

50 specifically the changing land use to open up an additional 700,000 acres of potential off road maneuver
51 area; and

52
53 **WHEREAS**, from 2006 to 2013, Fort Bliss conducted archeological survey of over 300,000 acres in
54 response to the 2006 PA, evaluated 8,472 archeological sites, completed data recovery mitigation on 443
55 archeological sites and standard treatment measures on 60 buildings to mitigate potential adverse effects
56 resulting from military construction and training, and established Off Limits Areas (aka Red Zones); and

57
58 **WHEREAS**, Fort Bliss, using the National Park Service (NPS) Native American Graves Protection and
59 Repatriation Act (NAGPRA) online database, the Department of Housing and Urban Development Tribal
60 Directory Tool, as well as past consultation experience and known interest, has identified and consulted
61 with the following federally-recognized Indian tribes: the Comanche Nation, the Fort Sill Apache, the
62 Kiowa Tribe of Oklahoma, the Mescalero Apache, the White Mountain Apache, and the Ysleta Del Sur
63 Pueblo (Tigua), for which some sites at Fort Bliss have religious and cultural significance and has invited
64 the Tribes to participate in the development of this PA; and

65
66 **WHEREAS**, Fort Bliss, consulting with the above-referenced tribes, has identified 32 unnamed
67 properties as having religious and cultural significance; and

68
69 **WHEREAS**, Fort Bliss has invited the El Paso Historic Landmark Commission, El Paso Preservation
70 Alliance, Preservation Texas, City of Socorro, Texas, and the El Paso County Historic Society, Inc. to
71 comment and participate on this PA via email; and

72
73 **WHEREAS**, Fort Bliss has invited the public to comment through notice in local newspapers and has
74 made the draft PA available on the Fort Bliss Directorate of Public Works (DPW), Environmental
75 Division's (DPW-E) webpage (<https://www.bliss.army.mil/dpw/Environmental/EISDocuments2.html>)
76 and has considered all recommendations, if any, into this PA; and

77
78 **WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), Fort Bliss has notified the Advisory Council on
79 Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation,
80 and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

81
82 **WHEREAS**, the management of certain historic properties and day-to-day operations are covered by the
83 *Programmatic Memorandum of Agreement Among the United States Department of Defense, the Advisory*
84 *Council on Historic Preservation, and the National Conference of State Historic Preservation Officers*
85 *Regarding the Demolition of World War II Temporary Buildings (as amended); the Program Comment*
86 *for Capehart and Wherry Era Army Family Housing and Associated Structures and Landscape Features*
87 *(1949-1962); the Program Comment for Cold War Era Unaccompanied Personnel Housing (1946-1947);*
88 *the Program Comment for World War II and Cold War Era (1939-1974) Ammunition Storage Facilities;*
89 *and Programmatic Agreement regarding the Fort Bliss Residential Communities Initiative (RCI) and*
90 *therefore are not part of this PA; and*

91
92 **WHEREAS**, Fort Bliss has developed, in consultation with the NMSHPO, TXSHPO, and the Tribes the
93 *Significance and Research Standards for Prehistoric Archaeological Sites at Fort Bliss: A design for the*
94 *Evaluation, Management, and Treatment of Cultural Resources* (Miller et al. 2009) (Significance
95 Standards) in order to provide an innovative program for assessing NRHP eligibility for prehistoric sites,
96 and the NMSHPO and the TXSHPO concurred on the Significance Standards in 2009 for Fort Bliss to
97 implement the Significance Standards and update by December 30, 2016; and

99 **WHEREAS**, in 2008 Fort Bliss completed the *Reevaluation of Selecting Ranching Sites on Fort Bliss*
100 (Victor, et. al., 2008) that includes two historical contexts: *Agricultural Development in South Central*
101 *NM 1870-1955* and *Irrigation and the Engineering of Water Resources in South Central NM 1870-1955*
102 and is currently developing a historic context for historic railroads on Fort Bliss, and these contexts help
103 provide Fort Bliss with tools to define site eligibility criteria, levels of adequate inventory, and site
104 documentation requirements to guide the evaluation of historic sites, buildings, structures, objects and
105 districts that may be eligible for listing in the NRHP; and
106

107 **NOW, THEREFORE**, Fort Bliss, the NMSHPO, the TXSHPO, and the ACHP agree that the
108 management of historic properties shall be implemented in accordance with the following stipulations in
109 order to take into account the effect of undertakings on historic properties.
110

111 **STIPULATIONS**

112
113 Fort Bliss shall ensure that the following measures are carried out:
114

115 **I. PROJECT REVIEW**

116
117 A. Policy: Fort Bliss shall avoid adverse effects to historic properties under its management, to the
118 extent possible, while meeting mission needs, and coordinating Section 106 responsibilities with
119 the National Environmental Policy Act (NEPA).
120

121 B. Procedure

122 I. Qualifications:

123 a) All work required to meet the Stipulations of this PA will be carried out
124 under the supervision of a person who meets the minimum standards as
125 identified in the Secretary of the Interior's "Archaeology and Historic
126 Preservation: Secretary of the Interior's Standards and Guidelines (as
127 amended and annotated)" (Professional Qualifications) as appropriate for
128 the historic property being addressed.
129
130

131 b) Fort Bliss staff

132
133 (1) Cultural Resources Manager (CRM): the CRM is the person
134 responsible, on behalf of the GC, for meeting the Stipulations of
135 this PA. The DPW-E Conservation Branch Chief shall be
136 designated as the CRM. If the CRM does not meet the
137 Professional Qualifications, then qualified staff members will
138 fulfill those responsibilities. Fort Bliss will notify the signatories
139 of the name(s) of staff fulfilling CRM responsibilities.
140

141
142 (2) CRM Staff: the CRM Staff shall include qualified staff
143 implementing the Integrated Cultural Resources Management
144 Plan (ICRMP) for Garrison Command, supervised by the CRM.
145

146 2. Determine the Undertaking

148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195

- a) The CRM or CRM Staff shall determine if the proposed project is an undertaking as defined in 36 CFR § 800.16(y) and subject to this PA.
 - b) If the CRM or CRM Staff determines the proposed project is not an undertaking as defined in 36 CFR § 800.16(y), or subject to this PA, Fort Bliss has no further obligations under this Stipulation.
 - c) If the CRM or CRM Staff determine that the proposed project is an exempted undertaking as listed in Appendix B, the CRM shall document this determination for inclusion in the official Fort Bliss, and Fort Bliss has no further obligations under this Stipulation.
 - d) If the CRM or CRM Staff determines the proposed project is not listed in Appendix B and is an undertaking, the CRM or CRM Staff shall document this determination for inclusion in the Record of Historic Properties Consideration (RHPC), see Appendix D for an example, for the undertaking and continue the Project Review process.
3. Define the Area of Potential Effects and Identify Historic Properties .
- a) The CRM or CRM Staff shall determine and document the project APE for each specific undertaking, appropriate to the scope and scale of the undertaking, and considering direct, indirect, and cumulative effects in the RHPC.
 - (1) The CRM or CRM Staff shall determine whether previous identification and evaluation work has been conducted in the APE, if historic properties have been identified, the standard under which the inventory and evaluations were conducted, the types of historic properties are likely to be found, and whether a existing historic context applies.
 - (i) Any survey, in which standards in Appendix C apply or Fort Bliss consulted on with the appropriate SHPO, is adequate enough not to require Fort Bliss to undertake a new cultural resource survey.
 - (2) The CRM or CRM Staff shall determine if new cultural resource surveys (to include determinations of eligibility) are needed and shall use one of the following two processes to complete new surveys.
 - (a) The CRM or CRM Staff shall use a process as outlined in Appendix C, to make a reasonable and good faith effort to identify and evaluate historic properties in the APE.

196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244

- (b) The CRM or CRM Staff shall consult with the appropriate SHPO, Tribal Historic Preservation Officer (THPO), Tribe, and/or other Consulting Party (as appropriate) to determine the process as needed to complete a reasonable and good faith effort to identify and evaluate historic properties in the APE.

- b) If the CRM or CRM Staff does not identify historic properties within the APE, and there is no need for a new cultural resource survey, the CRM and/or CRM Staff shall document this determination for inclusion in the official Fort Bliss database, and Fort Bliss has no further obligations under this Stipulation.

- c) If there are properties requiring evaluation present in the APE, the CRM and/or CRM Staff will evaluate the property for eligibility to the NRHP and will forward documentation supporting the evaluations to the appropriate SHPO for review and concurrence.
 - (1) The SHPO shall be afforded 30 days, upon receipt of all pertinent information, to respond to the determinations of eligibility.
 - (2) If the CRM or CRM Staff and the SHPO agree that the cultural resources in the APE are or are not eligible for inclusion on the NRHP, the CRM or CRM Staff may proceed to Stipulation I(B)(4)(b).
 - (3) If the CRM or CRM Staff and the SHPO do not agree on determinations of eligibility, the CRM can attempt to resolve the disagreement through further consultation, with SHPO responding no longer than 15 days upon receipt of all pertinent information (or as appropriate in consultation with the appropriate SHPO) or the CRM can consult the Keeper of the National Register pursuant to 36 CFR Part 63 if needed.

- 4. Evaluate Effects of the Undertaking
 - a) The CRM or CRM Staff shall work with the appropriate project proponent to discuss best management practices to avoid or minimize effects to historic properties.
 - (1) The CRM or CRM Staff may consult with the appropriate SHPO and/or Tribe to discuss best management practices to avoid or minimize effects to historic properties.
 - (2) The best management practice(s) identified by the CRM or CRM Staff and discussed with the appropriate project proponent shall be documented in the RHPC.

245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293

(3) If any contributing resource within the boundary of an eligible or listed historic district is proposed for demolition, the CRM or CRM Staff shall consider the demolition in accordance with 36 CFR §§ 800.5 through 800.7 and not in accordance with this PA.

b) The CRM or CRM Staff shall assess the effects of the proposed undertaking on historic properties, including direct, indirect, and cumulative effects, using the criteria of adverse effects (36 CFR § 800.5(a)(1)) and shall make one of the following determinations:

(1) "No Effect to Historic Properties": if the CRM or CRM Staff determines that there are no historic properties or that historic properties present in the APE will not be affected by the undertaking, the CRM or CRM Staff shall document this determination in the RHPC, and Fort Bliss has no further obligations under this Stipulation.

(2) "No Adverse Effect to Historic Properties": if the CRM or CRM Staff determines that historic properties present in the APE will not be adversely affected by the undertaking, the CRM or CRM Staff shall document this determination in the RHPC, and Fort Bliss has no further obligations under this Stipulation.

(3) "Adverse Effect to Historic Properties": if the CRM or CRM Staff determines that historic properties present in the APE will be adversely affected by the undertaking, the CRM or CRM Staff shall document this determination in the RHPC and proceed in the Project Review process.

5. Resolution of Adverse Effect to Historic Properties

a) For those undertakings with a finding of "Adverse Effect to Historic Properties" the CRM or CRM Staff shall provide the appropriate SHPO and Tribe(s) with the RHPC including, but not limited to, the following:

(1) project description, to include but is not limited to depth and amount of ground disturbance anticipated and a summary of best management practices and/or alternatives to avoid or minimize effects to historic properties considered but ultimately rejected;

(2) APE map showing the location of the project and of any identified historic properties;

(3) description of the historic properties affected;

(4) any photos as necessary;

(5) standard mitigation measure to be used (see Appendix G); and/or

294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341

- (6) an alternative mitigation measure as appropriate.
- b) The Tribes are under no obligation to provide comments on the effect determination or mitigation measure selected; however, if they wish Fort Bliss to consider their comments regarding the effect determination, Tribes should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM or CRM Staff shall make a second attempt to ensure that the original notification was received, if comments will be submitted, and if they wish to participate in the resolution of adverse effects before concluding consultation. Fort Bliss shall take any tribal comments received into consideration before concluding the consultation and will notify the SHPO of any tribal concerns, respecting the Tribal request for confidentiality, and the Fort Bliss response to those concerns.
- c) SHPO shall provide any comments to the Fort Bliss effect determination and mitigation measure within 30 days of receipt of all pertinent documentation.
- d) The CRM or CRM Staff shall notify appropriate Consulting Parties, and the public, within 10 days of notifying the appropriate SHPO and Tribes of an adverse effect finding and mitigation measure for an undertaking using the following process:
- (1) The CRM or CRM Staff shall prepare and send the RHPC to the appropriate Consulting Parties including a description of the undertaking, an illustration of the APE, a list of identified historic properties within the APE, the explanation for the finding of adverse effects, steps taken or considered by Fort Bliss to avoid or minimize the adverse effects, and any appropriate SHPO comments received by Fort Bliss regarding the undertaking.
- (2) When the Adverse Effect is part of an action being analyzed through an Environmental Assessment (EA) or Environmental Impact Statement (EIS) in accordance with NEPA, then Fort Bliss will solicit public participation following Stipulation IV.
- e) Appropriate Consulting Parties are under no obligation to provide comments on the effect determination or proposed mitigation measure; however, if they wish Fort Bliss to consider their comments, Consulting Parties should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM or CRM Staff shall make a second attempt to ensure that the original notification was received, if comments will be submitted, and if they wish to participate in the resolution of adverse effects before concluding consultation. If comments are received, Fort Bliss shall take those comments into consideration before concluding the consultation and shall notify the

342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383

appropriate SHPO of any concerns and the Fort Bliss response to those concerns.

- f) The CRM or CRM Staff shall organize a consultation meeting if appropriate, to include the appropriate SHPO, 45 days after notifying appropriate Consulting Parties, to discuss standard or alternative mitigation measures if necessary. Additional meetings shall be scheduled as needed.
- g) If through consultation with the appropriate SHPO and Consulting Parties the adverse effects are minimized or mitigated, then the measures agreed to by Fort Bliss, the appropriate SHPO, and Consulting Parties shall be documented in the RHPC or a Memorandum of Agreement as appropriate.
- h) The ACHP will only participate in the resolution of adverse effects for individual undertakings if a written request is received from Fort Bliss, a SHPO, or a Tribe.

II. Updates to the Significance Standards

- A. Policy: Fort Bliss relies on the Significance Standards to guide the evaluation of historic properties, particularly prehistoric/protohistoric archaeological sites.
- B. Procedure
 - 1. Fort Bliss shall update the 2009 Significance Standards within two years after execution of this PA in consultation with SHPOs and Tribes.
 - 2. Fort Bliss shall update the Significance Standards every five years in conjunction with major ICRMP updates, with new archaeological and ethnographic data as appropriate.

III. Reporting Damage to Cultural Resources

- A. Policy: Fort Bliss recognizes that routine Army activities (i.e., training, operation, and maintenance) pose some risk of damage to historic properties. Through the project review process, project monitoring, and cultural resources awareness training of Garrison staff, military units, and contractors by the CRM or CRM Staff, Fort Bliss attempts to minimize that risk.
- B. Procedure

384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432

1. When the CRM or CRM Staff are made aware of damage to a historic property (or an unevaluated cultural resource that may be eligible for inclusion in the NRHP), either from unintentional or intentional causes (and may or may not be associated with an ongoing project or training exercise), the CRM or CRM Staff shall review the site records, visit the property, and assess the damage to the property. Activity in and around the site (or portion of site) will cease until the procedures applicable to the level of damage in this Stipulation are completed.
2. If the damage proves to be intentional, Fort Bliss will follow the guidelines in Archaeological Resources Protection Act.
3. If the cultural resource is unevaluated, the CRM or CRM Staff will follow the procedures for documentation and evaluation of that property type and consult on the determination of eligibility with the appropriate SHPO and the CRM or CRM Staff will follow the procedures found in this Stipulation if the property is determined to be eligible for inclusion in the NRHP.
4. If the damage is so slight as to have no effect on the site, or does not affect the characteristics that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (36 CFR § 800.5(a)(1)), the CRM or CRM Staff shall make a finding of No Adverse Effect, complete the RHPC, and report the incident in the Annual Report.
5. If the damage rises to the level of an Adverse Effect, the CRM or CRM Staff shall notify the appropriate SHPO via email, phone, or fax within 48 hours of the initial damage. Within 30 working days, Fort Bliss shall update or prepare a RHPC and the appropriate supporting documents (e.g., site form updates) with a letter signed by the GC.
 - a) The RHPC will document the circumstances of the damage, its extent and effect, along with potential mitigation measures, as appropriate.
 - b) The appropriate SHPO shall have 30 days to comment on that submission.
 - c) If mitigation is proposed, and there are no objections to the methods, those measures shall be completed after that 30-day review period and thereafter be reported to the appropriate SHPO.
 - d) If some other treatment is agreed to by the parties that treatment will be completed after the 30-day review period and thereafter are reported to the appropriate SHPO.
 - e) If the parties are in dispute over proposed mitigation or treatment measures, the parties will follow the procedures in Stipulation VII.
6. If the damage is to a property of traditional religious and cultural importance to the Tribes, the CRM or CRM Staff shall review the incident, prepare a report for

433 the GC, make recommendations for treatment, if any, and recommend procedures
434 that avoid future effects. The GC will begin consultation with the Tribes within
435 30 working days of notice of the damage, on the nature of the damage, any
436 proposed treatment, and procedures proposed to avoid future effects.
437

438 7. If the damage is to a property that is known to have or is discovered to have
439 human remains or other NAGPRA objects, Fort Bliss will follow the process
440 outlined in NAGPRA.
441

442 **IV. Notification and Involvement of Institutions and Interested Members of the Public**

443

444 A. Policy: Fort Bliss shall notify and invite public comment on planned projects within the
445 implementation of this PA.
446

447 B. Procedures

448

449 1. Through the NEPA process, the public is invited to comment on planned projects
450 when an EA or an EIS is the appropriate document for a given project as well as
451 the Section 106 review.
452

453 2. Mailing Lists of institutions and interested members of the public shall be
454 maintained by the CRM or CRM Staff by area of interest and/or research
455 concern. The institution or interested individual may then contact the CRM or
456 CRM Staff to request an electronic version of a report of interest.
457

458 **V. Broader Fort Bliss Outreach**

459

460 A. Policy: When Fort Bliss determines studies produced will have a wider range of interest, they
461 may be published in scholarly journals, periodicals, books, or given as papers at learned and
462 historical societies.
463

464 B. Procedure:

465

466 1. All studies prepared by the CRM or CRM staff shall be submitted through
467 channels to the Fort Bliss Public Affairs Officer (PAO) to ensure compliance
468 with AR 360-5, *Public Information Policies*,
469

470 2. Release of studies prepared under contract will be approved as specified in the
471 contract.
472

473 3. The CRM or CRM Staff shall ensure that a process that meets the standards of
474 AR 360-5 is included in the scope of work for contracts approved by Fort Bliss.
475

476 4. Exact location(s) of historic properties or other information that, in the opinion of
477 the CRM or CRM Staff, might endanger the resources or are administrative in
478 nature and have neither research value nor public interest will be released
479 consistent with Section 304 of the NHPA.
480

481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526

5. The CRM or CRM Staff shall provide copies of published articles to the SHPOs.
6. The CRM or CRM Staff may attend meetings of local and state organizations concerned with cultural resources management issues at county and state historical societies, and archeological societies.
 - a) The CRM or CRM Staff may speak on the status of Fort Bliss cultural resources management program. Informal presentations, including slide presentations, may be presented without prior approval of the PAO.
 - b) The CRM or CRM Staff shall notify the PAO in advance of anticipated formal presentations and coordinate further if the PAO so requests. If a formal paper is given and copies are distributed, the text will be submitted to the PAO prior to the presentation to ensure the requirements of AR 360-5.
 - c) The CRM will inform the PAO and appropriate members of the command group of any potentially controversial issues raised during formal or informal presentations.
7. The CRM or CRM staff may include the development of popular publications as companions to technical reports when project budgets allow. Fort Bliss will provide Portable Document Files (PDF) of popular publications to individuals and organizations upon request.
8. The CRM or CRM Staff may develop an Internet web page that can be used to disseminate information to a broader audience on cultural resource materials and program.

VI. Inadvertent Discovery of Archeological Sites

A. Policy: It is the policy of Fort Bliss to handle the inadvertent discovery of archeological sites during its day-to-day activities, both expeditiously and with respect for the resource. It is specified in all applicable Fort Bliss work orders, service orders, training requests, other proposed project work, and any cultural resource training that the CRM or CRM Staff is to be immediately notified in the event of an inadvertent discovery of cultural materials.

B. Procedure

1. Fort Bliss shall follow the procedures in NAGPRA for the inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony; all other finds will be addressed in this stipulation.
2. If damage has been done to a historic property, Fort Bliss will also follow Stipulation III.

- 527 3. Fort Bliss shall first ensure that all activity ceases in and around the find; activity
528 may resume when all applicable procedures in this stipulation have been
529 completed.
530
- 531 4. The CRM or CRM Staff shall use the flowchart in Appendix F.
532
- 533 5. The CRM or CRM Staff shall inspect the location as soon as practical and
534 document the find, first determining whether or not the materials constitute a site
535 (either new or previously recorded), and, secondly, if the site is eligible, and
536 thirdly, if any adverse effects are observable can occur if the activity were to
537 continue.
538
- 539 a) Isolated Occurrence: If the cultural materials are found to be an isolated
540 occurrence (IO), activity can resume as soon as the CRM or CRM Staff
541 make that determination; no additional reporting will be required.
542
- 543 b) If the materials are found to be part of a previously recorded site
544 determined Not Eligible for the NRHP, and the discovery does not
545 change that recommendation, activity can resume as soon as the CRM or
546 CRM staff make that determination.
547
- 548 c) If, however, the discovery appears to change that recommendation to
549 eligible, or if the property is eligible or listed on the NRHP, the CRM or
550 CRM will consult with the Tribes and the appropriate SHPO on NRHP
551 eligibility, determination of what type of effect (no adverse/adverse) the
552 activity would have on that site, and if adverse, propose a treatment plan
553 by email, phone, or fax within 48 hours of the find.
554
- 555 (1) The SHPO and the Tribes shall then have 48 hours upon
556 notification in which to review the documentation and any
557 proposed treatment and provide comment back to Fort Bliss.
558
- 559 (2) Fort Bliss shall take into account comments provided and shall
560 move forward with the treatment plan. Activities can resume
561 upon completion. If no treatment is required, work can resume.
562
- 563 6. If any consulting party fails to comment by the end of any review period, Fort
564 Bliss will assume that that party concurs with the proposal and proceed to the
565 next step as appropriate.
566

567 VII. Dispute Resolution

- 568
- 569 A. Should any signatory to this PA object at any time to any actions proposed, or the manner in
570 which the terms of this PA are implemented, Fort Bliss shall consult with such party to resolve
571 the objection. If Fort Bliss determines that such objection cannot be resolved, Fort Bliss will:
572
- 573 1. Forward all documentation relevant to the dispute, including the Fort Bliss
574 proposed resolution, to the ACHP. The ACHP shall provide Fort Bliss with its
575 advice on the resolution of the objection within 30 days of receiving adequate

576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624

documentation. Fort Bliss shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. Fort Bliss will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, Fort Bliss shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

- B. Fort Bliss shall carry out all other actions that are not the subject of the dispute, subject to the terms of this PA.

VIII. Annual Report

- A. Fort Bliss shall provide an annual report of activities conducted under this PA to all consulting parties and interested members of the public that includes the following:
 1. a summary of 25 sample reviews of exempted undertakings for the first two years of annual reporting.
 2. a summary of all projects that proceeded under the procedures in this PA with the following sections:
 - a) Determination of Eligibility (Texas and New Mexico)
 - (1) State
 - (2) Date
 - (3) RPHC #
 - (4) NEPA #
 - (5) Project #
 - (6) Building #
 - (7) Project Description
 - (8) Determination of Eligibility
 - (9) SHPO Determination of Eligibility
 - b) No Historic Properties Affected
 - (1) State

- 625 (2) Date
- 626
- 627 (3) RHPC #
- 628
- 629 (4) NEPA #
- 630
- 631 (5) Project #
- 632
- 633 (6) Building #
- 634
- 635 (7) Project Description
- 636
- 637 (8) Project Analysis
- 638
- 639 (9) No Historic Properties Affected
- 640
- 641 (10) Comment
- 642
- 643 c) No Historic Properties Adversely Affected
- 644
- 645 (1) State
- 646
- 647 (2) Date
- 648
- 649 (3) RHPC #
- 650
- 651 (4) NEPA #
- 652
- 653 (5) Project #
- 654
- 655 (6) Building #
- 656
- 657 (7) Project Description
- 658
- 659 (8) Project Analysis
- 660
- 661 (9) Not Adversely Affected
- 662
- 663 (10) Comment
- 664
- 665 d) Adverse Effect
- 666
- 667 (1) State
- 668
- 669 (2) Date
- 670
- 671 (3) RHPC #
- 672
- 673 (4) NEPA #

674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721

- (5) Project #
 - (6) Building #
 - (7) Project Description
 - (8) Analysis
 - (9) Adverse Effect
 - (10) Comment
 - (11) SHPO Date
 - (12) Mitigation Comment
- e) Damage Report
- (1) State
 - (2) Date
 - (3) RHPC #
 - (4) NEPA #
 - (5) Project #
 - (6) Building #
 - (7) Project Description
 - (8) Analysis

- 3. a random stratified sample of five complete RHPCs for undertakings within the appropriate state for the appropriate SHPO with a finding of “no historic properties affected” and “no adverse effect” for the first two years of annual reporting.
- 4. all projects proposed for the coming year; and
- 5. recommendations for amending the PA, if any.

C. Upon request, the CRM shall include a list of Fort Bliss professionals who participated in implementation of this PA during the previous and current fiscal years in each PA annual report. The list will include a description of each professional’s current responsibilities.

- 722 D. Fort Bliss shall prepare the final report and submit it, through command channels, for approval,
723 reproduction, and release on 15 November each year the PA is in effect.
724
- 725 E. Consulting parties will submit to Fort Bliss within 60 days of their receipt of the annual report
726 any comments or any requests for specific RHPCs. If there is no response within this time, it will
727 be assumed that the annual report is acceptable.
728
- 729 F. Fort Bliss shall hold an annual review and monitoring meeting as appropriate and/or upon request
730 of a signatory party.
731
- 732 G. Fort Bliss shall retain the original documentation of each project undertaken without formal
733 review of the appropriate SHPO for a period of three years. Original documentation shall be made
734 available to consulting parties or interested members of the public upon written request.
735
- 736 H. The ACHP shall only receive a copy of the annual report if an amendment is proposed by Fort
737 Bliss.
738

739 **IX. Fiscal Requirement and Sources**
740

741 The Stipulations of this PA are subject to the provisions of the Anti-Deficiency Act (31 USC Section
742 1341) and availability of funds. If compliance with the Anti-Deficiency Act alters or impairs the ability of
743 Fort Bliss to implement the Stipulations of this PA, Fort Bliss will consult pursuant to Stipulations X and
744 XI.
745

746 **X. Amendment**
747

748 This PA may be amended when such an amendment is agreed to in writing by all signatories. The
749 amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
750

751 **XI. Termination**
752

- 753 A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party
754 shall immediately consult with the other parties to attempt to develop an amendment per
755 Stipulation X. If within 60 days (or another time period agreed to by all signatories) an
756 amendment cannot be reached, any signatory may terminate the PA upon written notification to
757 the other signatories.
758
- 759 B. Once the PA is terminated, and prior to work continuing on the undertaking, Fort Bliss shall
760 either 1) execute a Memorandum of Agreement pursuant to 36 CFR § 800.6 or 2) request, take
761 into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Fort Bliss shall
762 notify the signatories as to the course of action it will pursue.
763

764 **XII. Duration of this PA**
765

- 766 A. This PA takes effect upon last signature date and will remain in effect thereafter for 10 years.
767 Upon consultation with, and agreement by, other parties of this PA, it may be extended, amended,
768 or terminated at 10 years.
769

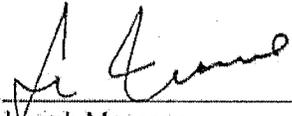
770 B. This PA shall be reviewed periodically, not less than three years from the execution of the PA.
771 Fort Bliss shall consult with the Signatories to determine whether the PA needs to be extended,
772 amended, or terminated and take such actions as appropriate one year to the date this PA would
773 otherwise expire.
774

775 **Execution** of this PA by Fort Bliss, the NMSHPO, the TXSHPO, and the ACHP and implementation of
776 its terms evidence that Fort Bliss has taken into account the effects of this undertaking on historic
777 properties and afforded the ACHP an opportunity to comment.
778

779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY GARRISON, FORT BLISS AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE MANAGEMENT, OPERATION, AND DEVELOPMENT OF HISTORIC
PROPERTIES ON FORT BLISS
UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS
AMENDED)
FORT BLISS, TEXAS AND NEW MEXICO**

FORT BLISS, TEXAS

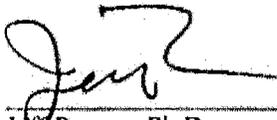


Joseph Moscone
Garrison Manager

Date: 12-19-2014

801 PROGRAMMATIC AGREEMENT
802 AMONG
803 THE UNITED STATES ARMY GARRISON, FORT BLISS AND
804 THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER AND
805 THE TEXAS STATE HISTORIC PRESERVATION OFFICER AND
806 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
807 FOR THE MANAGEMENT, OPERATION, AND DEVELOPMENT OF HISTORIC
808 PROPERTIES ON FORT BLISS
809 UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS
810 AMENDED)
811 FORT BLISS, TEXAS AND NEW MEXICO
812
813

814 NEW MEXICO STATE HISTORIC PRESERVATION OFFICER
815

816
817 

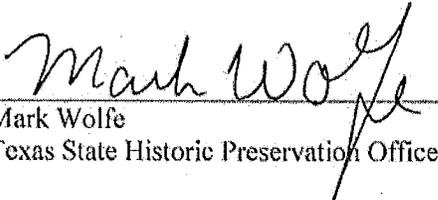
818 Date: 12/19/14
819

820 Jeff Pappas, Ph.D.
821 New Mexico State Historic Preservation Officer
822

823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY GARRISON, FORT BLISS AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE MANAGEMENT, OPERATION, AND DEVELOPMENT OF HISTORIC
PROPERTIES ON FORT BLISS
UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS
AMENDED)
FORT BLISS, TEXAS AND NEW MEXICO

TEXAS STATE HISTORIC PRESERVATION OFFICER



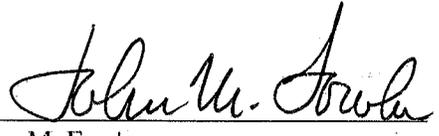
Mark Wolfe
Texas State Historic Preservation Officer

Date: 12/19/14

845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY GARRISON, FORT BLISS AND
THE NEW MEXICO STATE HISTORIC PRESERVATION OFFICER AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
FOR THE MANAGEMENT, OPERATION, AND DEVELOPMENT OF HISTORIC
PROPERTIES ON FORT BLISS
UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS
AMENDED)
FORT BLISS, TEXAS AND NEW MEXICO**

ADVISORY COUNCIL ON HISTORIC PRESERVATION



John M. Fowler
Executive Director

Date: 12/24/14