

DOE INL Programmatic Agreement

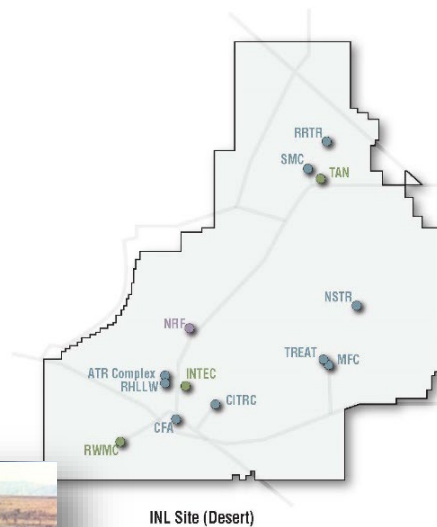
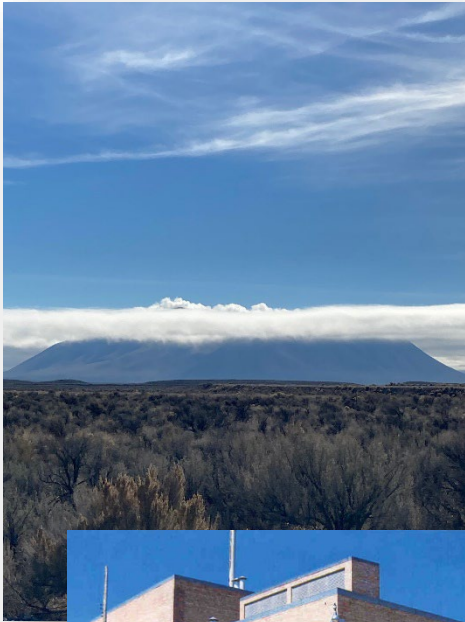
Betsy Holmes

DOE-ID Cultural Resource Coordinator

April 26, 2022

Agenda

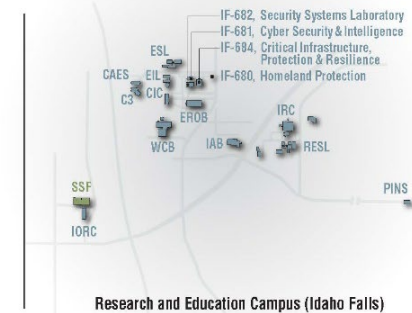
- National Historic Preservation Act
- 2004 & New Programmatic Agreements
- Status and Schedule



Idaho National Laboratory
● Supporting DOE NE and other missions

Idaho Cleanup Project
● Supporting DOE EM mission

Naval Reactors Facility
● Supporting the Naval Nuclear Propulsion Program



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National Historic Preservation Act of 1966

The NHPA established—

- Requirement for federal agencies to take into account the effects of their undertakings on historic properties
 - Section 106
- Requirement for federal agencies to establish historic preservation programs
 - Section 110
- State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs)
- Advisory Council on Historic Preservation (36 CFR 800)
- National Register of Historic Places

CFR = Code of Federal Regulations
NHPA = National Historic Preservation Act



Section 106 Review Process

36 CFR § 800.3-7

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INITIATE the process

- Determine undertaking
- Coordinate with other reviews
- Identify SHPO/THPO, Indian tribes/NHOs, and other parties
- Plan to involve the public

No undertaking with potential to affect historic properties?

NO



IDENTIFY historic properties

- Determine APE and scope of effort
- Make reasonable and good faith effort to identify
- Determine National Register eligibility
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

No historic properties present or affected?

NO



ASSESS adverse effects

- Apply Criteria of Adverse Effects
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

No historic properties adversely affected?

NO



RESOLVE adverse effects

- Develop and consider alternatives or modifications to avoid, minimize, or mitigate adverse effects
- Notify the ACHP
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

AGREEMENT or Council Comment

PROCEED

Source: <https://www.achp.gov/digital-library-section-106-landing/section-106-review-process-flowchart>

ACHP = Advisory Council on Historic Preservation
APE = Area of Potential Effects
SHPO = State Historic Preservation Officer
THPO = Tribal Historic Preservation Officer
NHO = Native Hawaiian Organization



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Section 106 Program Alternatives

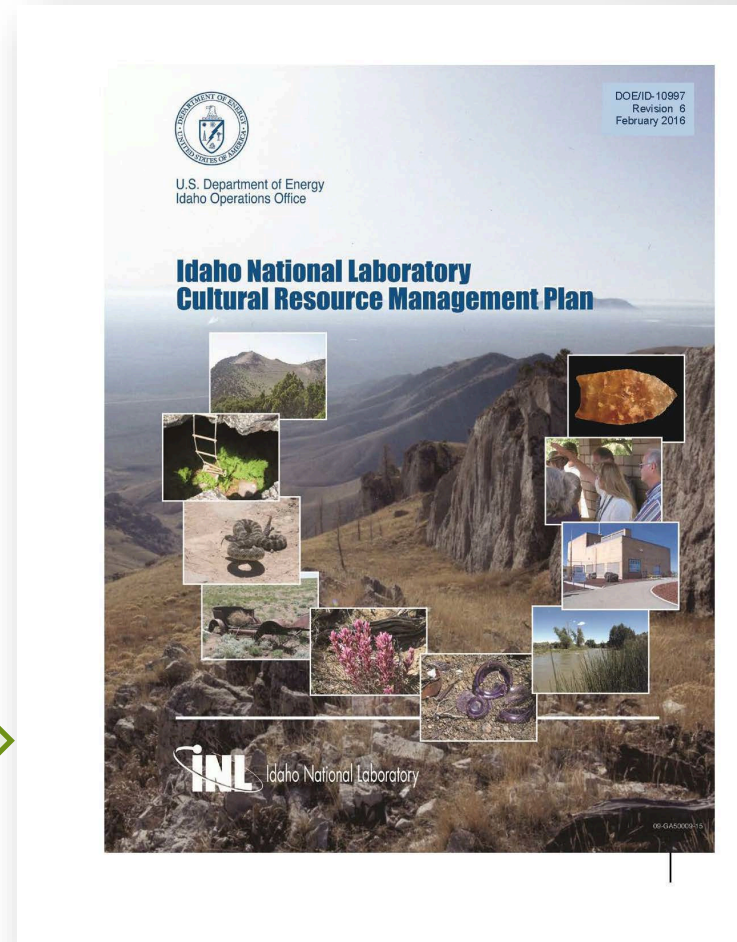
- Allow agencies to tailor the Section 106 review process for a group of undertakings or an entire program that may affect historic properties
- Improve the effectiveness and efficiency of Section 106 reviews and streamline routine interactions while focusing effort on the more complex projects or historic properties most important to communities
- Five types of alternatives in 36 CFR 800.14:
 1. Programmatic Agreement
 2. Exempted Categories
 3. Standard Treatment
 4. Alternate Procedure
 5. Program Comment



2004 Programmatic Agreement

- Developed in response to DOE's plans to inactivate approximately 50% of Site buildings in the cleanup program through the consolidation of personnel and functions
- Cornerstone of the Agreement was development of a Cultural Resource Management Plan (CRMP)

The CRMP formed the basis for DOE's compliance with historic preservation laws and regulations



[https://crm.inl.gov/SiteAssets/Documents/INL_CRMP_Rev06_Mach2016%20\(1\)%20\(5\).pdf](https://crm.inl.gov/SiteAssets/Documents/INL_CRMP_Rev06_Mach2016%20(1)%20(5).pdf)

New Programmatic Agreement Summary

- Replaces 2004 Programmatic Agreement in its entirety
- Covers Section 106 and Section 110
- Stipulates roles & responsibilities, Section 106 review process, consultation procedures, major implementing documents and data, reporting, post-review discovery and inadvertent discovery, training, curation, emergency actions
- Provides tailored approaches to comply with Section 106
- Uses standard format and clauses from Advisory Council's guidance
- Five-year term with option for 5-year extensions



<https://www.id.energy.gov/insideNEID/commitme.htm>

<https://www.achp.gov/initiatives/guidance-agreement-documents>



New Programmatic Agreement Highlights

Scope

- Idaho National Laboratory Site and Idaho Falls facilities
- Excludes undertakings within NRF perimeter fence, covers those outside the fence
- Acknowledges the Agreement in Principle as the governing document for DOE & Shoshone-Bannock Tribes interactions

Program Improvements

- Establishes Section 106 training program for DOE & contractors
- Requires comprehensive annual reporting to ACHP, Shoshone-Bannock Tribes, and Idaho SHPO, and public posting of a non-sensitive report
- Establishes a process for review of emergency actions
- Addresses curation of artifacts



NRF = Naval Reactors Facility
SHPO = State Historic Preservation Officer
ACHP = Advisory Council on Historic Preservation

New Programmatic Agreement Highlights

Tailored Approach

- Non-undertakings
- Activity and Property Type Exclusions
- No Effect findings
- No Adverse Effect findings unless:
 - Section 106 coordinated with environmental assessment or environmental impact statement; Native American historic properties present; or potential visual effects
- Area of Potential Effects IF:
 - undertaking does not involve large, complex, or controversial projects; or potential visual effects
- NRHP eligibility determinations IF:
 - no effects will occur and no Traditional Cultural Properties are present

Documented in Annual Report



Commitments/Milestones

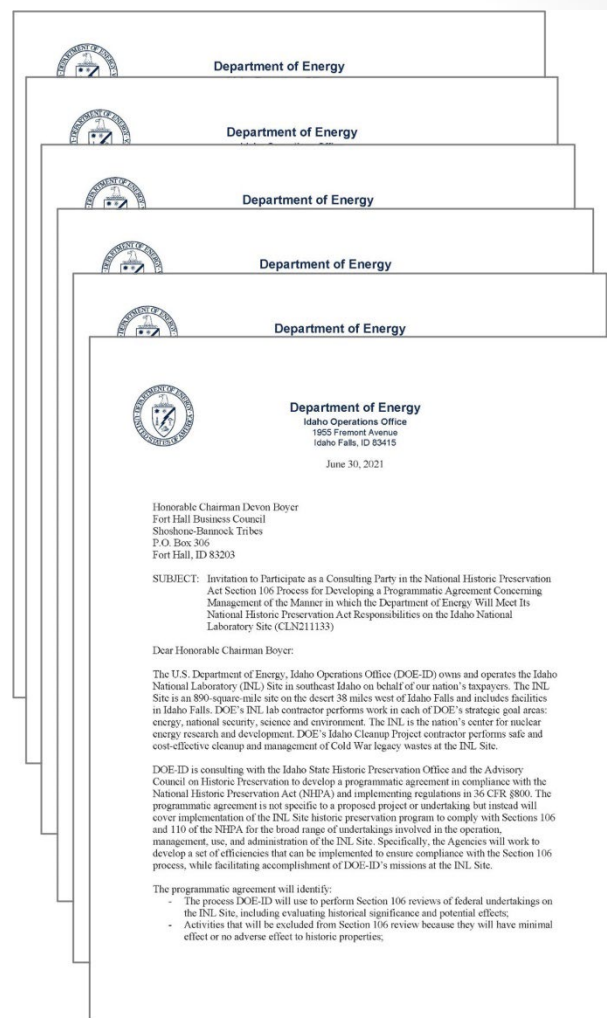
1. April 2022: Reconcile INL legacy data with Idaho SHPO data
2. September 2022: Update the Architectural (Built Environment) Inventory
3. March 2023: Complete Legacy Project Reports for undertakings that resulted in no effect determinations
4. March 2023: Complete the Pre-Contact/Native American and Post-Contact/Euroamerican Contexts
5. June 2023: Develop the Historic Property Significance and Eligibility Guidelines
6. December 2023: Complete revision 7 of the INL Cultural Resource Management Plan
7. January 15th, Annually: Annual Report to ACHP, Idaho SHPO, Shoshone-Bannock Tribes



ACHP = Advisory Council on Historic Preservation
INL = Idaho National Laboratory
SHPO = State Historic Preservation Officer

New Programmatic Agreement Development

- DOE-ID issued invitations in 2021 to consult on developing the Programmatic Agreement
 - DOE-ID, Idaho SHPO, and ACHP (Signatories)
 - Shoshone-Bannock Tribes
 - Bingham County, Butte County, Bureau of Land Management, Museum of Idaho, Preservation Idaho, and DOE-Headquarters Federal Preservation Officer
- Draft Programmatic Agreement provided to consulting parties for review and comment
- Meetings conducted virtually
- Comments to date have been incorporated into the Programmatic Agreement
- A final draft will be distributed for further review and consultation



ACHP = Advisory Council on Historic Preservation
SHPO = State Historic Preservation Officer

Next Steps

Action	Timeframe
Provide the final draft Programmatic Agreement to all consulting parties for 30-day review and comment	May 2022
Meet with ACHP, Idaho SHPO, Shoshone-Bannock Tribes, and invited consulting parties to discuss and resolve comments	June 2022
Issue Programmatic Agreement for 30-day public review and comment	July 2022
Resolve public comments	August 2022
Execute Programmatic Agreement with DOE-ID, Idaho SHPO, and ACHP signatures	September 2022

How to Comment

- Notice of availability will be published in the Idaho Falls Post Register and on the DOE-ID website
- Programmatic Agreement will be posted on the DOE-ID website for public review and comment
- Contact Betsy Holmes, holmesbs@id.doe.gov, (208)526-9855, to receive email notification of availability and/or to be added to our mailing list for National Historic Preservation Act public involvement

<https://www.id.energy.gov/>

Resources

Contacts:

- Nicole Hernandez, DOE-ID Environment and Sustainability Division Director, hernannk@id.doe.gov
- Betsy Holmes, DOE-ID Cultural Resource Coordinator, holmesbs@id.doe.gov

Web Pages:

- INL Cultural Resource Management crm.inl.gov
- Idaho State Historic Preservation Office
<https://history.idaho.gov/location/shpo>
- Advisory Council on Historic Preservation
<https://www.achp.gov/>
- Shoshone-Bannock Tribes <http://www.sbtribes.com>
- National Register of Historic Places
<https://www.nps.gov/subjects/nationalregister/index.htm>



Questions?

