

CHAPTER 8

CULTURAL RESOURCES MANAGEMENT

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CHAPTER 8

CULTURAL RESOURCES MANAGEMENT

SECTION 1: SCOPE

8100. PURPOSE. This chapter establishes Marine Corps policy and assigns responsibilities in accordance with the statutes and regulations cited in paragraph 8103 for achieving compliance with applicable Federal statutory and regulatory requirements, Presidential Memoranda, Executive Orders (E.O.s), and Department of Defense (DOD) regulations and policies for the integrated management of cultural resources on Marine Corps lands or that may be affected by Marine Corps actions.

8101. APPLICABILITY. This chapter applies to all real properties under the control of the Marine Corps by ownership, lease, or similar instrument that are located in the United States; the District of Columbia; and the commonwealths, territories, and possessions of the United States. This chapter also applies to lands not under Marine Corps ownership, lease, or similar instrument in those cases where actions financed, permitted, or sponsored by the Marine Corps may affect cultural resources on such lands. As noted in chapter 1 of this Manual, these policies apply to overseas locations as well; however, policies will be integrated with those specified under the Final Governing Standards (FGS) for the host nation. Waters contiguous to the land areas may contain cultural resources; therefore, this chapter also applies to water areas under direct control of the Marine Corps and to submerged cultural resources located therein. For water areas under partial control, or that will be subject to impacts related to Marine Corps actions, the Marine Corps will take into account the effects of those actions on submerged resources located therein.

8102. BACKGROUND. Marines need access to a variety of landscapes and facilities to conduct training. However, training can impact cultural resources on public lands. The American people place intrinsic value on certain resources; failure to protect those resources under the stewardship of the Marine Corps may lead to legislative, executive, or judicial directives limiting Marine Corps access to lands necessary to maintain military readiness. Accordingly, Marine Corps installation commanders must work to guarantee continued access to our land, air, and water resources for realistic military training and testing. Installation commanders must ensure that

the cultural resources entrusted to the Marine Corps care remain intact and available for future generations.

8103. FEDERAL STATUTES. This policy tiers off of the policies for cultural resources management outlined in Department of Defense Instruction (DODI) 4715.16 "Cultural Resources Management" and Secretary of the Navy Instruction (SECNAVINST) 4000.35A "Department of the Navy Cultural Resources Program". In addition, this policy incorporates the provisions of the following Federal legislation, Executive Orders, DOD regulations and guidance, as appropriate to the management of cultural resources under the purview of the U.S. Marine Corps.

a. Legislation

(1) National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321)

(2) National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470-470x)

(3) Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. 3001-3013)

(4) Archeological Resources Protection Act (ARPA) of 1979, as amended (16 U.S.C. 470aa-mm)

(5) American Indian Religious Freedom Act (42 U.S.C. 1996 and 1996a)

(6) Antiquities Act of 1906 (16 U.S.C. 431-433)

(7) Abandoned Shipwreck Act of 1987 (43 U.S.C. 2101-2106)

(8) Archeological and Historic Data Preservation Act of 1974 (16 U.S.C. 469-469cc)

(9) Cooperative Agreements for Management of Cultural Resources (10 U.S.C. 2684)

(10) Federal Records Act of 1950 (44 U.S.C. 3101)

(11) Historic Sites Act of 1935 (16 U.S.C. 461-467)

b. Federal Regulations

- (1) 36 CFR 60, "National Register of Historic Places"
(NRHP)
- (2) 36 CFR 63, "Determinations of Eligibility for
Inclusion in the National Register of Historic Places"
- (3) 36 CFR 65, "National Historic Landmarks Program"
- (4) 36 CFR 66, "Recovery of Scientific, Prehistoric,
Historic and Archeological Data"
- (5) 36 CFR 67, Section 7, "The Secretary of the
Interior's Standards for Rehabilitation"
- (6) 36 CFR 68, "The Secretary of the Interior's
Standards for the Treatment of Historic Properties"
- (7) 36 CFR 78, "Waiver of Federal Agency
Responsibilities, Under section 110 of the National Historic
Preservation Act"
- (8) 36 CFR 79, "Curation of Federally-Owned and
Administered Archeological Collections"
- (9) 32 CFR 229, "Protection of Archaeological
Resources: Uniform Regulations, Department of Defense"
- (10) 36 CFR 800, "Protection of Historic Properties"
- (11) 40 CFR 1500-1508, "Council on Environmental
Quality"
- (12) 43 CFR 3, "Department of the Interior, Preservation
of American Antiquities"
- (13) 43 CFR 10, "Native American Graves Protection and
Repatriation Regulations"

c. E.O.s and Presidential Memoranda

- (1) E.O. 11593, "Protection and Enhancement of the
Cultural Environment"
- (2) E.O. 13006, "Locating Federal Facilities on Historic
Properties in our Nation's Central Cities"

(3) E.O. 13007, "Indian Sacred Sites"

(4) E.O. 13175, "Consultation and Coordination with Indian Tribal Governments"

(5) E.O. 13287, "Preserve America"

(6) E.O. 13327, "Federal Real Property Asset Management"

(7) E.O. 13423, "Strengthening Federal Environmental, Energy, and Transportation Management"

d. Federal Guidance

(1) 48 FR 22716, "The Secretary of the Interior's Professional Qualification Standards"

(2) 53 FR 4742, "Guidelines for Federal Agency Responsibilities, Under section 110 of the National Historic Preservation Act"

(3) 62 FR 33707, "The Secretary of the Interior's Proposed Historic Preservation Professional Qualification Standards"

e. DOD Regulations and Guidance

(1) DODI 4710.02 "DOD Interactions with Federally-Recognized Tribes," 14 September 2006

(2) DOD Minimum Antiterrorism Standards for Buildings (UFC 4-010-01)

(3) SECNAVINST 11010.14, "Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes"

(4) SECNAV M 5210.1, "Department of the Navy Records Management Program Records Management Manual"

(5) Nationwide Programmatic Memorandum of Agreement among the United States Department of Defense, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers (Concerning World War II Temporary Buildings)

(6) Program Comment for Wherry and Capehart Era Family Housing at Air Force and Navy Bases

(7) Program Comment: DOD Cold War-Era Unaccompanied Personnel Housing

(8) Program Comment: DOD World War II- and Cold War-Era Ammunition Storage Facilities

(9) DOD Protocol for Consultation with Native Hawaiian Organizations

8104. REQUIREMENTS

1. General. The Federal legislation, E.O.s, DOD regulations, and guidance pertaining to cultural resources establish requirements applicable to Marine Corps installations in four areas as outlined below.

2. Inventory and Evaluation. Each Marine Corps installation with real property management responsibilities must prepare an assessment of the current status of its inventory of historic properties, the general condition and management needs of such properties, and the steps underway or planned to meet those management needs as required by section 110(a)(2) of reference (a) and in accordance with reference (b). Codes reflecting the inventory status of Marine Corps real property should be updated in internet Navy Facilities Assets Data Store (iNFADS) on an annual basis. Refer to section 8201 of this chapter for specific associated policies and requirements.

3. Resource Protection. Marine Corps installations must implement policies and procedures for assessing the condition of known cultural resources, avoidance or mitigation of impacts on cultural resources from Marine Corps actions or the actions of contractors or tenants working on Marine Corps installations, maintenance and treatment actions to ensure preservation or enhance the condition of cultural resources, management of the data related to cultural resources, and public outreach and education. Refer to section 8202 for specific associated policies and requirements.

4. Consultation. Marine Corps installations have a responsibility to consult with internal and external stakeholders on a regular basis. References (a), (c), and (d) require coordination with interested parties and other government agencies, depending on the action involved. Refer to section 8203 for specific associated policies and requirements.

5. Confidentiality Requirements. Cultural resource preservation statutes require Marine Corps installations to withhold certain information from disclosure to the public as explained in section 8204.

6. Sustainability. One of the primary focuses of environmental stewardship within the DOD is the concept of sustainability. Through conservation, improved maintainability, recycling, reduction and reuse of waste, and other actions and innovations, the Marine Corps can meet today's needs without compromising the ability of future generations to meet their own. Refer to section 8205 for specific associated policies and requirements.

7. Annual Reporting and Metrics. The Marine Corps is responsible for responding to various data calls and asset management inventories as explained in section 8206, including the new metrics outlined in reference (e).

8105. TERMS AND DEFINITIONS. As a general note, all of the following definitions apply to Marine Corps operations within the United States and its territories. For operations in overseas locations, Marine Corps personnel should apply the definitions provided in the FGS for the host nation, where applicable, or definitions provided in host nation cultural property laws. Consulting partners in overseas locations should include the agency or agencies responsible for cultural resources or cultural property under host nation laws.

1. Adaptive Reuse. A new or different use of a historic property that does not irreversibly alter its character-defining features, is appropriate for the context, and is consistent with the significance and character of the property.

2. Advisory Council on Historic Preservation (ACHP). A Federal council, established by Title II of reference (a) and charged with advising the President, Congress, and other Federal agencies, whose function is to encourage private and public interest in historic preservation and archaeological resources protection and to comment on Federal agency actions under section 106 of reference (a).

3. Archaeological Resource. Any material remains of past human life that are capable of contributing to scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques. To qualify as an "archaeological resource" under reference (f), the remains have

to be at least 100 years old. Archaeological remains less than 100 years old may be eligible for listing in the NRHP and, if so, would be historic properties for which compliance in accordance with reference (a) is required.

4. Archaeological Survey. Archaeological survey is a systematic analysis by a professional meeting Secretary of Interior Standards sufficient to allow categorization of archaeological potential to the degree required to make decisions. The Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation recognizes several techniques, methodologies, and types of surveys to allow a Federal land manager to make decisions about property use that is consistent with the legislated intent of protecting important archaeological properties including archival research, field surveys, reconnaissance surveys, intensive surveys, predictive modeling, sampling methodologies, and special survey techniques such as remote sensing or deep testing.

5. Architectural Survey and Evaluation. A survey and evaluation effort to determine which buildings, structures, works of engineering, industrial facilities, fortifications, and landscapes are eligible for listing in the NRHP. Survey efforts typically involve examination of the historic context of the resource as well as its current integrity.

6. Area of Potential Effect (APE). The APE for an undertaking is determined in consultation with the State Historic Preservation Office (SHPO), Native American tribes/Native Hawaiian organizations, and other interested parties. The APE includes not only the construction or ground disturbance footprint of the undertaking, but also the settings of any historic properties that may be impacted by the intrusion of new visual or noise elements.

7. Assessment of Effect. A process to determine whether an undertaking may affect in any way the qualities of a property that make it eligible for listing in the NRHP. The assessment is made by the installation's Commanding General or Commanding Officer (CG/CO) in consultation with the SHPO, Native American tribes/Native Hawaiian organizations, and other interested parties. If the Marine Corps finds that no historic properties are present or affected by the proposed action, it provides documentation to the SHPO and other consulting partners and, barring any objection in 30 days, proceeds with its undertaking. If the Marine Corps finds that historic properties are present, it proceeds to assess possible adverse effects based on criteria

found in reference (g). If the SHPO and any consulting partners agree that there will be no adverse effect, the Marine Corps proceeds with the undertaking and any agreed-upon conditions. If the determination is that the action will have an adverse effect, or if the parties cannot agree and the ACHP determines within 15 days that there is an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects.

8. Collections and Associated Records (per reference (h)). Collections are material remains that are excavated or removed during a survey, excavation, or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation, or other study (section 4(a) of reference (h)). Associated records are original records (or copies thereof) that are prepared or assembled, that document efforts to locate, evaluate, record, study, preserve, or recover a prehistoric or historic resource (see section 4(2) of reference (h)). Associated records that are prepared or assembled in connection with the survey, excavation, or other studies are maintained per reference (i) SSIC 5750.2.

9. Consensus Determination. A consensus determination is a determination of a property's eligibility for listing on the NRHP made by consensus between the Marine Corps installation and the SHPO. Alternatively, installations or the SHPO can request an official determination of eligibility from the Keeper of the National Register.

10. Consultation. The process of seeking, discussing, and considering the views of others and, where feasible, seeking agreement with them on how historic properties shall be identified, considered, and managed.

11. Cultural Items. As defined by reference (d), human remains and associated funerary objects, unassociated funerary objects (at one time associated with human remains as part of a death rite or ceremony, but no longer in possession or control of the Federal agency or museum), sacred objects (ceremonial objects needed by traditional Native American religious leaders for practicing traditional Native American religions), or objects of cultural patrimony (having ongoing historical, traditional, or cultural importance central to a Federally recognized tribe or Native Hawaiian organization, rather than property owned by an individual Native American, and which, therefore, cannot be

alienated, appropriated, or conveyed by any individual of the tribe or group).

12. Cultural Landscape. A cultural landscape is a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. A cultural landscape can be a historic site, historic designed landscape, historic vernacular landscape, or ethnographic landscape (see reference (j)).

13. Cultural Resources. A generic term commonly used to include buildings; structures; districts; archaeological sites; historic landscapes; cemeteries; resources of interest to Native American tribes or Native Hawaiian organizations; and objects of significance in history, architecture, archaeology, engineering, or culture. The term also includes associated documents and records. Definitions for "cultural resources" in overseas locations should follow those provided in host nation laws and statutes.

14. Cultural Resources Manager. Ideally, the cultural resources manager for each Marine Corps installation shall be a cultural resources professional (e.g., a qualified anthropologist, archaeologist, architectural historian, historic architect, historian, or preservation planner) with specialized training and experience that meets the professional standards and qualifications established by the Secretary of the Interior. For large installations or installations with diverse cultural resources issues, the CG/CO is strongly encouraged to appoint a cultural resources manager that meets these requirements. For smaller installations or installations with fewer cultural resources issues, management of the cultural resources program is often performed as a collateral duty. In those instances, the cultural resources manager can be a staff person not necessarily qualified as a cultural resources professional who performs routine cultural resources compliance functions and contracts out for professional expertise as needed for specific projects. Such an individual must complete appropriate training to perform the cultural resources manager duties.

15. Curation. The management and preservation of an archaeological collection, including all associated documentation, according to professional museum and archival practices, in accordance with reference (h), to insure long-term care and protection of that collection.

16. Determination of Eligibility. A process to determine if a property is eligible for listing in the NRHP. A property can be determined eligible by consensus agreement or by determination by the Keeper of the National Register. Decisions by the Keeper cannot be challenged. Reference (a) provides equal protection to resources that are determined eligible for listing on the NRHP and those that are listed on the NRHP. For overseas locations, apply the relevant process outlined in the FGS or host nation cultural resources laws.

17. District. A geographically definable area (urban or rural) that possesses a significant concentration, linkage, or continuity of sites, structures, buildings, or objects united aesthetically by the plan or physical development or united by past events. A district may also comprise individual elements separated geographically but linked by association or history.

18. Effect. Any condition of a project or undertaking that may cause a change in the quality of the historic, architectural, archaeological, or cultural character of a property that qualifies it for listing in the NRHP. An undertaking is considered to have an effect on a historic property when any aspect of the undertaking changes the integrity of location, design, setting, materials, workmanship, feeling, or association of the property that contributes to its significance according to the NRHP criteria. Direct effects are caused by the undertaking and occur at the place and time of the undertaking. Indirect effects are those caused by the undertaking that occur later in time or are further removed in distance, but are still reasonably foreseeable.

19. Federal Preservation Officer (FPO). The individual responsible for coordinating the agency's activities under references (a) and (k), including nominating properties under the agency's ownership or control to the NRHP. The Department of Navy has an FPO, who has appointed Deputy FPOs for the Navy and the Marine Corps.

20. Federal Land Manager. With respect to public lands, the secretary of the department or head of any other agency or instrumentality of the United States, having primary management authority over such lands, including persons to whom such management authority has been officially delegated.

21. Heritage Assets. Plant, property, and equipment items that are considered to be unique due to their historical or natural significance; cultural, educational or artistic importance; or

significant architectural characteristics for the purposes of accountability under the Chief Financial Officers (CFO) Act. "Heritage Assets" are addressed by CFO Act procedures and "historic properties" as addressed by reference (a) are related, but separate, categories.

22. Historic Property. Reference (a) defines a "historic property" as any district, site, building, structure, landscape, traditional cultural property, or object that is included in or eligible for inclusion in the NRHP. For overseas locations, section 402 of reference (a) extends this definition to include any resources on the World Heritage List or on a host nation's equivalent to the NRHP.

23. Indian Tribe. Any tribe, band, nation, or other organized American Indian group or community of Indians, including any Alaska Native village or corporation as defined in, or established by, reference (1) that is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians. Such acknowledged or "Federally recognized" Indian tribes exist as unique political entities in a government-to-government relationship with the United States. The Bureau of Indian Affairs maintains the listing of Federally recognized Indian tribes.

24. Integrated Cultural Resources Management Plan (ICRMP). A five-year plan developed and implemented by an installation commander to provide for the management of cultural resources in a way that maximizes beneficial effects on such resources and minimizes adverse effects and impacts without impeding the mission of the installation and its tenants.

25. Memorandum of Agreement (MOA). A document arising from section 106 consultation that is signed by the CG/CO, SHPO, and ACHP and that resolves incompatibilities between a Marine Corps undertaking and the SHPO preservation requirements by stipulating measures to reduce adverse effects, or that accepts the effects as being unavoidable and in the public interest.

26. Mitigation. In cultural resources management, mitigation is a means of lessening the adverse effects of an undertaking on properties listed in or eligible for listing in the NRHP. Mitigation can include limiting the magnitude of the action; repairing, rehabilitating, or restoring the affected property; recovering and recording data that may be destroyed or substantially altered from cultural properties; and avoiding the

effect altogether by not taking an action or part of an action, or by relocating the action.

27. National Historic Landmark. An historic property designated by the Secretary of the Interior as having exceptional significance in the Nation's history and which is subject to the most stringent preservation requirements.

28. National Park Service (NPS). The NPS is the bureau of the Department of the Interior (DOI) to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

29. National Register Criteria. The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for listing in the NRHP, as per reference (m).

30. NRHP. A nationwide listing of districts, sites, buildings, structures, and objects of national, State, or local significance in American history, architecture, archaeology, or culture that is maintained by the Secretary of the Interior. NRHP listings must meet the criteria found in section 4 of reference (m). For overseas locations, refer to either the World Heritage List or the host nation's equivalent to the NRHP.

31. Native Hawaiian. Any descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii.

32. Native Hawaiian Organization (NHO). An NHO is defined as any organization that:

- a. Serves and represents the interests of Native Hawaiians;
- b. Has as a primary and stated purpose the provision of services to Native Hawaiians; and
- c. Has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the state of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the state of Hawaii.

33. Programmatic Agreement (PA). A written agreement among the Marine Corps activity, SHPO, ACHP, Native American tribes, or Native Hawaiian organizations, that stipulates how to carry out

a program or a class of undertakings, repetitive in nature or similar in effect, so as to avoid or mitigate adverse effects on cultural resources. A PA is used to streamline compliance with section 106 of reference (a); PAs cannot be used for compliance with other Federal statutes.

34. Recordation. Measured drawings, photographs, and other techniques that are:

a. undertaken to provide a permanent record of resources that must be destroyed or substantially altered and

b. performed under the guidance of the keeper of the NRHP through the Historic American Buildings Survey/Historic American Engineering Record.

35. Restoration. The act or process of accurately recovering the form and details of property and its setting as it appeared at a particular period of time.

36. SHPO. The person who has been designated in each state to administer the State Historic Preservation Program, including identifying and nominating eligible properties to the NRHP and otherwise administering applications for listing historic properties in the NRHP. For overseas locations, refer to the host nation's cultural resources laws or policies to identify the equivalent agency.

37. Stewardship. The management of resources entrusted to one's care in a way that preserves and enhances the resources and their benefits for present and future generations.

38. Tribal Historic Preservation Officer (THPO). A THPO appointed or designated in accordance with reference (a) is the official representative of a Tribe for the purposes of section 106.

39. Undertaking. "An undertaking is a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency" as presented in section 16(y) of reference (g).

CHAPTER 8

CULTURAL RESOURCES MANAGEMENT

SECTION 2: MARINE CORPS POLICY

8200. GENERAL. In accordance with reference (a) and DOD policy, the Marine Corps is responsible for managing and maintaining cultural resources under its control through a comprehensive program that considers the preservation of their historic, archaeological, architectural, and cultural values, is mission-supporting, and results in sound and responsible stewardship. Through the integration of its cultural resources management policies and procedures with Marine Corps mission, the Marine Corps will provide stewardship of cultural resources in a sustainable manner that supports the mission and promotes the quality of life for stakeholders.

8201. INVENTORY AND EVALUATION. Section 110 of reference (a) and in accordance with reference (n) call for Federal agencies to maintain accurate information on the state of Federally-owned historic properties. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of reference (a), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs.

1. Inventory. All Marine Corps installations are responsible for identifying cultural resources within the installation boundaries, and maintaining complete and current information regarding resource location, significance, condition, and use. Marine Corps installations will proactively program projects for survey of unsurveyed or inadequately surveyed land parcels or unevaluated buildings/structures within the installation, prioritizing surveys according to land use and the potential to affect cultural resources. Survey priority goals may be aligned with section 106 compliance (e.g., surveys in support of section 106 undertakings may take priority); however, annual programmed survey goals should typically exceed acreage or buildings/structures to be affected by section 106 undertakings. Inventory of historic buildings and structures should be done in conjunction with their evaluation and take place when buildings/structures turn 50 years in age; both survey and evaluation should be preceded by development of detailed historic contexts for the installation. Inventory of resources of traditional, religious, or cultural significance to Native

American tribes or Native Hawaiian organizations should be completed in consultation with representatives of affiliated tribes or organizations.

2. Evaluation. All Marine Corps installations are responsible for evaluating the National Register eligibility of identified resources within the boundaries of the installation. Marine Corps installations will proactively program projects for evaluation of archaeological sites and historic buildings/structures/objects on an annual basis, prioritizing evaluation of resources in consultation with internal and external stakeholders, and as necessary to support section 106 compliance for undertakings. Evaluation of traditional cultural properties or other resources of traditional, religious, or cultural significance to Native American tribes or Native Hawaiian organizations should be completed in consultation with representatives of affiliated tribes or organizations. Properties previously determined eligible or ineligible may periodically require re-evaluation due to the passage of time, evolving understanding of historical significance, or inadequate previous evaluations.

3. Nomination. All Marine Corps installations are responsible for nominating historic properties to the NRHP, as appropriate to facilitate the mission, in consultation with Headquarters United States Marine Corps (HQMC). Nomination forms prepared by installations should be submitted to the SHPO and any consulting partners, as applicable, for review and comment, and should be staffed for signature by the USMC Deputy Federal Preservation Officer. Once signed, the forms will be returned to the installation for submittal to the Keeper of the National Register through the SHPO. Marine Corps commanders should prioritize nominations based on installation planning requirements; those resources that have potential for public use or access should be nominated first to facilitate outreach or heritage tourism efforts. CG/COs should be aware that resources determined eligible for listing on the NRHP are afforded the same level of protection as those listed on the NRHP.

4. Permits. In some instances, archaeological investigations may require Federal or State permits. The most common categories of permits are described below.

a. ARPA Permits. ARPA permits are required when the following three criteria are met:

- (1) The project is on Federal land;
- (2) Digging or collection of artifacts will occur; and

(3) The participants are not directly contracted to or by the Marine Corps. ARPA permits for archaeological investigations that could result in the excavation or removal of American Indian human remains and other cultural items as defined in reference (d), or in the excavation of archaeological resources that are of religious or cultural importance to Federally recognized tribes and Native Hawaiian organizations, will be issued after the CG/CO conducts consultation in accordance with section 5 of reference (o) and section 7 of reference (p) with the culturally affiliated Indian tribes or Native Hawaiian organizations. ARPA permits shall provide for the disposition of NAGPRA cultural items in accordance with subsections 3(a) and 3(b) of reference (d) and in accordance with reference (o). The CG/CO will ensure that documentation of consultation with culturally affiliated Indian tribes is prepared and maintained as part of the record of each such permit. Archaeological resources, objects of antiquity, and significant scientific data from Federal installations belong to the installations, except where reference (d) requires repatriation to a lineal descendant, federally recognized tribe, or Native Hawaiian organization. Archaeological resources, objects of antiquity, and significant scientific data from non-federal land belong to the state, territory, or landowner. Such resources from lands used by the Marine Corps, but for which fee title is held by another agency, are the property of the agency designated as the land manager in the land-use instrument (e.g., public land order, special use permit). CG/COs should ensure that land use instruments allowing for military use are reviewed to determine proper roles and responsibilities. For the purposes of Marine Corps compliance with reference (f), the CG/CO is considered the Federal land manager as defined in section 3(c) of reference (p). As the Federal land manager, the CG/CO will issue ARPA permits when required, or the CG/CO may determine that certain archaeological resources in specified areas under his or her jurisdiction, and under specific circumstances, are not or are no longer of archaeological interest and are not considered archaeological resources for the purposes of reference (f) (in accordance with section 3(a)(5) of reference (p)). All such determinations shall be justified and documented by memorandum and shall be formally staffed for review prior to final determination. The CG/CO will ensure that military police; installation legal staff; the installation PAO; and the fish, game, and recreation management staff are familiar

with the requirements and applicable civil and criminal penalties under reference (f). Also in accordance with section 9 of reference (f), the CG/CO may withhold information concerning the nature and location of archaeological resources from the public under Subchapter II of chapter 5 of Title 5 of the United States Code (see reference (q)) or under any other provision of law. ARPA permits can take up to six months to acquire.

b. Other Federal Agency Permits. In situations where the Marine Corps must conduct archaeological investigations on lands owned by other Federal agencies, the Marine Corps will coordinate with that agency's representative to determine whether permits are necessary in advance of the investigations. Examples of Federal agencies that require permits include the Bureau of Land Management and the U.S. Forest Service.

8202. RESOURCE PROTECTION. Although inventory and evaluation of cultural resources are critical aspects of the Marine Corps cultural resources management program, as well as necessary for compliance with Federal statutes and regulations, management must also include policies and procedures for assessing the condition of known resources, avoidance or mitigation of impacts on cultural resources from Marine Corps actions or the actions of contractors or tenants working on Marine Corps installations, maintenance and treatment actions to ensure preservation or enhance the condition of cultural resources, management of the data related to cultural resources, and public outreach and education. The Marine Corps will ensure that such properties are not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

1. ICRMPs. Reference (e) requires that all installations develop and implement ICRMPs in consultation and partnership with internal and external stakeholders of the cultural resources management program. The ICRMP is the planning tool for consolidating the inventory and management requirements as per reference (a) and other statutes, and so is an essential element in legal compliance with those statutes. The Marine Corps develops ICRMPs as management tools to insure the most time- and cost-efficient method of integration with project and operations planning to facilitate mission. Guidelines for preparing ICRMPs for Marine Corps installations are provided by HQMC, based on the list of required elements for ICRMPs noted in reference (e). All ICRMPs will be reviewed annually and updated as required.

2. Project Review

a. NEPA Review. The NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment, including the cultural environment. Although reference (c) and section 106 of reference (a) processes can be coordinated for specific undertakings, the two processes are separate requirements. For example, a project may receive a Categorical Exclusion under reference (c), but still require review under Section 106 of reference(a). Marine Corps installations are responsible for ensuring that accurate information regarding cultural resources and the potential impacts of a Proposed Action or Alternatives on such resources are included in all NEPA analyses completed for the installation.

b. NHPA. Section 470f of reference (a) states: "The head of any Federal agency having a direct or indirect jurisdiction over a proposed Federal or Federally-assisted undertaking in any state and the head of any Federal department or independent agency having authority to license an undertaking shall, prior to approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effects of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP. The head of any such Federal agency shall afford the ACHP established under part B of this subchapter a reasonable opportunity to comment with regard to such undertaking." An undertaking is defined as any Federal, Federally-assisted, or Federally-licensed action, activity, or program, new or continuing, that may have an effect on historic properties. Consultation with the SHPO and/or the ACHP is a critical step in this process. If an undertaking on Federal lands may affect properties having historic value to a Native American tribe, Alaskan Native village or corporation, or Native Hawaiian organization, such entity shall be afforded the opportunity to participate as consulting parties during the consultation process defined in reference (g).

The section 106 process is designed to identify possible conflicts between historic preservation objectives and the proposed activity, and to resolve those conflicts in the public interest through consultation. Neither reference (a) nor ACHP regulations require that all historic properties must be preserved. They only require the agency to consider the effects of the proposed undertaking on those properties and fulfill the procedural requirements for reference (a) prior to implementation. The underlying purpose of reference (a) is to balance progress with preservation. Failure of the Marine Corps to take into account the effects of an undertaking on historic properties, and afford the ACHP a reasonable opportunity to comment on such effects, can result in formal notification from the ACHP to the Secretary of the Navy of foreclosure of the ACHP's opportunity to comment on the undertaking pursuant to reference (a). Litigation or other forms of redress can be used against the Department of the Navy (DON) in a manner that can halt or delay critical activities or programs. A summary of the procedural requirements of section 106 is available on the ACHP's Web site www.achp.gov (incorporates amendments effective 5 August, 2004). Because both reference (a) and its implementing regulations (see reference (g)) are subject to change, Marine Corps personnel should check this website periodically. Compliance with section 106 can also be governed by the terms of an agreement document or program alternative, such as a Program Comment, MOA, or PA. Installation CG/COs should review all agreement documents that pertain to management of cultural resources on their installations to identify the roles and responsibilities assigned to the installation under each agreement. Examples of such agreements include the Program Comments referenced in paragraph 8103.c and PAs governing section 106 compliance for the various public-private venture (PPV) ground leases.

3. Emergency Situations. Per section 12 of reference (g)(emergency situations), the timeline for section 106 review of renovations and repairs to historic buildings can be substantially reduced if the renovation or repair is required as a result of an emergency situation (e.g., flooding, tornados, earthquakes, or hurricanes). The reduction of the timeline only applies in those situations where the President or the Governor has declared an official state of emergency. The Marine Corps notifies the ACHP, the SHPO/THPO, and any other interested parties of the project; these parties then have seven days rather than the traditional 30 days to comment on the undertaking. As a proactive measure, the Marine Corps could also work with the ACHP, SHPO/THPO, and interested parties to

develop a PA (see paragraph 8202.3) outlining streamlined procedures for emergency situations. Marine Corps installations will ensure that all reasonable efforts are made to avoid or minimize disturbance of significant cultural resources during emergency operations and will communicate with applicable Marine Corps personnel and external stakeholders regarding potential effects on significant cultural resources that could occur in association with such activities. Once the emergency has passed, Marine Corps installations will complete all appropriate actions to complete the section 106 process, including submittal of any reports or correspondence documenting the actions taken.

4. Program Alternatives. Program alternatives, as defined in section 14 of reference (g), may be used as an alternative to case-by-case NHPA section 106 consultation. Appropriate applications are described in reference (g) and include efforts to streamline compliance with respect to categories of similar undertakings, categories of similar effects, or programmatic approaches that apply state, regional or nationwide. Implementation and use of program alternatives generally requires up-to-date inventories and a comprehensive management approach. As applicable, cultural resources staff shall incorporate the terms of existing programmatic alternatives into NHPA section 106 consultations. Such programmatic alternatives include PAs, program comments, standard treatments, exemptions, and alternative procedures. Adopting any program alternative requires consultation with relevant stakeholders and, for regional or national alternatives, coordination with the chain of command and other affected commands and agencies. Marine Corps installations are encouraged to pursue program alternatives with stakeholders, as appropriate, to streamline compliance with Federal regulations or structure protocols for consultation and responses to situations such as inadvertent discovery of human remains. Program alternatives are recommended as best practice with Marine Corps policy as a way to document adequate consultation within the administrative record as well as streamline Marine Corps actions and facilitate mission.

5. Monitoring, Maintenance, and Treatment

a. For archaeological resources, Marine Corps installations must develop procedures for monitoring the condition of known archaeological sites for evidence of disturbance from natural processes such as erosion, fire, or floods; or human action, such as training activities, landscape maintenance activities, recreational use, or intentional looting. Monitoring procedures should be paired with procedures for stabilizing site condition should impacts be noted, documenting site condition, and reporting impacts to the appropriate stakeholders such as the SHPO or American Indian tribes and NHOs with ancestral ties to the installation. Cultural resources managers (CRMs) and Conservation Law Enforcement Officers should obtain ARPA training in order to learn the proper procedures for reporting ARPA violations on Marine Corps installations, and should ensure that all installation personnel who conduct activities that have the potential to impact archaeological resources are provided with training on how to avoid such impacts as well as standard operating procedures to follow should archaeological materials be inadvertently discovered.

b. For situations involving resources of interest to Indian tribes, Alaskan Native villages and corporations, or NHOs that have a tangible, physical footprint on Marine Corps installations (e.g., areas containing medicinal plants, human burial sites, petroglyphs, identified cultural landmarks), the Marine Corps should develop a monitoring procedure in consultation with the appropriate tribes, villages/corporations, or organizations. Marine Corps installations should ensure that procedures for reporting inadvertent discoveries of human remains or items of cultural patrimony are distributed to all installation personnel, tenants, and contractors. To facilitate consultation regarding inadvertent discoveries, Marine Corps installations are encouraged to pursue comprehensive agreements or NAGPRA Plans of Action with affiliated tribes or organizations.

c. For historic buildings, structures, or districts that are eligible for or listed on the NRHP, installations should develop Maintenance and Treatment Plans (MTPs) for long-term care of these resources. An MTP identifies the historic properties (buildings, structures, landscapes, and districts), their character-defining features and contributing elements, building materials and condition, and promotes the preservation of these resources through planning, design, cyclic maintenance, and appropriate treatments for repair, rehabilitation, and

restoration. An MTP is typically a five-year management plan that provides guidance to CRMs and installation maintenance and facilities personnel working with historic structures to address problems of deterioration or failure of building materials and systems and addresses repair and renovation materials that will continue to maintain historic significance of the historic property. An MTP is generally installation-specific due to the complexity of each installation and overlaying construction periods, and should focus on a range of alternatives and treatments from stabilization to restoration.

6. National Historic Landmarks

a. Section 101(b) of reference (a) provides for the inclusion of National Historic Landmarks (NHLs) in the NRHP. Section 110(f) affords NHLs more stringent protection than other NRHP resources. Federal regulations outline procedures for consultation with the SHPO, the ACHP, and the NPS to minimize harm to NHLs by Federal agency undertakings.

b. The NPS maintains a continued relationship with owners of NHLs. Agencies must cooperate with the procedures of periodic visits, contacts with SHPOs, and other appropriate measures that the NPS uses to ensure that landmarks retain their integrity, to advise agencies concerning accepted preservation standards, and to update administrative records on landmark properties. The DOI reports annually to Congress regarding damaged or threatened NHLs.

c. Although property owners and SHPOs may nominate NHLs, designation ordinarily occurs after a study by the NPS. Preservation is not absolutely required as long as mandated procedures are followed and documented in any decision not to preserve. A finding of adverse effect to a NHL requires full ACHP participation in the consultation process.

7. Curation. The overall goal of the Federal curation program, as set forth in reference (h), is to ensure the preservation and accessibility of cultural resource collections and documents for use by members of the public interested in the archaeology and history of the region. In accordance with the requirements of reference (h), the installation CG/CO must ensure that all archaeological collections and associated records, as defined in part 79.4(a) of reference (h), are processed, maintained, and preserved. Associated Records shall be maintained, and preserved per reference (i), SSIC 5750.2.

Collections from Federal lands should be deposited in a repository that meets the standards outlined in reference (h) to ensure that they will be safeguarded and permanently curated in accordance with Federal guidelines. A curation facility is specifically designed to serve as a physical repository where collections and records are sorted, repackaged, assessed for conservation needs, and then placed in an appropriate, environmentally-controlled, secure storage area. Collections from Federal lands remain the property of the Federal government; accordingly, CRMs should schedule an annual visit to the curation repository to insure that the collections are being managed appropriately.

8. Data Management. Integrating cultural resources management data with the installation geographic information system (GIS) program allows the cultural resources program to more efficiently support the Marine Corps mission of readiness. GIS layers should be developed for all categories of cultural resources present within the installation (e.g., historic buildings, archaeological sites, and resources of interest to Indian tribes and NHOs). GIS layers should also be developed to show the progress of archaeological survey efforts and any sensitivity assessments used by the installation to prioritize survey efforts. GIS can facilitate integration of cultural resource best management practices into installation planning and projects. GIS layers and themes depicting archaeological resources and sacred sites are considered sensitive and will not be released to the general public. These layers should be password protected. When preparing the scope of work for contracts addressing cultural resources issues, installations should include the language for GIS requirements provided in reference (r) to ensure that GIS deliverables meet Federal standards and are compatible with Marine Corps data models.

9. Public Outreach. Reference (b) encourages Federal agencies to preserve America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal government; promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties; inventorying resources; and promoting heritage tourism. A preservation awareness program must be directed to both Marine Corps personnel and external interests if it is to be effective. Education can promote awareness of important Marine Corps cultural resources projects and the rationale behind them. Special events with local and national significance offer excellent opportunities to educate the public on cultural

resources preservation. Events such as Earth Day (22 April), Fourth of July, Veteran's Day, National Historic Preservation Week (third week in May), National Public Lands Day (last Saturday in September), and local town celebrations are opportunities for the Marine Corps to help educate people about cultural resources and preservation principles.

8203. CONSULTATION

1. Consultation with Internal and External Stakeholders. To insure that management of cultural resources is integrated with installation planning and in compliance with Federal statutes and regulations, the Marine Corps has a responsibility to consult with internal and external stakeholders on a regular basis. References (a), (c), and (d) require coordination with interested parties and other government agencies, depending on the action involved. External agencies and stakeholders that might be involved in cultural resources management include:

- a. Other Federal Agencies.
- b. SHPOs.
- c. American Indian tribes, Alaskan Native villages and corporations, or NHOs.
- d. ACHP.
- e. NPS.
- f. Keeper of the National Register, DOI.
- g. Interested members of the public, including ethnographic groups, historic organizations, and others. Although the Marine Corps might contract cultural resources professionals to conduct surveys and evaluations, it is the responsibility of the Marine Corps to consult with external stakeholders. Consultation should not be delegated to contractors. The Marine Corps will comply with all pertinent laws and regulations concerning the management and preservation of cultural resources and will, where appropriate, consult with external stakeholders, as required:
- h. To comply with reference (a) sections 106, 110, and 402.
- i. To comply with reference (c).

j. In accordance with reference (a), if the Marine Corps and the SHPO come to a disagreement regarding NRHP eligibility recommendations, the Keeper of the National Register can be consulted. Guidance on preparing a determination of eligibility can be found at section 3(d) in reference (s).

k. In accordance with reference (a), if the Marine Corps and the SHPO come to a disagreement regarding the section 106 process, the ACHP may assist. The Marine Corps must also invite the ACHP to participate in consultations regarding the resolution of adverse effects to historic properties.

l. In accordance with references (a), (c), (d), and (f), the CRM shall coordinate with interested American Indian tribes, Alaskan Native villages and corporations, or NHOs.

m. In accordance with reference (a), the CRM will consult with the NPS for all section 106 undertakings that have the potential to affect an NHL.

2. Consultation with Native Americans. References (a), (t), (u), (v), (w), and (x) include guidance on how Federal agencies should consult with federally recognized American Indian tribes, and Alaskan Native villages and corporations, and NHOs. It should be noted that not all of this guidance refers to all Native entities (e.g., reference (w) refers only to Indian tribes and Alaskan Native Villages). Consultation takes on many forms, but must be conducted on a government-to-government basis unless delegated by agreement to subordinate representatives of each government (e.g., the THPO and installation CRM). Consultation responsibilities cannot be delegated to contractors, even in those instances where management responsibility for some resources has been delegated to another entity (e.g., in the case of PPV contracts, the Marine Corps retains the responsibility for consultation with American Indian tribes and NHOs). The Marine Corps might need to consult on a project basis for proposed actions that could affect cultural resources of interest to American Indian tribes, Alaskan Native villages and corporations, and NHOs. If Marine Corps activities have the potential to affect such resources, all interested American Indian tribes, Alaskan Native villages and corporations, and NHOs will be consulted early in the planning process and their concerns will be addressed to the greatest extent possible. Establishing a permanent relationship with American Indian tribes, Alaskan Native villages and corporations, and NHOs will lead to better understanding of each party's interests and concerns and development of a trust

relationship. This will streamline future project-based consultation and streamline the inadvertent discovery process. It is the goal of the consultation process to identify both the resource management concerns and the strategies for addressing them through an interactive dialogue with appropriate American Indian tribes, Alaskan Native villages and corporations, and NHOs.

8204. CONFIDENTIALITY REQUIREMENTS. Section 470w-3(a) of reference (a) (Confidentiality of the location of sensitive historic resources) states that:

1. "The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may:

- a. cause a significant invasion of privacy.
- b. risk harm to the historic resources.
- c. impede the use of a traditional religious site by practitioners."

On Federal property, reference (f) also provides provisions for restriction of information on archaeological site locations. American Indian tribes and NHOs have an interest in restricting this information and are not expected to divulge such location information unless they can be reassured of restrictions for access. Therefore, it is extremely important that persons using this document and other cultural resources reports and maps understand that access to all archaeological resource descriptions and locations is restricted to the CRM or Environmental Manager for internal use only. Access to such information in databases and GIS should be limited to CRMs, cultural resource professionals and others with a substantial need to know.

8205. SUSTAINABILITY. The Federal government encourages agencies to take the lead in being stewards of the environment, to preserve today's resources for the future. One of the primary focuses of environmental stewardship within the DOD is the concept of sustainability; this concept applies to design, construction, operations, and resource conservation. Sustainability is responsible stewardship of the nation's

natural, human, and financial resources through a practical and balanced approach. Sustainable practices are an investment in the future. Through conservation, improved maintainability, recycling, reduction and reuse of waste, and other actions and innovations, the Marine Corps can meet today's needs without compromising the ability of future generations to meet their own. Applying sustainability principles to cultural resources management, chapter 4 of reference (y), notes that "sustainability has often been an integral part of the composition of both tangible and intangible cultural resources. Ecological sustainability and preservation of cultural resources are complementary. In large part, the historic events and cultural values that are commemorated were shaped by humankind's response to the environment. When a cultural resource achieves sufficient importance that it is deemed historically significant, it becomes a nonrenewable resource worthy of consideration for sustainable conservation. Management, preservation, and maintenance of cultural resources should be directed to that end."

1. Archaeological Resources. Archaeological sites provide a physical record how people have interacted with their environment in the past and what that tells us of how they led their lives. It is the product of ongoing change, stretching from the distant past into the present. Physically, this record is non-renewable - in each period, a combination of natural and cultural processes almost inevitably impacts the record of previous periods. Intellectually, the record is in a constant flux of discovery, redefinition and interpretation through archaeological investigation and dissemination. Present uses will provide grist for the archaeologists of the future - the physical record of how we have lived and treated our environment and how much of our past we pass on to our successors. With respect to sustainability, archaeological sites on Marine Corps installations can be considered:

a. The only source for understanding the development of human society in prehistoric and much of historic times within the lands contained within installations.

b. A source of enjoyment and interest through intellectual and physical engagement and leisure-time pursuits, contributing to general mental, spiritual and physical health.

c. An important medium for general education, life-long learning, and personal development.

d. A vital basis of people's awareness of historical and cultural identity, sense of community and place, and a key source of perspective on social change.

e. A means of understanding long-term environmental change in relation to sustainability.

f. A source of evidence about past use of renewable energy and recyclable resources such as water, timber, mineral resources, and organic waste.

These benefits can be maximized by enhancing people's awareness of archaeology and the historic environment and developing a culture, within government and the private sector and in their dealings with others, of promoting active involvement, care, and appreciation for the benefit of present and future generations.

Archaeology and the historic environment contribute significantly to people's quality of life. The Marine Corps has a responsibility for stewardship of this environment so that it can continue to inform present and future populations about our shared past. At the same time, stewardship must be integrated into the Marine Corps mission. In addition to promoting public awareness of archaeological information and the benefits of preservation to the larger installation community (see paragraph 8202.9), Marine Corps installations should employ innovative technical and interpretive practices to integrate archaeology into the success of the mission.

2. Historic Buildings and Structures. When making decisions regarding replacement, renovation, or demolition of historic buildings and structures, it is Marine policy to:

a. Prefer continued or adaptive use of historic buildings and structures to new construction by accurately analyzing the life-cycle benefits and costs of sustainable or adaptive reuse.

b. Employ innovative technical and design practices to facilitate mission use of historic buildings and structures with the minimum loss of historic integrity.

c. Prefer partnerships with government, public, and private organizations to promote local economic development and vitality through use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties in lieu of demolition.

d. Consider systematic deconstruction and architectural salvage of historic building fabric when demolition is necessary, especially where historic fabric may be reused to preserve other similar properties in the inventory.

8206. ANNUAL REPORTING AND METRICS. The Marine Corps is responsible for responding to various data calls and asset management inventories on an annual basis. Responses to data calls may include input of data by installation CRMs into DON databases (e.g., iNFADS heritage asset codes), or responses via phone or email to HQMC personnel. In order to ensure accurate reporting of assets and asset status each year, installations must maintain records of their responses to each data call, labeled with the fiscal year of the response, and including any supporting information to explicate their responses, in a file accessible to their supervisors or to the HQMC Cultural Resources Specialist.

CHAPTER 8

CULTURAL RESOURCES MANAGEMENT

SECTION 3: RESPONSIBILITIES

8300. CMC (LF)

1. Establish a cultural resources management program and promulgate guidelines and attendant responsibilities.
2. Designate a qualified staff person to serve as the Marine Corps Federal Historic Preservation Officer (FHPO) and representative on the DOD Conservation Committee.
3. Coordinate with the Deputy Under Secretary of Defense, Environmental Security, DOD Components, DOI, ACHP, and the National Conference of SHPOs in matters related to cultural resources management.
4. Identify Marine Corps-wide priorities and allocate centrally-managed funds that may be used for cultural resources management. Maintain cost records of inventory and treatment of cultural resources.
5. Maintain Marine Corps procedural and policy-making expertise for inter-agency coordination and other aspects of compliance with preservation legislation; assist in resolving disputes with Federal, State, local, and foreign regulatory agencies.
6. Forward NRHP nominations to the Office of the Assistant Secretary of the Navy, Installations and Environment, and the keeper of the NRHP.
7. Respond to congressional and other inquiries to satisfy Office of the Secretary of Defense reporting requirements.
8. Provide support to Marine Corps installations and Marine Corps commands/units and tenants by interpreting Federal, State, local, and overseas historic and archaeological resource requirements and by uniformly applying Marine Corps policy as set forth in this Manual.
9. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and

compliance with Federal, State, and local regulatory agencies with regard to cultural resources statutes and regulations.

8301. CG/CO of MARINE CORPS INSTALLATIONS AND COMMANDER MARINE FORCES RESERVE

1. Program, budget, and allocate funds for qualified staffing, training, surveys, plans, curation, and studies to facilitate the identification, evaluation, inventory, planning, maintenance, and protection of historic properties and other cultural resources at installations under their cognizance.
2. Develop and implement an ICRMP for all installation lands and waters that contain cultural resources, and integrate the ICRMP with other installation planning documents and routine procedures applicable to activity projects and programs.
3. Coordinate among subordinate and tenant activities to achieve maximum efficiency regarding compliance with cultural resources management requirements within the region.
4. Provide for the professional identification, evaluation, inventory, nomination, and protection of cultural resources under their control and ensure that the appropriate data management systems, including spatial data systems, accurately reflect the eligibility status of such resources.
5. Follow all legally-mandated procedures if historic properties (as defined under reference (a)) are to be transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.
6. Consult with the SHPO and other consulting parties, interested groups and individuals as required under reference (c) and sections 106 and 402 of reference (a) when proposed actions have the potential to effect cultural resources. When appropriate or in the interests of best management practices, enter into agreements to facilitate consultation and establish consultation protocols or response procedures. Neglecting to consult with these interested parties early in the planning process could result in unnecessary tension, which will cause delays that translate into government time and cost.
7. Consult with American Indian tribes and NHOs prior to any Marine Corps action that might impact American Indian tribal or Native Hawaiian interests as defined by applicable laws and

regulations, including planned excavation and inadvertent discovery provisions in accordance with reference (d).

8. Ensure that inadvertently discovered archaeological resources, human remains, or cultural items (as defined per reference (d)) are protected at the site of discovery until cultural resource professionals evaluate the resources' significance and make recommendations regarding protection or recovery. Ensure that the chain of command is kept informed.

9. Whenever practical, use historic buildings instead of new acquisition, construction, or leasing to satisfy mission requirements.

10. Ensure that funds budgeted for historic preservation are applied to NRHP resources.

11. Provide for storage and professional curation of salvaged archaeological resources and records which result from compliance actions.

12. Take appropriate action on archaeological permit requests. Review requests for permits to allow the excavation and removal of archaeological resources from Marine Corps lands.

13. Provide for the identification and repatriation of Native American remains and associated cultural items in accordance with reference (d) and other implementing regulations issued by the DOI.

14. Allow American Indians and Native Hawaiians access to sites and resources that are of religious importance or that are important to the continuance of their cultures, as consistent with the military mission, the American Indian Religious Freedom Act, and other appropriate laws and regulations subject to the same considerations as the general public.

15. When warranted by the presence of cultural resources, designate a staff person to serve as CRM. CRMs should be provided with adequate training to ensure that they have a full understanding of their position duties and can provide adequate guidance on compliance with cultural laws and regulations to other stakeholders.

8302. CRM

1. Provide day-to-day management for cultural resources at the installation level, help ensure that all installation activities are in compliance with applicable cultural resources requirements, serve as a liaison between all persons involved in the ICRMP, write the ICRMP or develop its statement of work, and implement the ICRMP.
2. Understand the military mission and have a clear understanding of how their job supports the military mission.
3. Locate, inventory, evaluate, and protect historic buildings; structures; districts; archaeological sites; resources of traditional, religious, or cultural significance to American Indian tribes or NHOs; and other cultural resources in accordance with Marine Corps policy and Federal statutes and regulations. If survey and evaluation tasks are contracted to cultural resources professionals, prepare statements of work, monitor work progress, and review all work products prior to submission to external stakeholders.
4. Disseminate technical guidance regarding maintenance, storage, and protection of cultural resources to installation personnel whose actions have the potential to affect cultural resources.
5. Coordinate the maintenance of cultural resources records in the appropriate data management systems, to assure that accurate information regarding Marine Corps cultural resources can be provided to Congress, the Marine Corps FHPO, and other interested parties when required.
6. As the CG/CO's delegated representative, coordinate and consult with outside entities including the SHPO, American Indian tribes and NHOs, and local interest groups, as mandated in references (a), (c), (d), (f), (w), and other laws and regulations listed in paragraph 8103 of this chapter.

REFERENCES

- (a) 16 U.S.C. 470-470x
- (b) Executive Order 13287, "Preserve America," March 3, 2003
- (c) 42 U.S.C. 4321
- (d) 25 U.S.C. 3001-3013
- (e) DOD Instruction 4715.16, "Cultural Resources Management," September 18, 2008
- (f) 16 U.S.C. 470aa-mm
- (g) 36 CFR 800
- (h) 36 CFR 79
- (i) SECNAV M-5210.1
- (j) Department of Interior, NPS-28 "Cultural Resource Management Guidelines," August 16, 2002
- (k) Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971
- (l) 43 U.S.C. 1601-1629h
- (m) 36 CFR 60
- (n) Executive Order 13327, "Federal Real Property Asset Management," February 5, 2004
- (o) 43 CFR 10
- (p) 32 CFR 229
- (q) 5 U.S.C. 552
- (r) MCO 11000.25
- (s) 36 CFR 62
- (t) Executive Order 13007, "Indian Sacred Sites," May 24, 1996
- (u) Executive Order 13175, "Consultation and Coordination with

Indian Tribal Governments," November 6, 2000

(v) Presidential Memorandum, "Government-to-Government Relations with Native American Tribal Governments," April 29, 1994

(w) DOD Instruction 4710.02, "DOD Interactions with Federally-Recognized Tribes," September 14, 2006

(x) "Department of Defense American Indian and Alaska Native Policy (Annotated)," October 20, 1998

(y) Department of the Interior, NPS Publication, "Guiding Principles of Sustainable Design," December 15, 1994