



*Preserving America's Heritage*

# CASE DIGEST: SECTION 106 IN ACTION



ADVISORY COUNCIL ON HISTORIC PRESERVATION

SUMMER 2009

An independent federal agency, the ACHP promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. It also provides a forum for influencing federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Preserve America initiative.

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Cover: Radar at Alaska's Nike Site Summit. The question of how to manage the historic properties at the Site Summit is one the Army has been working to address for some time. This nationally significant site is of great interest and concern to a number of organizations and groups, as well as members of the general public.

## ABOUT THIS REPORT

Section 106 of the National Historic Preservation Act requires federal agencies to consider historic preservation values when planning their activities. In the Section 106 process, a federal agency must identify affected historic properties, evaluate the proposed action's effects, and then explore ways to avoid or mitigate those effects.

The federal agency often conducts this process with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers, representatives of Indian tribes and Native Hawaiian organizations, and other parties with an interest in the issues.

Sometimes a Programmatic Agreement (PA) or a Memorandum of Agreement (MOA) is reached and signed by the project's consulting parties. A PA clarifies roles, responsibilities, and expectations of all parties engaged in large and complex federal projects that may have an effect on a historic property. An MOA specifies the mitigation measure that the lead federal agency must take to ensure the protection of a property's historic values.

Each year thousands of federal actions undergo Section 106 review. The vast majority of cases are routine and are resolved at the state or tribal level, without the ACHP's involvement. However some cases present issues or challenges that warrant the ACHP's involvement.

This report presents a representative cross-section of undertakings that illustrate the variety and complexity of federal activities that the ACHP is currently engaged in. In addition, the ACHP's Web site [www.achp.gov](http://www.achp.gov) contains a useful library of information about the ACHP, Section 106 review, and the national historic preservation program.

# ALASKA

**Project:** Ongoing Case: Nike Site Summit  
Historic District Programmatic Agreement

**Agencies:** Department of the Army, Department of Defense

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A historic Cold War missile battery located atop Mount Gordon Lyon, one of the Chugach Mountains that loom above Anchorage and adjacent Fort Richardson, the Nike Site Summit Historic District is the subject of a Programmatic Agreement nearing completion that addresses numerous complex issues for this unique historic site.

The Army proposes to implement a management plan to include the management, treatment, and demolition of certain buildings and structures within the Nike Site Summit Historic District. This undertaking would provide for the selective retention and securing of certain structures and buildings, and demolition of other structures and buildings.

The Nike Site Summit Historic District is a former Nike Hercules Missile Battery located on Mount Gordon Lyon above Anchorage, Alaska. According to the National Register of Historic Places nomination form, Site Summit was completed in 1959 and represents an example of a Cold War-era Nike-Hercules missile installation. Also according to the National Register nomination form, Site Summit was one of the very few active Nike sites in the United States to actually test fire the missiles. The site was listed on the National Register in 1996 as a historic district of national-level significance and under National Register Criterion A in the area of military history.

The question of how to manage the historic properties at Nike Site Summit is one the Army has been working to address for some time. This nationally significant site is of great interest and concern to a number of organizations and groups, as well as members of the general public.

While the Programmatic Agreement (PA) is in final draft form, the Army is proposing to develop a Retained Buildings and Structures Treatment Plan to



Battery Building at Site Summit

stabilize certain buildings and structures with minimal maintenance and limited interior access. Specific measures for certain buildings are articulated in the PA to be included in the subsequent Retention Plan. The PA provides for additional review and comment by the consulting parties of the draft Retention Plan, and for an Abatement Plan should the Army determine the need to abate hazardous materials from the retained buildings and structures. The PA also includes proposed mitigation such as written documentation, photographic recordation, and drawings for those buildings to be demolished. The PA establishes a process whereby the Army would delay demolishing certain buildings and structures to allow the consulting parties a reasonable amount of time to plan and seek outside funds for the stabilization and/or rehabilitation of the buildings. Finally, the PA provides for the development, through consultation, of other general mitigation measures such as interpretive materials, a completed Historic American Landscape Survey, additional information sharing, and limited public access to the site.

Among the consulting parties are the Advisory Council on Historic Preservation (ACHP), National Park Service (NPS), Bureau of Land Management, Alaska State Historic Preservation Office, Municipality of Anchorage, National Trust for Historic Preservation, the Friends of Nike Site Summit, the Nike Historical Society, the Cold War Historical Museum, the American Society of Landscape Architects, the Anchorage Ski Club, Inc., the Cook Inlet Historical Society, and the Alaska Association for Historic Preservation. The Army also invited the Native Village of Eklutna to participate in this consultation.

The ACHP became involved in the case in November

2007. This has been a challenging consultation process due in large part to the concern expressed by the consulting parties in response to the Army's initial proposal for management and demolition on the site and the attempt to find the balance between historic preservation and military mission restrictions and responsibilities.

The Army has hosted numerous consultation meetings over the past years at various intervals. The NPS developed an "Evaluation of the Impact of the U.S. Army's Proposed Management Strategy on Nike Site Summit Historic District and Recommendations for the Avoidance, Minimization, and Mitigation of Adverse Effects" in July 2008.

For more information:

[www.usarak.army.mil/conservation/CR\\_Nike.htm](http://www.usarak.army.mil/conservation/CR_Nike.htm)

[www.nikesitesummit.org](http://www.nikesitesummit.org)

# CALIFORNIA

**Project:** Case Update: Suicide Barriers for Golden Gate and Cold Spring Canyon Bridges

**Agencies:** Federal Highway Administration, U.S. Department of Transportation; California Department of Transportation

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Since the Cold Spring Canyon Bridge in Santa Barbara County was built in 1963, at least 44 people have committed suicide there. More than 1,300 people have committed suicide by jumping from the Golden Gate Bridge in San Francisco since its 1937 construction. In separate projects, the California Department of Transportation is working to design suicide barriers. The bridges' historical and aesthetic importance creates significant challenges for balancing public safety and historic preservation concerns.

Since the last report in the Winter 2009 *Case Digest*, there have been significant updates in these cases. See [www.achp.gov/CaseDigestwinter2009small.pdf](http://www.achp.gov/CaseDigestwinter2009small.pdf) for background information on the cases.

While the construction of suicide barriers of any kind remains controversial and of concern to historic preservation advocates (including groups concerned about the Cold Spring Canyon Bridge) the California State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) executed a Memorandum of Agreement (MOA) on March 23, 2009, with the California Department of Transportation (Caltrans) for the Cold Spring Canyon Bridge Project. The MOA required Caltrans to do the following:

- conduct a feasibility study on an alternative design proposed by the SHPO that would reduce obstruction of the view to persons driving over the bridge;
- photo-document the bridge according to the Historic American Engineering Record (HAER) standards;
- develop an illustrated booklet about the historic bridge; and,
- install a three-panel interpretive exhibit to be designed by Caltrans.



Golden Gate Bridge

Caltrans consulted with the SHPO and completed the feasibility study, which was submitted to the SHPO and the ACHP for review in April. Although the study found that the cantilever arc net barrier design is not feasible for this particular bridge, the SHPO questioned this conclusion. In the SHPO's view, the cantilever arc net barrier design is preferable as it greatly reduces "the visual intrusion that maintains the setting of the bridge" and preserves the view corridor from the bridge to the valley. Caltrans concluded that the cantilever arc design would require permanent alteration of the bridge's primary character defining feature, its substructure. On the other hand, the fence type barrier minimizes physical alterations to the historic bridge and costs substantially less.

To resolve this disagreement, the SHPO invoked the dispute resolution clause of the MOA and requested that Caltrans seek the views of the ACHP. After thorough review, the ACHP agreed with Caltrans. Given the greater costs associated with the cantilever arc net design, and the fact that Caltrans has examined the feasibility of the alternative design, as required in the MOA, the ACHP advised Caltrans that it did not object to its approval of a fence-type barrier. In a letter dated July 1, 2009, the ACHP informed Caltrans of this recommendation.

In the same letter, however, the ACHP went on record that it agrees wholeheartedly with the SHPO's concern that altering historic bridges for the prevention of suicides requires timely and serious consideration of alternatives—including non-barrier alternatives such as call boxes and coordination with local mental health services. Many mid-century bridges are becoming eligible for inclusion in the National Register, and

the SHPO and other historic preservation advocates are rightfully concerned about the preservation of the historic character of these bridges.

As for the Golden Gate Bridge, consultation was concluded with agreement among Caltrans, the SHPO, and the ACHP that the net barrier designed by Caltrans was an acceptable means of deterring suicides on that bridge. At the SHPO's advice, Caltrans modified the proposed barrier to minimize the visual impact for persons viewing the bridge by matching the color of the support system to the existing bridge (International Orange), and leaving the net unpainted and uncoated stainless steel. Also a vertical barrier will be attached to the outside of the existing concrete wall along a 300-foot length of the north anchorage housing.

Other mitigation measures that were agreed to include the following:

- Caltrans will complete the yet unfinished HAER documentation for the bridge; and will submit a National Historic Landmark nomination for the Golden Gate Bridge to the National Park Service for consideration.
- Caltrans will also prepare educational materials for the public and an interpretive display at the gift center and Vista Point scenic view to inform the public about the undertaking for the duration of construction.

The MOA has been signed by Caltrans, the California SHPO, and, on July 13, the ACHP. The National Trust for Historic Preservation declined to sign the agreement, but all other consulting parties signed as concurring parties. These included the Golden Gate Bridge Highway and Transportation District, the Golden Gate National Recreation Area, Docomomo, and San Francisco Architectural Heritage.



Photo simulation of the proposed net barrier designed by Caltrans to deter suicide attempts from the Golden Gate Bridge.

# DISTRICT OF COLUMBIA

**Project:** Ongoing Case: National Museum of African American History and Culture

**Agencies:** Smithsonian Institution

**Contact:** Martha Catlin mcatlin@achp.gov

Significant decisions impacting historic properties were made in the 2003 congressional legislation authorizing the National Museum of African American History and Culture to be constructed on the National Mall in Washington, D.C. The museum's site was decided before Section 106 of the National Historic Preservation Act consultation began. Now, the Smithsonian Institution and consulting parties are working to minimize adverse effects to historic properties.

More than a dozen organizations and agencies are consulting parties working with the Smithsonian to reconcile historic preservation values of the Washington Monument and Grounds and the National Mall with construction of a major new cultural institution, the National Museum of African American History and Culture (NMAAHC). The museum is to be sited on the Washington Monument Grounds, near the Washington Monument and the National Mall's axis between the Capitol and the Lincoln Memorial and the Jefferson Memorial and the White House.

Public Law 108-184, the National Museum of African American History and Culture Act, specified the non-applicability of the Commemorative Works Act to the NMAAHC in mandating that the museum be located upon the National Mall.

In response to a 2007 invitation by the Smithsonian Institution to participate in consultation for the NMAAHC, the Advisory Council on Historic Preservation (ACHP) notified Acting Secretary Cristián Samper that it would participate in consultation. The ACHP's letter of June 6, 2007, cited the Criteria for Council Involvement in Reviewing Individual Section 106 Cases, and noted, "the project may include adverse effects on properties of national significance and unusual importance, notably the Washington Monument and the National Mall." Prior involvement in the NMAAHC



Design concept model for the National Museum of African American History and Culture submitted by Freelon Adjaye Bond / SmithGroup (photo courtesy John Barrat, Smithsonian Institution)

by the ACHP included participation in a series of discussions and meetings with Smithsonian officials and program and legal staff beginning in November 2005. The discussions focused on how to address procedural challenges associated with a congressionally authorized project whose site was selected by the Smithsonian Board of Regents prior to initiation of Section 106. The regents selected the site on the Washington Monument grounds, the historic landscape that is the setting for the Monument. In light of this decision, ACHP Chairman John L. Nau, III wrote to then-Smithsonian Secretary Lawrence M. Small on January 27, 2006, seeking to further a common goal of "an efficient and well-coordinated design review process." He urged the Smithsonian to "convene a meeting of the principal review agencies and senior Smithsonian staff to map out how the related reviews will be coordinated." Nau expressed the view that proper phasing of reviews would "ensure that the impacts on historic properties are fully evaluated and given proper consideration, before design decisions become fixed."

The Smithsonian began a series of National Environmental Policy Act scoping and Section 106 consultation meetings beginning in November 2006. Once the required notification to the ACHP was accomplished, the Smithsonian proceeded with consultation meetings on approximately a monthly basis. Development of design principles through Section 106 consultation absorbed a major portion of the work of the consulting parties.

In March 2009, the Smithsonian convened a jury to

review entries from six design teams. These teams were finalists in a broader competition among those who had been invited by the Smithsonian to submit proposals. Input from Section 106 consultation on a broad range of issues, including viewshed analyses and design principles, was made available to the entrants, who were to decide how to incorporate the information into their design approaches. The selection of a design team, Freelon Adjaye Bond / SmithGroup, was announced April 14. The Smithsonian, in deference to the need to consider alternatives to avoid, minimize, or mitigate adverse effects in the Section 106 process, holds that the selection was of a design team, not a design, and will require the team to work with stakeholders in a collaborative process to develop three separate designs for consideration.

On April 15, one day following the announcement of the winning team, the Smithsonian convened a consultation meeting. The consulting parties began the process of reviewing the results of the design competition and considering how to address potential adverse effects of the respective entries, including that of the winning team. Initial reactions of consulting parties indicated a concern that, while having merit, the entries evidenced little consideration of the design principles developed through Section 106 consultation. Future meetings are expected to result in specific direction to the design team as it develops the three alternative designs, with a goal of preserving excellence in design while also achieving compatibility with the historic National Mall landscape.

Consulting parties include the District of Columbia State Historic Preservation Office, National Park Service, National Capital Planning Commission, Commission of Fine Arts, Advisory Neighborhood Commission-2A, DC Office of Planning, US Capitol Historical Society, Committee of 100 on the Federal City, National Coalition to Save Our Mall, The Black Collective for DC History, DC Preservation League, Association for the Study of African American Life and History, and DC Guild of Professional Tour Guides.

Project Web site:  
<http://nmaahc.si.edu>

## KENTUCKY

**Project:** Case Update: Interstate 65 to U.S. Highway 31 West Connector Highway

**Agencies:** Federal Highway Administration, U.S. Department of Transportation

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Last reported in the Fall 2008 Case Digest [www.achp.gov/Case%20Digest%20Fall%2008.pdf](http://www.achp.gov/Case%20Digest%20Fall%2008.pdf), this project has resulted in a Memorandum of Agreement concluded on May 1, 2009.

The agreement among the Federal Highway Administration (FHWA), Kentucky Transportation Cabinet, Kentucky State Historic Preservation Office (SHPO), Intermodal Transpark Authority (ITA), and the Advisory Council on Historic Preservation (ACHP) involves the resolution of adverse effects to be caused directly or indirectly by the undertaking.

The agreement addresses the indirect effects on the two historic buildings and one historic cemetery located in the area proposed for Phase II of the Transpark. FHWA and the ITA have also committed to conducting additional archaeological investigations to determine if underground archaeological sites that are scattered throughout the karst topography of the region might be affected by construction. FHWA will bear responsibility for the costs of mitigation in the highway right-of-way, and ITA will bear the costs of archaeological survey and mitigation for archaeological properties that may be affected by construction in the Phase II development.

The outcome is a notable example of cooperation between transportation agencies and local government to address the indirect and cumulative effects of induced development on historic properties. Further information is on the ACHP's Web site at: [www.achp.gov/fhwa\\_section106\\_kentucky.html](http://www.achp.gov/fhwa_section106_kentucky.html).

# MASSACHUSETTS

**Project:** Ongoing Case: Nantucket Sound Wind Farm Application

**Agencies:** Minerals Management Service, Department of the Interior

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An unprecedented case resulting from a proposal to create a massive wind-generated electrical facility in Nantucket Sound has the potential to affect two National Historic Landmarks, properties of traditional religious and cultural significance to Indian tribes, and the seascape of Nantucket Sound itself.

The Minerals Management Service (MMS), a bureau of the Department of the Interior, is reviewing a permit application from Cape Wind Associates to construct a “wind farm” in Nantucket Sound on the Outer Continental Shelf (OCS). The controversial project would consist of 130 offshore wind turbine generators in a 24-square-mile area on Horseshoe Shoal in Nantucket Sound on the OCS (4.7 miles offshore of Cape Cod; 5.4 miles from Martha’s Vineyard; and 11.2 miles from the Island of Nantucket), a submarine transmission cable system, and other support facilities. Consultation has been ongoing since 2004. Consulting parties include the National Trust for Historic Preservation, governments and historical commissions from local communities within the viewshed of the proposed project, the Mashpee Wampanoag Tribe, the Wampanoag Tribe of Gay Head (Aquinnah), a coalition of local citizens dedicated to preservation of the natural and historic setting of Nantucket Sound, and others.

In February 2005, the U.S. Army Corps of Engineers (Corps) issued an adverse effect determination for 16 historic properties including two National Historic Landmarks (NHLs): the Nantucket Historic District NHL and the Kennedy Compound NHL. The Advisory Council on Historic Preservation (ACHP) formally entered the consultation in March 2005. In August 2005, MMS assumed lead federal agency



Chatham Beach, Cape Cod (photo courtesy Tim Grafft/Massachusetts Office of Travel & Tourism)

status from the Corps as a result of the Energy Policy Act of 2005 that gave the MMS authority for issuing leases, easements, or rights-of-way for alternative energy projects on the OCS. MMS initiated Section 106 consultation meetings with federally-recognized tribes and other consulting parties in July 2008 and has sponsored additional meetings in 2008 and 2009. MMS issued a formal Finding of Effect on December 29, 2008. The area of potential effects for visual effects now includes all identified properties with a view of the wind turbine array and other associated facilities. MMS has determined that the proposed project will have adverse visual effects on 29 historic properties including standing structures, historic districts, two NHLs, and at least one traditional cultural property of the Mashpee Wampanoag.

Consulting parties have repeatedly expressed a number of concerns, including the following: (1) the technical and financial feasibility of alternative site locations and the relative weight given to historic preservation in the analysis of alternatives; (2) the scope of the effort to identify historic properties; (3) the eligibility of Nantucket Sound itself, the Nantucket Sound seascape, and the seabed at Horseshoe Shoals as one or more historic properties; (4) the nature of the effects on the two identified NHLs; (5) the sufficiency of tribal consultation and the potential for effects on historic properties of religious and cultural significance to tribes; and, (6) cumulative effects that might ensue if other industrial or energy projects in the area are stimulated by this project.

The ACHP acknowledges there is limited precedent for

making determinations of eligibility and assessment of effects for this type of project. As a result, the ACHP has encouraged MMS to ensure that concerns raised by the historic preservation community and other consulting parties about effects on historic properties and their settings are given due consideration while at the same time respecting the concerns of the applicant as they relate to the Section 106 review. Acknowledging the discussion of alternatives provided in the National Environmental Policy Act process, the ACHP has advised MMS to clearly explain its reasoning regarding the technological infeasibility of alternative sites and explicitly consider the broader public value of the historic properties, including NHLs, that may be adversely affected, and the ultimate public costs of the adverse effects in this unique setting.

The ACHP has advised that MMS needs to meet further with tribes to clarify tribal concerns about the project and about additional potential historic properties of religious and cultural significance. The ACHP has also advised that MMS needs to resolve the question of the National Register eligibility of Nantucket Sound. Thus far, MMS has relied on informal comments from National Park Service (NPS) staff regarding a more general approach to the eligibility of bodies of water, without regard to their traditional religious or cultural significance. The ACHP has also requested that MMS obtain the formal views of the NPS on the project's visual impacts on the setting and viewshed of the Nantucket Island NHL and Kennedy Compound NHL. The effects on these two properties of national significance are critical to the overall assessment of the project's effects and the consideration of alternatives to avoid, minimize, or mitigate them.

During consultation meetings, there have been limited initial discussions regarding ways to alter the project on Horseshoe Shoals to avoid or minimize adverse effects, as well as ways to mitigate adverse effects from the undertaking. However, at this time, consulting parties still appear to have major unresolved concerns. Thus, there is the possibility that termination of consultation and formal ACHP comment will be the way to conclude the Section 106 process for this undertaking. If MMS, the Massachusetts State Historic Preservation Office (SHPO), or the ACHP conclude that agreement cannot

be reached on the resolution of adverse effects, pursuant to Section 800.7 of the ACHP's regulations, MMS, the SHPO, or the ACHP may terminate consultation.

# MINNESOTA

**Project:** Closed Case: Funding of Central Corridor Light Rail Transit Project in Minneapolis-St. Paul

**Agencies:** Federal Transit Administration, Department of Transportation

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The Federal Transit Administration concluded Section 106 consultation on a new 11-mile transit line linking the city centers of St. Paul and Minneapolis through a Programmatic Agreement finalized on June 18, 2009.



One of the stations for the Central Corridor Light Rail Project between Minneapolis and St. Paul will be located at the St. Paul Union Depot, in the Lowertown Historic District. One stipulation of the FTA's Programmatic Agreement for the project addresses the integration of the new station design into the Beaux-Arts landscape of the depot approach. This photo shows the area shortly after completion of the depot in 1923. (photo courtesy Minnesota Historical Society Library)

A new 11-mile transit line linking the city centers of St. Paul and Minneapolis may receive funding from the Federal Transit Administration (FTA). Construction as currently proposed by FTA's applicant, the Metropolitan Council, would create a light rail transit (LRT) line through a densely developed and diverse urban corridor that includes important historic districts such as the State Capitol complex and the University of Minnesota. The Central Corridor is planned to connect with the existing Hiawatha LRT in downtown Minneapolis as part of the development of a regional transit system.

Although the LRT line largely will avoid direct effects given its location within existing street rights-of-way, the design and location of elements including stations and overhead electrical supply systems present the potential for visual and other indirect effects on nearby historic properties. The Programmatic Agreement (PA) for the Central Corridor establishes an ongoing design review process that will allow the Minnesota State Historic Preservation Office (SHPO) and other consulting parties to comment on plans for specific features as they are developed. The goal of the design review process is to meet the recommendations for new construction in historic areas included in the Secretary of the Interior's Standards for Rehabilitation, thereby avoiding adverse effects.

The potential for noise and physical damage from vibration posed a particular concern for consulting parties, including two historic churches located along the LRT route. Through consultation, FTA and the

Metropolitan Council arrived at a plan to develop more detailed documentation and monitoring procedures to ensure that historic properties are not damaged as a result of vibration during construction or LRT operations.

Other concerns focused on the difficulty of predicting what impacts construction and operation of a major new transit line on city streets will have on traffic in historic districts such as Prospect Park and the University of Minnesota Campus Mall. The Metropolitan Council will conduct studies to document any adverse effects resulting from changes in travel patterns and parking in these historic areas and recommend solutions as necessary.

A new transit option in an urban setting also offers an opportunity for generating interest in the reuse and revitalization of historic properties with easy access to the light rail line. The PA includes provisions for preparing National Register of Historic Places nomination forms and educational materials that can be used to communicate the benefits of rehabilitation—including the Historic Rehabilitation Tax Credit—to property owners within the Central Corridor.

The Advisory Council on Historic Preservation (ACHP) joined consultation to develop the PA in June 2008 at FTA's request once the agency determined a programmatic approach to resolving adverse effects was appropriate for this corridor. The ACHP also participated given the large number of historic properties

that may be affected. Other consulting parties included the Preservation Alliance of Minnesota, Prospect Park and East River Road Improvement Association, Historic St. Paul, St. Louis King of France Church, Central Presbyterian Church, and St. Paul Heritage Preservation Commission. Active participation by the Minnesota SHPO and other consulting parties was critical to developing a PA that addressed community concerns about how the LRT line can enhance the urban environment without needlessly disrupting the historic character of buildings and districts along its route.

# MISSISSIPPI

**Project:** Closed Case: Memorandum of Agreement on the Gulfport-Harrison County Public Library

**Agencies:** Federal Emergency Management Agency, Department of Homeland Security

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The Federal Emergency Management Agency proposes to provide Public Assistance Funds to the Harrison County Board of Supervisors to replace the Gulfport-Harrison County Public Library in Gulfport with a new library facility further inland at Orange Grove. At issue is the future of the Hurricane Katrina-damaged historic building and grounds, which contained statuary and a memorial to a northern businessman and Gulfport benefactor.

Through Federal Emergency Management Agency (FEMA) Public Assistance funding, the Harrison County Board of Supervisors proposes to demolish and replace the Gulfport-Harrison County Public Library in Gulfport. The existing library was heavily damaged by Hurricane Camille in 1969 and again in 2005 by Hurricane Katrina, which led to the board's decision to demolish the building and replace it with a new facility. Two local historic preservation organizations (We the People to Save our Library and the South Mississippi Heritage Preservation and Education Group) formed to oppose the demolition of the building.

The Keeper of the National Register of Historic Places formally determined the 1966 Gulfport-Harrison County Public Library to be individually eligible for listing in the National Register of Historic Places (NRHP) for its architectural significance. The library is an example of New Formalist-style architecture designed by noted local architect Charles Louis Proffer.

In addition to the building's architectural significance, the library's location has tremendous symbolic importance to the Gulfport community. The library stands on the former home site of benefactor Captain Joseph T. Jones. Jones was a successful northern



Gulfport-Harrison County Public Library

businessman who was instrumental in the creation of the port of Gulfport. Jones also took over the bankrupt Gulf & Ship Island Railroad and served as the city's mayor. His family donated the library site to the city to serve as a public park and auditorium. The city subsequently sold the property to Harrison County in 1964.

On the grounds of the library stood a 1942 monument to Jones, which features a bronze statue by Charles Keck, a famous New York sculptor. Keck, who studied under Augustus Saint-Gaudens, sculpted numerous statues including the one of explorers Meriwether Lewis and William Clark and their Indian guide Sacagawea in Charlottesville, Virginia, and "The Genius of Islam" statue on the exterior of the Brooklyn Museum in New York. Hurricane Katrina damaged the monument, which the city and county subsequently removed.

Beginning in early December 2008, FEMA had seven consultation meetings with the Advisory Council on Historic Preservation (ACHP), Mississippi State Historic Preservation Officer (SHPO), the Harrison County Board of Supervisors (FEMA's applicant), the city of Gulfport, the Mississippi Emergency Management Agency (MEMA), We the People to Save our Library, South Mississippi Heritage Preservation and Education Group, and descendants of Captain Jones. A major goal during the consultation was to develop treatment measures to avoid, minimize, or mitigate the undertaking's adverse effects to the historic library. Throughout the consultation process, the Harrison County Board of Supervisors made it clear that it had no interest in using the building as a library. Conversely,

We the People to Save Our Library was adamant that the building not only be preserved, but that it continue to function as a downtown library branch.

On May 21, 2009, FEMA executed a Memorandum of Agreement (MOA) that addresses the adverse effects of demolishing and replacing the existing 1966 Gulfport-Harrison County Public Library. Signatories to the MOA include FEMA, the Mississippi SHPO, and the ACHP. The MOA's invited signatories include the Harrison County Board of Supervisors and MEMA.

The MOA includes the following stipulations:

- a provision for the county to clean, repair, and reinstall the Captain Joseph T. Jones Monument at its original site on the grounds of the existing Gulfport-Harrison County Public Library;
- marketing the Gulfport-Harrison County Public Library for a period of one year to a lessee of the property that would repair and rehabilitate the building;
- if a qualified lessee emerges, rehabilitation of the library in accordance with the Secretary of the Interior's Standards for Rehabilitation;
- interim protection of the building including securing it against vandalism until rehabilitation work begins; and,
- recordation of the library should the Harrison County Board of Supervisors' efforts to market the building fail to identify a qualified lessee, and it becomes necessary for the county to demolish it.

In addition to assisting Harrison County to build a replacement central library at a new and less vulnerable location further inland in Orange Grove, this undertaking is part of an overall effort to help the county recover from the destruction that Hurricane Katrina caused. Should the county identify a qualified lessee interested in repairing and rehabilitating the historic Gulfport-Harrison County Public Library and finding an alternate use for the building, such as a local history museum or arts center, the reuse of the building could create jobs and help spur revitalization in downtown Gulfport, which has been slow to recover since Hurricane Katrina. Thus, the outcome hopefully will be an example of an undertaking that successfully balances historic preservation goals with economic recovery objectives.

For more information:

[www.harrison.lib.ms.us/libraries.htm](http://www.harrison.lib.ms.us/libraries.htm)  
[www.harrison.lib.ms.us/hurricane/hurr\\_katrina\\_gm\(ss\).htm](http://www.harrison.lib.ms.us/hurricane/hurr_katrina_gm(ss).htm)

# NEW JERSEY

**Project:** New Case: Development of a Programmatic Agreement for Picatinny Arsenal  
**Agencies:** Department of the Army, Department of Defense  
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U.S. Army Garrison Picatinny Arsenal is attempting to implement a strategic approach including a Programmatic Agreement for historic property management allowing the Real Property Master Plan and the Facility Reduction Program to function effectively for the ever-evolving mission of Picatinny Arsenal in advancement of weapons systems.

U.S. Army Garrison Picatinny Arsenal has a unique mission as a joint services research and development center for armaments systems and munitions. As the only facility of its kind in the Army, Picatinny Arsenal supports organizations such as the Armament Research, Development, and Engineering Center whose mission is to develop and maintain a world-class workforce to execute and manage integrated life-cycle engineering processes required for the research, development, production, field support and demilitarization of munitions, weapons, fire control, and associated items (i.e., line of sight/beyond line of sight fire; small, medium, and large caliber; aero ballistics and telemetry).

Since its founding, Picatinny Arsenal has seen numerous tenants, missions, and needs making for an intricate and overlapping historic tapestry that is a testament to the military's advancement of weapons and munitions. As missions ended and/or changed, the buildings and structures that were built to support those mission-specific needs remained with no certain future use. The management of these historic properties is complex due to many operational constraints associated with restricted access areas, explosive safety arcs, high noise zones, unexploded ordnance areas, and various other environmental factors. Many of the planned missions coming to Picatinny Arsenal over the next several years are unable to reuse these obsolete buildings



Consultation at Picatinny Arsenal

and structures due to containments and/or design. Tomorrow's weapons systems are simply more advanced and complex, with unique needs for laboratory and research facilities.

Picatinny Arsenal has initiated consultation to streamline the Section 106 process for the Facility Reduction Program and Real Property Master Plan for the installation. The many projects that Picatinny Arsenal will undertake in the coming years have already been identified, and through consultation will offer a better understanding of how these projects will affect historic properties. It will also allow Picatinny Arsenal and its consulting party members to explore innovative forms of avoidance, minimization, and mitigation measures that will reflect the distinctive nature of these historic properties.

The Advisory Council on Historic Preservation became involved in the Section 106 process in March 2009. The first consultation meeting was on May 28, 2009. Participants in this case include the New Jersey State Historic Preservation Office, the National Trust for Historic Preservation, the Morris County Heritage Commission, the Historical Society of the Rockaways, Preservation New Jersey, the Morris County Trust for Historic Preservation, the New Jersey State Museum, the Jefferson Township Historical Society, and the Society for Industrial Archaeology, Roebling Chapter.

# WESTERN STATES

**Project:** Ongoing Case: Solar Energy PEIS  
**Agencies:** Bureau of Land Management (lead);  
 Department of Energy  
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Due to the high priority in serving the national interest by developing alternative energy sources, the Bureau of Land Management (BLM) and Department of Energy are preparing a joint Programmatic Environmental Impact Statement to evaluate utility-scale solar energy development on BLM-administered lands in six western states, while providing for consideration of impacts on historic places under Section 106 of the National Historic Preservation Act.

The Bureau of Land Management (BLM), serving as the lead federal agency, plans to complete the Programmatic Environmental Impact Statement (PEIS) by Summer 2010 and evaluate lands in Arizona, California, Colorado, New Mexico, Nevada, and Utah for their suitability for solar energy development. On June 29, 2009, the BLM announced the creation of 24 Solar Energy Study Areas within the six-state region. Additional federal funding from the American Recovery and Reinvestment Act will allow a more in-depth analysis of the potential impacts within the Study Areas, which encompass 670,000 acres.

The Energy Policy Act of 2005 established a goal for the BLM to approve a minimum of 10,000 megawatts of non-hydropower renewable energy on BLM lands by 2015. This legislative requirement and the strong interest in solar energy make the planning provided for in the PEIS and Section 106 processes essential. As of June 19, 2009, BLM received 225 proposals for solar energy projects that could impact more than nearly 1.8 million acres. It is clear that not all of these projects are necessary nor will all be built.

However, creating a megawatt of solar energy currently requires a minimum of five acres of land, so one 250-megawatt power project would require at least 1,250 acres. Site preparation generally involves grading land



At Fort Carson, Colorado, the Army partnered with a local energy provider to do an enhanced-use lease. While not a BLM project, this photograph illustrates the scale of solar development even at this relatively small site and the potential for effects to historic properties. (photo courtesy U.S. Army).

prior to construction. Thus the solar energy footprint has the potential to affect historic properties.

The BLM operates under the nationwide Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation (ACHP), and the National Conference of State Historic Preservation Officers regarding the manner in which BLM will meet its responsibilities under the National Historic Preservation Act. BLM determined that because of the non-routine, interagency, and interstate nature of the undertaking, it met the threshold to invite the ACHP to consult. The ACHP became involved in December 2008. Other parties consulting with BLM and the Department of Energy include representatives from the National Conference of State Historic Preservation Officers, State Historic Preservation Officers from the affected states, and the National Trust for Historic Preservation.

Through consultation, BLM determined that a phased approach provides the best strategy to identify and evaluate adverse effects to historic properties. BLM proposes to draft a Programmatic Agreement to document how this tiered approach will be applied as individual solar energy undertakings are considered under Section 106 and to resolve adverse effects that are identified. The existing BLM nationwide Programmatic Agreement cited above does not provide for the development of Programmatic Agreements nor phased projects, and therefore the new agreement will be developed under the ACHP's regulations at 36 CFR Part 800.





*Preserving America's Heritage*

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