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DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS & OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY

July 25, 2011

File No.: 3490 Army Renovations to Bldg 2079 FWA

Col. Timothy A. Jones
Department of the Army
Installation Management Command
Headquarters, U.S. Army Garrison Fort Wainwright
1060 Gaffney Road #6000
Fort Wainwright, Alaska 99703-6000

Subject: Signed Memorandum of Agreement

Dear: Col. Jones,

I have enclosed a signed copy of the *Memorandum of Agreement between the United States Department of the Army and the Alaska State Historic Preservation Officer regarding the renovations to Building 2079 at Fort Wainwright, Alaska.*

Please contact Summer Rickman at 269-8755 if you have any questions or need further assistance.

Sincerely,

Judith E. Bittner
State Historic Preservation Officer

JEB:slr

enclosure

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DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON FORT WAINWRIGHT
1060 GAFFNEY ROAD #6000
FORT WAINWRIGHT, ALASKA 99703-6000

REPLY TO
ATTENTION OF:

MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES DEPARTMENT OF THE ARMY AND
THE ALASKA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE RENOVATIONS TO BUILDING 2079
AT
FORT WAINWRIGHT, ALASKA

WHEREAS, the United States Department of the Army (the Army), acting through the United States Army Garrison Fort Wainwright, Alaska (USAG FWA), will install an External Installation Finishing System (EIFS) onto Building 2079 (FAI-01259); and

WHEREAS, USAG FWA plans to carry out the Undertaking pursuant to USAG FWA's public works requirements and has determined that this is an Undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Part 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, USAG FWA defined the Undertaking's area of potential effect (APE) as Building 2079, its surrounding viewshed, and the Ladd Air Force Base Cold War Historic District (Historic District); and

WHEREAS, USAG FWA determined that the Undertaking will have an adverse effect on Building 2079 which is a contributing property of the Historic District and consulted with the Alaska State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800; and

WHEREAS, USAG FWA consulted with Upper Tanana tribes, the Fairbanks North Star Borough, and the Tanana-Yukon Historical Society regarding the effects of the Undertaking on historic properties; and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), USAG FWA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination on May 3, 2011 providing the specified documentation, and the ACHP declined to participate on May 26, 2011 in the consultation pursuant to 36 CFR Part 800.6(a)(1)(iii); and

WHEREAS, USAG FWA provided the public information on the Undertaking and an opportunity to consult through USAG FWA's Conservation Website; and

NOW, THEREFORE, USAG FWA and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the Undertaking on historic properties.

STIPULATIONS

USAG FWA shall ensure that the following measures are carried out:

I. MITIGATION

A. Internal Training. Drawing from the technical preservation bulletins published by the National Park Service and in consultation with the SHPO, USAG FWA will develop a curriculum for a brief internal training (approximately fifteen (15) to twenty (20) minutes in duration) for USAG FWA Directorate of Public Works (DPW) engineers, architects, and contractors concerning conserving energy in historic buildings.

1. The training will be a part of the overall internal training component intended to give DPW staff a greater understanding of historic preservation issues and perspectives. The training will utilize a Fort Wainwright (FWA) historic property as an example. USAG FWA Cultural Resources staff will conduct the training at least every two (2) years as needed. Copies of the training will be available as needed for new employees.

2. Draft submittal of the internal training curriculum will be submitted to the SHPO within a year of the execution of this agreement. The SHPO shall have thirty (30) days from receipt of the initial draft of the curriculum to review and provide input. Any timely input received will be considered in developing the final curriculum.

B. General Design Parameters. USAG FWA will develop, in consultation with the SHPO, general design parameters for energy efficiency. This document will be two (2) to three (3) pages and will provide an overview of the main concerns related to energy efficiency for historic buildings on FWA. The design parameters will identify building-specific concerns and will develop a measured ranking of responses to energy efficiency issues. It will also focus on issues related to interior and exterior alterations and material selection.

1. A draft copy of the design parameters will be supplied to the SHPO within two (2) years of execution of this MOA. The SHPO shall have thirty (30) days from receipt of the draft design parameters to review and provide input. Any timely input received will be considered in developing the final document.

2. The design parameters will be distributed to USAG FWA personnel that work with historic buildings.

C. Historic American Building Survey (HABS). A HABS Level II will be conducted for Building 2079. Draft submittal of the HABS will be submitted to the SHPO within two (2) years of the execution of this agreement. The SHPO shall have thirty (30) days from receipt of the draft HABS to review and provide input. Any timely input received will be considered in developing the final documentation.

II. POST REVIEW UNANTICIPATED DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties happen, USAG FWA shall implement the discovery plan included as Attachment A of this MOA.

III. DISPUTE RESOLUTION

A. Should any signatory party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, USAG FWA shall consult with such party to resolve the objection. If USAG FWA determines that such objection cannot be resolved, USAG FWA will:

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

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

3. It is USAG FWA's responsibility to carry out all other actions; subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

4. At any time during implementation of any stipulation in this MOA, should an objection pertaining to this MOA be raised by a member of the public, USAG FWA shall notify the signatories to this MOA and take the objection into account.

IV. AMENDMENT

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

V. TERMINATION

A. If any signatory believes that the terms of this MOA are not being honored or cannot be carried out, or that an amendment to its terms should be made, that signatory will immediately consult with the other signatories to consider and develop amendments to the MOA per 36 CFR Part 800.6(c)(7) and Part 800.6(c)(8).

B. If this MOA is not amended as provided for in Stipulation V, USAG FWA or the SHPO may terminate this MOA. The party terminating this MOA will provide all other signatories a written explanation of the reasons for termination. If this MOA is terminated and prior to work continuing on the Undertaking, USAG FWA must either (a) execute a new MOA pursuant to 36 CFR Part 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7 and shall notify the signatories as to the course of action it will pursue.

VI. ANTI-DEFICIENCY ACT

All requirements set forth in this MOA requiring the expenditure of USAG FWA funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Section 1341). No obligation undertaken by USAG FWA under the terms of this MOA will require or be interpreted to require a commitment to expend funds not obligated for a particular purpose.

VII. DURATION

This MOA shall become effective upon execution by the signatories and shall remain in effect until terminated or five (5) years after it becomes effective.

EXECUTION of this MOA by the signatories and implementation of its terms evidence that USAG FWA has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

Signatories:

UNITED STATES DEPARTMENT OF THE ARMY
FORT WAINWRIGHT

By: _____
TIMOTHY A. JONES
COL, AV
Commanding

Date: 08 July 2011

Signatories:

ALASKA STATE HISTORIC PRESERVATION OFFICER

By: Judith Bittner
JUDITH E. BITTNER
State Historic Preservation Officer

Date: July 25, 2011

Attachment A

POST REVIEW AND UNANTICIPATED DISCOVERIES PLAN

A. In the course of conducting approved activities, USAG FWA and/or their contractors shall not intentionally or knowingly affect (such as remove, disturb, or cause to be removed or disturbed) any historic properties outside the approved scope of work.

B. In the event that a previously unidentified archaeological resource is discovered during ground disturbing activities, all ground disturbing activity shall immediately cease in the area of the discovery until the USAG FWA Cultural Resource Manager (CRM) can evaluate the resource in coordination with USAG FWA personnel who meet the Secretary of the Interior's Professional Qualification Standards for Archeologists. If approved by the CRM, subsurface work may continue in areas where subsurface archaeological resources are not reasonably expected to be encountered. USAG FWA shall notify the SHPO within 24 hours of discovery. In addition, work may resume in affected areas after approval by the CRM and the SHPO. USAG FWA shall notify appropriate Alaska Native tribes regarding applicable discoveries and related actions within three (3) business days and USAG FWA shall ensure that any archaeological work that may be necessary shall be completed in accordance with the NHPA and the Archaeological Resources Protection Act, codified at 16 U.S.C. Part 470, et seq., as amended (ARPA). Construction work may continue in the project area outside the archaeological resource area;

C. USAG FWA, the SHPO, and the Alaska Native tribes, if they so request shall immediately inspect the work site to determine the nature and area of the affected archaeological resource. Within ten (10) business days of the original notification of the discovery, USAG FWA, in consultation with the SHPO, and the Alaska Native tribes where appropriate, shall determine the NRHP eligibility of the resource;

D. If it is determined that the archaeological resource does not meet the NRHP Criteria as set forth at 36 CFR Part 60.4, as amended (the NRHP Criteria), USAG FWA may resume work in the affected area;

E. If USAG FWA determines that the resource meets the NRHP Criteria, USAG FWA shall comply with 36 CFR Part 800.13(b) as expeditiously as possible;

F. If human remains are inadvertently discovered; USAG FWA shall notify the SHPO within 24 hours of discovery. USAG FWA shall cease all work and ensure that the remains are secured from further disturbance or vandalism until after the appropriate law enforcement authorities have ensured that the remains are not related to any crime, and until a plan for treatment has been developed. If USAG FWA determines that the remains are Native American, the Garrison Commander shall immediately undertake any actions necessary under the Native American Graves Protection and Repatriation Act, as amended. If USAG FWA determines that the remains are not Native American, and do not warrant criminal investigation, USAG FWA shall immediately notify the SHPO and consult with the SHPO to identify descendants or other interested parties, if any. USAG FWA, in consultation with the SHPO and any interested parties, shall develop a plan for the respectful treatment and disposition of the remains

G. If during the course of the Undertaking there are any unforeseen or unanticipated effects to historic properties, USAG FWA shall initiate consultation pursuant to 36 C F R Part 800.13 to resolve the unforeseen effects.