended eligible for the NRHP. It provides information on the contributing and non-contributing elements. It provides totals for contributing and non-contributing primary elements and lists the elements in table form. It also includes brief descriptions and representative photographs of all contributing elements.

#### CHARACTER-DEFINING FEATURES

This section applies only to districts recommended eligible for the NRHP. It provides a detailed list of the district's character-defining features that enable it to convey its significance. It includes the forms, materials, features, spaces, and spatial relationships from the period(s) of significance that characterize the district.

#### REFERENCES

This section includes all citations in the text, including printed and online references, websites, and other archival documents.

#### PREPARERS' QUALIFICATIONS

This section provides brief qualification summaries (one paragraph per professional) for the professionals responsible for preparing the report. The summaries will state education, years of experience, and which Professional Qualification Standard(s) each professional meets.

#### APPENDICES

***Appendix A. Resource List*** includes a list(s) of contributing and non-contributing elements in the district in table form. For each primary resource, the table must include, at minimum, the SHPO number, resource name and/or NNSS number as applicable, associated ARs, and whether it is recommended as contributing or non-contributing to the district.

***Appendix B. Maps*** includes maps to illustrate the district boundary, development history, important spatial relationships, utilities, and infrastructure, etc., as applicable. If no additional maps are necessary other than those in the body of the report, this appendix can be eliminated.

***Appendix C. Cultural Resource Forms*** includes a cover page listing cultural resources forms (HDRA, ARA, and NNSS Site Forms, as applicable) appended to the document.

Forms must include updated and original forms and any earlier HRIF, if applicable.