



1 desire, the opportunity to participate in the implementation of this PA and has invited the Tribes  
2 to sign this PA as Invited Signatories; and  
3

4 **WHEREAS**, the USMC has consulted with the non-federally recognized tribes of the San Luis  
5 Rey Band of Mission Indians and the Juaneño Band of Mission Indians and has invited them to  
6 participate and concur with this PA; and  
7

8 **WHEREAS**, the USMC has consulted with the San Diego County Archaeological Society  
9 (SDCAS) and has invited SDCAS to participate and concur with this PA; and  
10

11 **WHEREAS**, the USMC has made a draft of this PA available to the public per 36 CFR §  
12 800.14(b)(2)(ii) on the MCIWEST-MCB Camp Pendleton public website  
13 [<http://www.pendleton.marines.mil/StaffAgencies/EnvironmentalSecurity.aspx>]. The USMC will  
14 continue to use the National Environmental Policy Act of 1969 (NEPA), as amended (83 Stat.  
15 852 et seq.; 42 USC 4321-4370h) public notification and scoping process to comply with 36  
16 CFR Part 800 requirements for public notifications, identification of interested individuals or  
17 organizations, and public participation; and  
18

19 **WHEREAS**, the USMC considers and documents an undertaking's effect on historic properties  
20 as part of its NEPA compliance and will continue to include information regarding its  
21 compliance with Section 106 as part of its NEPA compliance documentation; and  
22

23 **WHEREAS**, the USMC continues to identify, evaluate, treat, protect, preserve, and consult  
24 about historic properties and has surveyed and inventoried approximately 89% of its land for  
25 archaeological sites and in 1999 inventoried and evaluated 100% of its buildings and structures  
26 constructed from 1942 to 1989. The USMC has also evaluated approximately 80% of its  
27 archaeological sites; and  
28

29 **WHEREAS**, execution of this PA by the USMC obligates it to comply with the stipulations  
30 contained herein, and the MCIWEST-MCB Camp Pendleton Base Commander has concurred  
31 with this requirement;  
32

33 **NOW, THEREFORE**, the USMC, the ACHP, and the SHPO agree that the undertakings shall  
34 be implemented in accordance with the following stipulations to satisfy the Marine Corps'  
35 Section 106 responsibilities for all individual actions included in the undertakings.  
36

## 37 STIPULATIONS

38  
39 The USMC shall ensure that the following measures are carried out:  
40

### 41 I. SCOPE AND OBJECTIVES

#### 42 A. Purpose

43  
44 This PA establishes the processes that USMC will implement for  
45 MCIWEST-MCB Camp Pendleton (the Installation) consisting of 125,000  
46

1 acres in northwestern San Diego County (Attachment A). It ensures that  
2 the USMC has an Installation Cultural Resources Program and qualified  
3 Cultural Resources Manager (CRM) and staff, as defined in Attachment B,  
4 to operate efficiently and effectively in accordance with the NHPA's  
5 intent and regulations. It requires the USMC to integrate cultural resources  
6 planning and management decisions in the Installation's policies and other  
7 program requirements. It also requires the USMC to effectively manage  
8 the Installation's Cultural Resources Program consistent with Section 110  
9 of the NHPA and seek efficiencies under Section 106 and for the  
10 Installation's Integrated Cultural Resources Management Plan (ICRMP) to  
11 be updated in consultation with SHPO and other parties as described in  
12 Stipulation XII.

13  
14 **B. Streamline Section 106 process**

15  
16 The PA streamlines the Section 106 process of the NHPA and eliminates  
17 case-by-case consultation with SHPO and Invited Signatories for  
18 undertakings whenever:

19  
20 (1) There are no known historic properties within an APE (Stipulation  
21 III.D(1));

22  
23 (2) Historic properties that are listed in or eligible for the NRHP are  
24 present within an APE but will not be adversely affected (Stipulation  
25 III.D(2));

26  
27 (3) Historic properties, and/or unevaluated properties that will be treated  
28 as if they were eligible for the NRHP, are within the APE but adverse  
29 effects will be completely avoided by implementing management  
30 measures (Stipulation III.D(3)); or

31  
32 (4) The nature of the activity is such that it is unlikely to affect historic  
33 properties and is therefore exempt from further review and consultation, as  
34 specified in this PA (Stipulation III.E, and Attachments B and C).

35  
36 (5) If the USMC's qualified professionals, as in Attachment B, determine  
37 that historic properties are present within an undertaking's APE and would  
38 be affected by an undertaking, and the Standard Resource Protection  
39 Measures (pursuant to Stipulation III.D(3)) contained in Attachment D  
40 cannot or will not be implemented, then USMC shall follow 36 CFR  
41 800.4-800.6 to identify and evaluate historic properties, assess effect, and  
42 resolve any adverse effects through the development of a Memorandum of  
43 Agreement. The public involvement and participation processes will be  
44 integrated with those undertaken in compliance with NEPA. The USMC  
45 shall include information obtained as part of the Installation's compliance

1 with the provisions of 36 CFR Part 800 as part of its NEPA compliance  
2 documents.

3  
4 **C. Applicability**

5  
6 This PA applies to all programs, funding initiatives, permits, assistance,  
7 actions or decision under the statutory or regulatory authority by the  
8 USMC on MCIWEST-MCB Camp Pendleton that constitutes an  
9 undertaking that may affect historic properties. If more than one federal  
10 agency is involved in an undertaking the USMC shall consult with SHPO  
11 on how it will fulfill its 36 CFR 800 compliance requirements. For  
12 undertakings involving more than one federal agency this PA will only be  
13 applicable when USMC is designated as the lead federal agency. This PA  
14 applies only to federal actions that occur on the Installation. This PA does  
15 not supersede existing agreement documents (PAs, MOAs, or Program  
16 Comments) for specific classes of undertakings, projects, or programs  
17 which can also be used for USMC undertakings on the Installation in lieu  
18 of this PA to meet its Section 106 compliance responsibilities.  
19

20 **II. DEFINITIONS**

21  
22 Terms defined in 36 CFR Section 800.16, MCO 5090.2A CH 3, and in  
23 Attachment B apply to this PA.  
24

25 **III. PROCEDURES**

26  
27 **A. Coordination and Information Exchange**

28  
29 (1) The USMC shall identify and evaluate historic properties in  
30 connection with the planning and implementation of undertakings that will  
31 be completed in accordance with the standards and guidelines specified in  
32 this PA, or as otherwise agreed to by the SHPO.  
33

34 (a) The USMC shall submit all reports that document identification or  
35 evaluation efforts to the SHPO, as specified below, and the South  
36 Coastal Information Center of the California Historical Information  
37 System (CHRIS) for integration in the statewide database, as specified  
38 in Stipulation VII.C(8).  
39

40 (b) Where Tribes, traditional leaders, or individuals specifically  
41 request that information about their traditional cultural properties  
42 remain confidential, the USMC shall maintain such records in  
43 confidential files at the Installation as authorized under Section 304 of  
44 NHPA.  
45

1 (2) Consultation and coordination among USMC, the SHPO, the ACHP,  
2 Invited Signatories, and other consulting parties, pursuant to this PA, shall  
3 be the responsibility of the Installation CRM unless otherwise specified by  
4 the Base Commander.  
5

6 **B. Area of Potential Effects (APE) and Identification of Historic**  
7 **Properties**  
8

9 (1) Definition of APE. The CRM shall determine the APE in accordance  
10 with the definition provided in Attachment B. The APE will include all lay  
11 down and staging areas.  
12

13 (2) Each undertaking's APE shall be inventoried to identify historic  
14 properties, as defined in Attachment B, that are within the defined area or  
15 whose boundaries are within 50-feet of the APE in accordance with the  
16 stipulations for identification enumerated below.  
17

18 (3) No additional identification efforts are required before the  
19 implementation of an undertaking if the CRM determines that the APE is  
20 entirely within an area that has been previously surveyed, providing  
21 ground conditions have not changed, and determined to be adequate as  
22 defined in the Installation's Integrated Cultural Resources Management  
23 Plan (ICRMP); or meets the criteria of 36 CFR 60.4 and the CRM  
24 determines that no additional inventory or consultation with the SHPO is  
25 required before implementation, provided the following conditions are  
26 met:  
27

28 (a) The CRM confirms that previous identification efforts meet current  
29 standards and are adequate; and  
30

31 (b) SHPO and the CRM shall agree on the documentation standards  
32 for the undertaking and include documentation in the Quarterly Report  
33 to Invited Signatories (Stipulation VII.A).  
34

35 (4) USMC shall ensure that all identification activities conform to the  
36 *Secretary of Interior's Standards and Guidelines for Archaeology and*  
37 *Historic Preservation, Standards for Identification* (48 FR 44716 at  
38 44720-44723).  
39

40 (a) The scope of identification efforts as determined by the CRM will  
41 depend on: existing knowledge about historic properties; goals for  
42 survey activities developed in the planning process; and current  
43 management needs.  
44

45 (b) Critical steps in the identification process are: a literature review;  
46 tribal consultation in accordance with Attachment F; field survey (as

1 necessary); documentation of results; and record keeping.

2  
3 (c) Where the USMC proposes to carry out, or cause to be carried out,  
4 an intensive survey, as defined in Attachment B, of the APE, on  
5 MCIWEST-MCB Camp Pendleton land, it need not consult with the  
6 SHPO before such surveys are conducted. Where the USMC proposes  
7 to carry out, or cause to be carried out, a reconnaissance survey of the  
8 APE, on MCIWEST-MCB Camp Pendleton land it needs to consult  
9 with the SHPO before these surveys are conducted. Both types of  
10 surveys shall document the results and provide this documentation to  
11 the SHPO and Invited Signatories for review and comment in  
12 accordance with Stipulation VII. Intensive and reconnaissance  
13 surveys may only be carried out by:

14  
15 (i) Professional archaeologists who meet the Secretary of the  
16 Interior's Professional Qualification Standards (48 FR 44716);

17  
18 And who may be accompanied by:

19  
20 (ii) Archaeological technicians who (1) work under the direct  
21 supervision of a professional archaeologist who meets the  
22 Secretary of the Interior's Professional Qualification Standards (48  
23 FR 44716) and (2) who meet the Office of Personnel Management  
24 standards for personnel who may perform such surveys; and

25  
26 (iii) Invited Signatory tribal representatives.

27  
28  
29 (5) The USMC shall record all identified historic properties on the  
30 appropriate California State Department of Parks and Recreation historic  
31 resource inventory forms (**DPR 523**). Completion of the forms will follow  
32 the standards outlined in *Instructions for Recording Historic Resources*  
33 (1995) or most recent version. Completed forms will be submitted to the  
34 South Coastal Information Center for trinomial assignment.

35  
36 (a) The USMC will incorporate trinomial designations into the  
37 documentation submitted for SHPO review.

38  
39 (b) If trinomials have been requested, but not received by the time the  
40 USMC needs to submit documentation to the SHPO, the USMC will  
41 provide copies of the transmittal letters to the South Coastal  
42 Information Center with its documentation as a temporary fulfillment  
43 of the requirement.

44  
45 (c) The USMC will house archaeological site record and map  
46 information in a controlled access facility.

1  
2 (6) The USMC will prepare a Survey Report (**SR**), and/or Archaeological  
3 Survey Reconnaissance Report (**ASRR**), if required per Stipulation  
4 III.B.(4), for each undertaking or group of small, related undertakings  
5 before implementing the action or related undertaking activities. The  
6 standards to be followed include:

7  
8 (a) Preceding inventory and report efforts:

9  
10 (i) CRM shall review previous surveys results, if any, and  
11 determine adequacy of previous identification effort and if  
12 resurvey is required, given additional information which may  
13 include tribal traditional knowledge and history, changing  
14 archaeological and related industry standards, research designs,  
15 conditions, or an undertaking's effects;

16  
17 (ii) CRM shall identify previous surveys that have not been subject  
18 to previous Section 106 consultation with the SHPO, which shall  
19 be incorporated into SRs for current review.

20  
21 (iii) CRM shall consider information obtained through tribal  
22 consultation and implementation of the tribal consultation protocol  
23 as outlined in Attachment F.

24  
25 (b) USMC shall ensure that SRs conform to guidelines in the:

26  
27 (i) State of California Department of Parks and Recreation  
28 guidelines "Archaeological Resource Management Reports  
29 (ARMR): Recommended Contents and Format (1989);

30  
31 (ii) Secretary of Interior's Standards and Guidelines for  
32 Archaeology and Historic Preservation, Reporting Identification  
33 Results (48 FR 44716 at 44723); and/or

34  
35 (iii) Other standards mutually agreed to by USMC, the SHPO, and  
36 Invited Signatories.

37  
38 (c) SRs shall list all historic properties identified within an  
39 undertaking's APE. Copies of the site record forms within or adjacent  
40 to the APE shall be included in the SRs.

41  
42 (d) SRs shall include references to previous reports and property  
43 records if portions of the undertakings have been subject to earlier  
44 survey and these reports have been previously submitted to the SHPO  
45 for review. SRs shall also include a summary of the results of  
46 consultations with Invited Signatories as well as information regarding

1 properties that may be of religious and cultural significance from  
2 Tribes identified through a reasonable and good faith effort per  
3 Attachment F. Previously identified historic properties within an APE  
4 shall be updated to meet the documentation standards specified in this  
5 PA (Stipulation III.B(4)).  
6

7 (e) SRs will be completed before implementing undertakings.  
8  
9

### 10 **C. Evaluation of Historic Properties**

11  
12 (1) If an undertaking has the potential to affect an historic property, then  
13 USMC will follow the provisions of 36 CFR Part 800 regarding evaluation  
14 and determination of effects, except as provided in Stipulations III.C(2)  
15 and III.C(3) .  
16

17 (2) Where there are previously identified cultural resources in the APE  
18 and the CRM determines that implementation of protection measures in  
19 Attachment D would result in the avoidance of adverse effects, USMC  
20 will assume, for purposes of a particular undertaking, that these properties  
21 are eligible and identify the applicable NRHP criteria without submitting  
22 NRHP determinations to SHPO before implementing an undertaking as  
23 specified in Stipulation III.D.3.  
24

25 (3) When there are historic properties in the APE that have already  
26 received SHPO's agreement on their National Register eligibility and the  
27 CRM determines that appropriate measures can be undertaken to ensure  
28 that the qualifying characteristics of the historic properties are not  
29 adversely affected in any way, then these historic properties will be  
30 managed and maintained in a manner that ensures that their qualifying  
31 characteristic(s) is (are) preserved by using the Standard Resource  
32 Protection Measures listed in Attachment D before implementing an  
33 undertaking as specified in Stipulation III.D.3.  
34

### 35 **D. Implementation**

36  
37 (1) Undertakings Where There Are No Historic Properties:  
38

39 When no historic properties are identified following an intensive survey or  
40 an approved reconnaissance survey pursuant to Stipulation III.B(4)(c), no  
41 consultation with the SHPO and the ACHP is required before  
42 implementing an undertaking. These undertakings will be listed in the  
43 Annual Report (Stipulation VII.A) and copies of redacted SRs will be  
44 available for review by the public excluding information about the nature  
45 and location of archaeological and historic resources that may be protected

1 in accordance with Section 304 of the NHPA (16 U.S.C. 470w-3) and  
2 Section 9 of the ARPA (16 U.S.C. 470hh).

3  
4 (2) Undertakings Where Management Measures Are Not Necessary for  
5 the Protection of Historic Properties:

6  
7 When an undertaking is planned following an intensive survey or an  
8 approved reconnaissance survey pursuant to Stipulation III.B(4)(c), and  
9 the CRM determines that historic properties will not be adversely affected  
10 and the undertaking can be implemented without the adoption of  
11 management measures to protect historic properties, then the undertaking  
12 will be implemented without further review or consultation with the SHPO  
13 and the ACHP. These undertakings will be listed in the Annual Report  
14 (Stipulation VII.A) and copies of the SRs will be available for review by  
15 the SHPO in accordance with Stipulation VII.C. Copies of redacted SRs  
16 will also be available for public review, excluding information about the  
17 nature and location of archaeological and historic resources that may be  
18 protected in accordance with Section 304 of the NHPA (16 U.S.C. 470w-  
19 3) and Section 9 of the ARPA (16 U.S.C. 470hh).

20  
21 (3) Undertakings Where Management Measures Are Necessary and will  
22 be Implemented to Avoid Adverse Effects to Historic Properties:

23  
24 (a) When historic properties are identified following an intensive  
25 survey or an approved reconnaissance survey pursuant to Stipulation  
26 III.B(4)(c), and the CRM determines that effective protection measures  
27 will be employed to avoid adverse effects (Attachment D), no review  
28 or consultation with the SHPO or the ACHP is required before  
29 implementing the undertaking.

30  
31 (i) At its discretion USMC may consult with the SHPO, pursuant  
32 to 36 CFR Part 800 on any undertaking covered by this PA, where  
33 the use of the Standard Resource Protection Measures (Attachment  
34 D) is proposed.

35  
36 (ii) At its discretion and with the cooperation of USMC, the SHPO  
37 may participate with USMC in review or consultation on a specific  
38 undertaking or class of undertakings where Standard Resource  
39 Protection Measures (Attachment D) are being used to avoid  
40 adverse effects.

41  
42 (b) A list of these undertakings shall be submitted with the Annual  
43 Report for review pursuant to Stipulation VII.A.

44  
45 (c) SRs prepared to document newly surveyed or resurveyed APEs,  
46 where management measures for the protection of historic properties

1 are being used to avoid adverse effects (Attachment D) need not be  
2 reviewed by the SHPO or the ACHP before implementing an  
3 undertaking.

4  
5 (i) SRs for these undertakings shall be submitted to the SHPO if  
6 requested in accordance with Stipulation VII.C.

7  
8 (ii) Copies of these SRs shall be submitted to the South Coastal  
9 Information Center for inclusion in the statewide inventory.

10  
11 (iii) Copies of these SRs shall be submitted to tribal governments.

12  
13 (iv) Redacted copies of SRs will be available for public review,  
14 excluding information about the nature and location of  
15 archaeological and historic resources that may be protected in  
16 accordance with Section 304 of the NHPA (16 U.S.C. 470w-3) and  
17 Section 9 of the ARPA (16 U.S.C. 470hh).

18  
19 (4) Undertakings Requiring Compliance with 36 CFR Part 800:

20  
21 USMC shall comply with 36 CFR Part 800 for undertakings that do not  
22 meet the conditions in Stipulation III.D(1), Undertakings Where There  
23 Are No Historic Properties; Stipulation III.D(2), Undertakings Where  
24 Management Measures Are Not Necessary for the Protection of Historic  
25 Properties; Stipulation III.D(3), Undertakings Where Management  
26 Measures Are Necessary and will be Implemented to Avoid Adverse  
27 Effects to Historic Properties; or Stipulation III.E, Exempt Undertakings.  
28 That is, USMC shall comply with 36 CFR Part 800 for undertakings that  
29 may adversely affect historic properties. For cases of inadvertent effects  
30 associated with projects implemented under the provisions of this  
31 agreement, refer to Stipulation V.

32  
33 **E. Exempt Undertakings**

34  
35 (1) Under this PA those classes of undertaking listed in Section I of  
36 Attachment C are exempt from further review or consultation. In addition,  
37 CRM will determine that any specific undertaking subsumed in the classes  
38 of undertakings listed in Section II of Attachment C qualifies as an exempt  
39 undertaking. However, the following exceptions apply:

40  
41 (a) USMC may submit an otherwise exempt undertaking for review  
42 under this PA or 36 CFR Part 800;

43  
44 (b) Should a dispute or objection by the public arise to an exempt  
45 undertaking or to an exempt class of undertakings before  
46 implementation USMC shall consult with the objecting party, the

1 SHPO, and/or the ACHP and Invited Signatories for not more than 30  
2 calendar days following receipt to resolve the objection. If the  
3 objection cannot be resolved within this timeframe, USMC shall  
4 submit the disputed exemption for review either under this PA  
5 (Stipulation XIV) or under 36 CFR Part 800. USMC may propose that  
6 a disputed class of exempt undertakings be considered for revision  
7 pursuant to Stipulation III.E.(2).  
8

9 (2) Revisions to the list of exempted undertakings:  
10

11 (a) The USMC may consider adding other classes of undertakings to  
12 Attachment C. Attachment C may be revised to include such  
13 additional classes of undertakings upon the written agreement of all  
14 Signatory Parties and would not require amendment of this PA. The  
15 USMC will send the revised list to the Signatory Parties. The  
16 Signatory Parties have 30 calendar days from receipt of the revised list  
17 of exempted undertakings to review and provide comments on the  
18 revised list. If a Signatory Party disagrees with the revised list, USMC  
19 shall consult with the Signatory Party in accordance with Stipulation  
20 XIV Dispute Resolution of this agreement.  
21

22 (b) Upon written recommendation by any Signatory Party to this PA,  
23 the Signatory Parties shall consider removal of any class of  
24 undertakings from Attachment C. Attachment C may be revised to  
25 exclude the class of undertakings upon the written agreement of all the  
26 Signatory Parties and would not require amendment of this PA.  
27 Disputes about deletions or classes of undertakings shall be resolved  
28 pursuant to Stipulation XIV. Until the dispute is resolved the class of  
29 undertakings involved in the dispute shall be subject to review  
30 pursuant to the applicable stipulations of this PA or 36 CFR Part 800.  
31

32 **IV. INSPECTION AND MONITORING**  
33

34 **A. Inspections of Undertakings**  
35

36 The CRM or CRM designated staff shall inspect undertakings as necessary to  
37 ensure that identified protection measures are effective and being appropriately  
38 implemented. The CRM or CRM designated staff shall determine the schedule  
39 and requirements of any inspection that is conducted. A record shall be completed  
40 for each inspection event and kept on file at MCIWEST-MCB Camp Pendleton  
41 for the duration of this PA. SHPO and/or Invited Signatories may inspect an  
42 undertaking with advance notice and arrangements with the CRM.  
43  
44  
45

1                   **B. Standards for Monitoring Undertakings Where Management**  
2                   **Measures Are Not Required for the Protection of Historic Properties**  
3

4                   Most undertakings that do not require management measures for protection of  
5                   historic properties will not be monitored except as defined in Stipulation IV.D.  
6                   The following circumstances are exceptions where the CRM determines that  
7                   monitoring will be considered or undertaken.  
8

9                   (1) When undertakings change during implementation because of  
10                  unforeseen circumstances and the CRM determines that these changes  
11                  require the adoption of the Standard Resource Protection Measures  
12                  (Attachment D) for previously identified historic properties, monitoring  
13                  shall be required if the CRM determines that information is inadequate to  
14                  determine whether these measures are appropriate. Monitoring might be  
15                  appropriate if proposed activities are near some types of historic properties  
16                  or cultural properties of importance to Invited Signatories. Monitoring  
17                  may be necessary during and/or after for undertakings in these  
18                  circumstances.  
19

20                  **C. Standards for Monitoring Undertakings Where Management**  
21                  **Measures Are Necessary and will be Implemented to Avoid Adverse**  
22                  **Effects to Historic Properties**  
23

24                  (1) If the CRM receives notification or identifies during an inspection that  
25                  the prescribed Standard Resource Protection Measures (Attachment D)  
26                  have not been implemented and activities have occurred that may have  
27                  affected an identified historic property, then the undertakings will require  
28                  monitoring during and/or after the undertaking as specified below.  
29

30                         (a) If the undertaking has not been completed, then the USMC will  
31                         implement the following procedure:  
32

33                                 (i) Immediately suspend all activities within 50 feet of the historic  
34                                 property until a qualified cultural resource professional that meets  
35                                 the Standards as specified in the *Secretary of the Interior's*  
36                                 *Professional Qualification Standards* (48 FR 44716), appropriate  
37                                 to the resource, and Tribal monitor examine the property and  
38                                 report to the CRM;  
39

40                                 (ii) Within two working days (e.g. email or phone notification) the  
41                                 CRM will notify SHPO and the Invited Signatories by email/phone  
42                                 of the incident and proposed treatment and consult informally until  
43                                 agreement is reached on the proposed treatment;  
44

45                                 (iii) CRM recommends appropriate measures that will avoid  
46                                 adverse effects to the historic property and report the incident

1 internally through the Installation's Environmental Incident  
2 Reporting System (EIRS);

3  
4 (iv) CRM determines the need for additional consultation with  
5 SHPO and Invited Signatories;

6  
7 (v) CRM provides avoidance measures and clearance to the  
8 undertaking proponent to proceed after consultation is complete, if  
9 required;

10  
11 (vi) USMC shall implement avoidance measures and all agreed  
12 upon treatment measures, ensure undertaking is monitored, and  
13 proceed with undertaking including follow up and closeout in  
14 EIRS; and

15  
16 (vii) USMC shall describe, in the Annual Report per Stipulation  
17 VII.A, all incidents where Standard Resource Protection Measures  
18 (Attachment D) were prescribed but either not implemented or not  
19 fully implemented, and the measures taken to ensure avoidance of  
20 adverse effects to historic properties.

21  
22 (b) If the undertaking has not been completed and USMC is following  
23 the procedure in Stipulation IV.C(1)(a)(i-vi) but the CRM determines  
24 that the property has not been affected and Standard Resource  
25 Protection Measures (Attachment D) can be effectively employed for  
26 the remaining implementation period, then the CRM may decide that  
27 the undertaking may resume without further consultation. The CRM  
28 will provide clearance for the undertaking to proceed.

29  
30 (c) If the undertaking has not been completed and the USMC is  
31 following the procedure in Stipulation IV.C(1)(a)(i) but the CRM  
32 determines that historic properties may have been affected, the USMC  
33 shall initiate consultation in accordance with Stipulation V and report  
34 the incident internally through EIRS as well as follow up and closeout  
35 in this system.

36  
37 (d) If the undertaking has been completed when the CRM receives  
38 notification that prescribed protection measures have not been  
39 followed, then the USMC will implement following procedure:

40  
41 (i) Field inspection by the CRM of the undertaking's APE and  
42 respective historic properties as soon as possible and the provisions  
43 of Stipulations V.C and V.D shall be followed;

44  
45 (ii) Report the incident internally through EIRS as well as follow  
46 up and closeout in this system; and

1  
2 (iii) Report incident in the Annual Report in accordance with  
3 Stipulation VII.A describing the USMC's failure to use prescribed  
4 protection measures.  
5

6 (2) If the CRM determines that use of the Standard Resource  
7 Protection Measures (Attachment D) might not provide adequate  
8 protection to the historic property because of the nature, scope, frequency,  
9 and/or duration of certain types of recurrent undertakings, monitoring in a  
10 manner prescribed by the CRM will be carried out to verify that the  
11 protection measures are adequate.  
12

#### 13 **D. Monitoring for Identification of Historic Properties**

14  
15 Based on the nature of the undertaking and where no known historic  
16 properties exist in the APE following an intensive or reconnaissance  
17 survey but uncertainty remains about the possible presence of historic  
18 properties because of observation limitations, information from the  
19 literature review, or other sources, monitoring may be employed during  
20 the implementation of an undertaking if recommended by the CRM. The  
21 presence of one or more of the following circumstances indicate the  
22 archaeological sensitivity of an area and a need for monitoring by a  
23 qualified archaeologist, as determined by the CRM, and a Native  
24 American (Tribal) monitor:  
25

- 26 (1) The presence in the APE of ineligible prehistoric archaeological  
27 resources;  
28 (2) The presence in natural areas surrounding the APE of several other  
29 recorded prehistoric archaeological sites;  
30 (3) The presence of large or small drainages in the natural areas within or  
31 adjacent to the APE and the consequent potential for buried cultural  
32 deposits beneath alluvium deposited by these drainages; and  
33 (4) The presence of vegetation in natural areas in the APE that obscured  
34 the ground surface at times during the inventory field surveys.  
35

36 The purpose would be to ensure that unidentified historic properties, if  
37 present, are not irretrievably lost, damaged or destroyed or otherwise  
38 adversely affected. If any historic properties are identified, the provisions  
39 of Stipulation V shall be followed.  
40

#### 41 **V. POST-REVIEW DISCOVERIES**

42  
43 The SHPO, ACHP, and Invited Signatories shall be notified by USMC within two  
44 working days (e.g. letter or email notification) after the discovery that an historic  
45 property or possible historic property has been affected inadvertently by an undertaking  
46 implemented under this PA.

1  
2           **A.     Post-review Discoveries during Implementation of Undertaking When**  
3           **Property cannot be Protected**  
4

5           In the event that properties are discovered during implementation of an  
6           undertaking which has been duly considered under the terms of this PA  
7           and in which the property cannot be protected, the USMC shall address  
8           the discovery in accordance with the provisions of 36 CFR 800.13 in  
9           consultation with the SHPO, ACHP, and Invited Signatories that may  
10          attach religious and cultural significance to the property.  
11

12           **B.     Post –review Discoveries When Undertaking is Not Complete and**  
13           **Management Measures Are Necessary**  
14

15           (1) If the undertaking has not been completed at the time the inadvertent  
16           effect is discovered, all activities within 50 feet of the historic property  
17           shall cease. The CRM may recommend the use of Standard Resource  
18           Protection Measures (Attachment D) including but not limited to  
19           archaeological and tribal monitoring. The CRM will determine monitoring  
20           duration and frequency. If Standard Protection Measures are not adopted  
21           as recommended by the CRM, the USMC shall consult with SHPO,  
22           ACHP, consulting parties, and Indian tribes that may attach religious and  
23           cultural significance to the property to identify appropriate mitigation  
24           measures. All efforts shall be taken to avoid or minimize harm to the  
25           property until the consultations and any required treatment are complete.  
26

27           (2) When the properties are inadvertently encroached upon by the  
28           undertaking’s activities and the undertaking has not been completed, all  
29           activities within 50 feet of the historic property shall cease until the CRM  
30           inspects the discovery. If the CRM determines that no effect or no adverse  
31           effects to historic properties have occurred (e.g. tree felled in  
32           archaeological site boundaries or vehicles driven on archaeological sites),  
33           SHPO and ACHP notifications are not required provided the CRM’s  
34           recommendation are implemented as prescribed. Once these treatment  
35           measures are implemented, the case will be considered resolved. If the  
36           CRM’s recommendations will not be implemented, the USMC shall  
37           consult with SHPO on effects and possible resolution and with ACHP and  
38           Invited Signatories as appropriate if an adverse effect has occurred.  
39

40           (3) If consultation under this stipulation (V) determines that an adverse  
41           effect has occurred, the USMC will then consult with the other consulting  
42           parties or Indian tribes as appropriate to identify acceptable mitigation or  
43           treatment measures. The results of any Invited Signatories’ consultation  
44           will be included in further consultation efforts with the SHPO and ACHP  
45           to resolve the inadvertent effects.  
46

1                   **C.     Post-review Discoveries for Undertakings Requiring Reconsideration**

2  
3                   In instances where the involvement of the SHPO occurs after steps have  
4                   been taken under the PA, the USMC shall be required to reconsider  
5                   previous findings or determinations unless those findings and  
6                   determinations are the subject of unresolved disputes or disagreements.  
7

8                   **D.     Post-review Discoveries Reporting Requirements**

9  
10                  The USMC shall provide the SHPO, Invited Signatories, the ACHP, and  
11                  other consulting parties with an interim report describing the undertaking  
12                  and the circumstances surrounding the effect(s) within six months after the  
13                  date of the initiation of consultation on the inadvertent discoveries and  
14                  effect(s) . This report must include information regarding: the type of  
15                  property affected; the property’s NRHP status; the nature of the effect(s);  
16                  the date the effect(s) was identified; the location of the property; the  
17                  condition of the property; and any other pertinent information. The USMC  
18                  shall include in the Annual Report all consultations conducted under  
19                  Stipulations V.A through V.C and provide to the parties in accordance  
20                  with Stipulation VII.A.  
21

22 **VI.     TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN**

23  
24                  The USMC shall ensure that the appropriate and respectful disposition of any human  
25                  remains and associated funerary objects of Native American origin encountered during  
26                  any action subject to this PA complies with § 3(d)(2) of NAGPRA and its implementing  
27                  regulations codified at 43 CFR Part 10. The USMC will implement MCB Camp  
28                  Pendleton’s NAGPRA Comprehensive Agreement.  
29

30 **VII.    SUBMISSION OF REPORTS**

31  
32                  **A.**     USMC shall submit Annual Reports to the SHPO, ACHP, and Invited  
33                  Signatories, each year on or before December 1<sup>st</sup>. If USMC is unable to  
34                  submit the Annual Report by this date, they shall notify the SHPO and  
35                  negotiate a mutually acceptable delivery date. Failure to meet the  
36                  negotiated date can result in termination of this PA. Redacted copies of the  
37                  Annual Report will be available for public review excluding information  
38                  that may be withheld in accordance with Section 304 of the NHPA and  
39                  Section 9 of the ARPA. USMC shall also submit Quarterly Reports to  
40                  Invited Signatories for each current fiscal year on or before December 31<sup>st</sup>,  
41                  March 31<sup>st</sup>, July 31<sup>st</sup>, and September 30<sup>th</sup>. The content of these Quarterly  
42                  Reports will be the same as the Annual Report (Stipulation VII.B).  
43  
44  
45

- 1           **B.**     At a minimum the Annual Report shall include:  
2  
3                   (1) A description of all undertakings implemented pursuant to this PA  
4                   during the preceding federal fiscal year (1 October through 30 September),  
5                   including assumptions of National Register eligibility for historic  
6                   properties and their qualifying characteristics, and the Standard Resource  
7                   Protection Measures applied to each undertaking;  
8  
9                   (2) A summary of all studies conducted for undertakings covered by the  
10                  PA for the preceding fiscal year, including information regarding:  
11  
12                   (a) The types of undertakings for which studies occurred;  
13  
14                   (b) Results of all survey and identification efforts (e.g., acres  
15                   surveyed, newly recorded and updated historic properties), including  
16                   those where no historic properties were identified within an  
17                   undertaking's APE;  
18  
19                  (3) All undertakings whose APE was adequately covered by previous  
20                  survey;  
21  
22                  (4) All exempt undertakings included under Section II Screened  
23                  Exemptions of Attachment C;  
24  
25                  (5) Management measures employed to protect any identified historic  
26                  properties;  
27  
28                  (6) Post-review discoveries and findings from inspection and monitoring  
29                  efforts;  
30  
31                  (7) Consultation with interested persons or any pertinent results obtained  
32                  from public notification and participation processes described under  
33                  Stipulation IX; and  
34  
35                  (8) Submission of the SRs and post-review discoveries to the South  
36                  Coastal Information Center or a proposed schedule for submission.  
37  
38                  (9) A description of actions taken in compliance with Section 110 of  
39                  NHPA, particularly with regard to evaluation, but also in areas of  
40                  identification, nomination, interpretation, preservation, enhancement,  
41                  public participation, data management and dissemination, and protection.  
42  
43           **C.**     SRs prepared for each undertaking implemented under the provisions of  
44           this PA as described in Stipulation III.B.(4), shall be made available for  
45           review upon request of the SHPO. The SHPO may request a review of any

1 or all subject SRs and USMC shall provide the requested SRs to the SHPO  
2 within 15 calendar days of receipt of a request.  
3

#### 4 **VIII. NATIVE AMERICAN CONSULTATION**

- 5
- 6 **A.** The USMC has consulted with interested Tribes regarding the streamlined  
7 Section 106 process realized through the implementation of this PA  
8 including Exempt Undertakings (Attachment C) and Standard Resource  
9 Protection Measures (Attachment D) for historic properties. The USMC,  
10 will continue to consult with the Indian tribes on a government-to-  
11 government basis as described in Attachment F, and will afford the Tribes,  
12 should the Tribes so desire, with the opportunity to participate in the  
13 implementation of the PA and of the undertakings as described in  
14 Attachment F. Such participation may include, but is not necessarily  
15 limited to, monitoring during any archaeological fieldwork or  
16 implementation of the undertaking as prescribed in Stipulations III and IV  
17 and during implementation of the undertakings.  
18
- 19 **B.** If USMC determines that certain proposed undertakings would likely have  
20 effects on historic properties or Traditional Cultural Properties (TCP) as  
21 defined by National Register Bulletin 38 as significant to Indian tribes,  
22 based on known information or as requested by federally recognized  
23 Tribes or are controversial, those undertakings shall be excluded from  
24 implementation under the provisions of this PA. Compliance with Section  
25 106 of the NHPA for these undertakings will follow 36 CFR Part 800.  
26

#### 27 **IX. PUBLIC PARTICIPATION**

28

29 USMC shall use the public notification process embodied in NEPA (40 CFR 1506.6) and  
30 detailed in Attachment E to fulfill the public involvement requirements of 36 CFR Part  
31 800 for the undertakings covered by this PA. This provision does not negate government-  
32 to-government consultation requirements between USMC and federally recognized  
33 Tribes. Interested persons shall be afforded an opportunity to comment on the manner in  
34 which the effects of undertakings implemented under the provisions of this PA are taken  
35 into account through public notices included in the NEPA process. USMC's policy and  
36 procedures for implementing NEPA include public notification and involvement of  
37 interested persons, beginning at the earliest stages of planning an undertaking, during the  
38 environmental analysis period and after a decision is made.  
39

#### 40 **X. COORDINATION WITH OTHER FEDERAL AGENCIES**

41

42 Where the USMC acts as lead agency on behalf of other Federal agencies for an  
43 undertaking that may have effects within the boundaries of MCIWEST-MCB Camp  
44 Pendleton, the USMC may use this PA. Where USMC proposes an undertaking that may  
45 have effects beyond the boundaries of MCIWEST-MCB Camp Pendleton, the USMC  
46 shall comply with 36 CFR Part 800.

1  
2 **XI. EMERGENCY PROCEDURES**  
3

- 4       **A.** In the case of an emergency, as defined in 36 CFR Part 800.12(a) as a  
5 disaster or emergency declared by the President of the United States or by  
6 the Governor of California, or other immediate threats to life or property  
7 as determined by the Base Commander, the USMC shall perform those  
8 actions reasonably necessary, using industry standard methods, to protect  
9 cultural resources, with on-site monitoring by staff meeting the Secretary  
10 of the Interior's Professional Qualifications without consultation. Where  
11 possible, such emergency measures shall be undertaken in a manner that is  
12 consistent with the Secretary of the Interior's Standards for the Treatment  
13 of Historic Properties. This emergency provision is limited to work  
14 initiated within 30 calendar days of an emergency.  
15
- 16       **B.** If emergency action is required and undertaken, USMC shall notify the  
17 SHPO, Invited Signatories, and the ACHP, within 48 hours through  
18 phone/email of the need for said emergency action. As part of the  
19 notification, USMC shall provide a plan to address the emergency to each  
20 of the Signatory parties. The SHPO, Invited Signatories, and ACHP shall  
21 have ten (10) days to review and comment on the plan to address the  
22 emergency.  
23

24 **XII. SECTION 110, ARPA, AND ICRMP RESPONSIBILITIES**  
25

- 26       **A.** The USMC shall demonstrate that it is meeting its compliance  
27 responsibilities for Section 110 of the NHPA by the following:  
28
- 29               (1) USMC will update its inventory of cultural resources data as available  
30 through GIS and ensure that the confidentiality of resource location  
31 information is protected. The USMC will complete this update annually.  
32
- 33               (2) USMC will plan, program, and implement stewardship projects for  
34 systematic archaeological surveys until 100% survey coverage is obtained  
35 at adequate level for all lands available for survey on MCIWEST-MCB  
36 Camp Pendleton (Defense Installation Strategic Plan 2007 or latest  
37 version). The USMC will demonstrate progress towards 100% survey  
38 coverage annually.  
39
- 40               (3) USMC will plan, program, and implement stewardship projects to  
41 evaluate all potential historic properties against the criteria for listing on  
42 the National Register of Historic Places (36 CFR § 60.4). Progress  
43 towards 100% evaluation of all potential historic properties needs to be  
44 completed annually.  
45

1 (4) USMC will plan, program, and implement stewardship projects to  
2 annually monitor and assess archaeological site conditions in accordance  
3 with the Conditions Assessment, Site Monitoring, and Effect Treatment  
4 (CASMET) Program. Archaeological sites included in this program will  
5 be assessed annually.  
6

7 (5) USMC will plan, program, and implement stewardship projects for  
8 treatment of historic properties to preserve and stabilize those properties  
9 threatened by decay, erosion, and other forms of degradation. This  
10 requirement will be completed on an as needed basis and prioritized  
11 according to the severity of the threat.  
12

13 (6) USMC will plan, program, and ensure that all archaeological  
14 collections and associated records are curated in accordance with 36 CFR  
15 Part 79. This requirement will be completed annually.  
16

17 (7) USMC will consult and coordinate with Indian tribes on a government-  
18 to-government basis in accordance with DODI 4710.02 and MCO  
19 P5090.2A CH 3 (or latest version) and conduct tribal consultation as  
20 described in Stipulation VIII and Attachment F. Any non-federally  
21 recognized tribes will be identified as other consulting parties as defined  
22 under 36 CFR 800.2(c)(5).  
23

24 **B.** The USMC shall review the Installation's ICRMP annually (through an  
25 internal self-assessment conducted annually). The USMC will also update  
26 the Installation's ICRMP every 5 years and include the specified content  
27 in accordance with DoDI 4715.16, MCO P5090.2 Ch 2 (or latest version),  
28 and HQMC Guidance for Completion of an ICRMP Update (2009 or latest  
29 version). ICRMP updates will be submitted to SHPO for review and  
30 comment. SHPO has 45 calendars from receipt of an ICRMP update to  
31 provide comments. If SHPO does not provide comments during this  
32 review period, the Marine Corps can proceed to finalize the update of the  
33 ICRMP. The USMC shall work on these commitments pending the  
34 availability of funding. Progress towards Section 110 compliance and  
35 ARPA may also be demonstrated in some of the following ways:  
36

37 (1) Nomination(s) to the NRHP;  
38

39 (2) An established program for identifying and evaluating the eligibility of  
40 historic properties, including;  
41

42 (a) Development of an action plan for evaluations containing  
43 objectives, annual goals, procedures, and time frames;  
44

1 (b) With SHPO concurrence, development of specific approaches to  
2 evaluation of properties or classes of resources (e.g., thematic studies,  
3 multiple property studies);  
4

5 (3) Implementation of an ARPA monitoring program in areas where site  
6 vandalism, destruction, and/or artifact theft are a problem;  
7

8 (4) The USMC shall develop an environmental education and cultural  
9 resource awareness program to broaden the exposure of base personnel,  
10 staff and the public about heritage values, the fragile quality of historic  
11 properties, and the importance of preserving them. The Invited Signatories  
12 shall be given the opportunity to participate in the development and  
13 implementation of cultural resource awareness activities under this  
14 provision. This program will be accomplished by the CRMP through  
15 development and incorporation of a public outreach plan as part of the  
16 Installation's ICRMP update. The outreach plan will first identify internal  
17 and external target audiences as well as identify cultural resources themes  
18 that will focus interpretation and education materials on specific topics  
19 which are most important to the target audience. A public outreach efforts  
20 including a Cultural Resources webpage as part of the official Installation  
21 Marine Corps public website will be part of this program. The public  
22 outreach plan will identify and recommend various interpretation and  
23 education methods including heritage tourism and heritage education and  
24 seek partnerships and cooperative PAs. This plan will include a 5-year  
25 implementation strategy with goals and objectives, identify specific  
26 actions needed to achieve these goals, and prioritize and evaluate future  
27 decisions on public outreach;  
28

29 (5) A program of cultural resource interpretation, documented through an  
30 interpretive plan, interpretive signs or exhibits, guided walks, brochures,  
31 and/or other means. Tribes will be consulted regarding participation in the  
32 interpretation program;  
33

34 (6) A research program focusing on the evaluation, interpretation,  
35 treatment, preservation, and/or protection of historic properties, evidenced  
36 through cooperative agreements, partnerships, research reports, treatment  
37 plans, presentation or publication of professional papers;  
38

39 (7) Contributions to regional and state cultural resource planning efforts,  
40 as a member of planning teams or committees;  
41

42 (8) A record of regular training and enhancement of professional skills for  
43 the Cultural Resource Manager, including attendance at professional  
44 meetings, training, educational programs, and development of professional  
45 skills opportunities.  
46

### XIII. ADMINISTRATIVE PROVISIONS

#### A. Professional Qualifications and Standards

(1) **Professional Qualifications.** The USMC shall ensure that all activities prescribed by Stipulations III, IV, V, VI, VII, VIII, and IX of this PA be conducted by, or under the direct supervision of, a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualifications Standards in the discipline of archaeology (48 FR 44716) or other discipline as appropriate. In addition, all tribal monitors participating in the undertakings shall be designated as monitors due to their specialized knowledge in religious and cultural significance for the Invited Signatories and the tribes that they represent.

(2) **Documentation Standards.** The USMC shall ensure that documentation prepared in fulfillment of the stipulations of this PA is consistent with the *Secretary of the Interior's Standards and Guidelines: Archeology and Historic Preservation [As Amended and Annotated]* (48 FR 44716), the *Secretary of the Interior's Guidelines for Archaeological Documentation* (48 FR 44716), and the *Secretary of the Interior's Standards for Archaeological Documentation* (48 FR 44716), the California Office of Historic Preservation's December 1989 *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format* (Preservation Planning Bulletin No. 4[a]) or latest revisions of any of the aforementioned documents.

(3) **Curation and Curation Standards.** The USMC shall ensure that, to the extent that it does not conflict with § 3(d) (2) of the NAGPRA and its implementing regulations codified at 43 CFR Part 10, curation of materials and records resulting from the activities prescribed by stipulations III, IV, V, VI, VII, VIII, and IX of this PA complies with 36 CFR Part 79.

#### B. Confidentiality

(1) Confidentiality regarding the nature and location of archaeological sites covered by this PA or any of its attachments shall be maintained on a "need to know" basis limited to the Base Commander (or his designee), MCIWEST-MCB Camp Pendleton; ACHP; SHPO; designated representatives of the Invited Signatories, and archaeological contractors involved in the undertakings

(2) The USMC shall ensure that all sensitive information relating to a historic property (as defined in Section 301(5) of the NHPA), a traditional cultural property (as defined in the Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act), and sacred objects,

1 items of cultural patrimony, human remains and associated funerary  
2 objects (as defined in Section 2 of NAGPRA) is protected to the fullest  
3 extent available under law.

4  
5 (3) All parties to this PA shall safeguard information about the nature and  
6 location of archeological, historic, and traditional cultural properties, and  
7 not reveal that information to any additional parties, as appropriate in  
8 accordance with Section 304 of the NHPA and Section 9 of the  
9 Archaeological Resources Protection Act (ARPA).

#### 10 11 **XIV. RESOLVING OBJECTIONS**

12  
13 **A.** Should any party to this PA object to the manner in which the proposed  
14 terms of this PA are implemented, to any action carried out or proposed  
15 with respect to implementation of the PA (other than the undertaking  
16 itself) or to any documentation prepared in accordance with, and subject  
17 to, the terms of this PA, the USMC shall immediately notify the other  
18 parties of the objection and consult with the objecting party, all other PA  
19 parties, and any Tribes listed on page one, paragraph seven that are not PA  
20 parties, for no more than 30 days to resolve the objection. The USMC  
21 shall reasonably determine when this consultation will commence. If the  
22 USMC determines that the objection cannot be resolved through  
23 consultation, the USMC shall forward all documentation relevant to the  
24 objection to the ACHP, including the USMC's proposed response to the  
25 objection, with the expectation that the ACHP will, within thirty (30) days  
26 after receipt of such documentation:

27  
28 (1) Inform the USMC that the ACHP concurs in the USMC's proposed  
29 response to the objection, whereupon the USMC will respond to the  
30 objection accordingly; or

31  
32 (2) Provide the USMC with recommendations, which the USMC will  
33 consider in reaching a final decision regarding its response to the  
34 objection.

35  
36 **B.** Should the ACHP not exercise one of the above options within 30 days  
37 after receipt of all pertinent documentation, the USMC may move forward  
38 with its proposed response to the objection.

39  
40 **C.** The USMC shall consider any ACHP recommendation or comment  
41 provided in accordance with this stipulation with reference only to the  
42 subject of the objection. USMC's responsibility to carry out all actions  
43 under this PA that are not the subject of the objection will remain  
44 unchanged.

- 1           **D.**     At any time during implementation of the measures stipulated in this PA,  
2                    should an objection pertaining to such implementation be raised by a  
3                    member of the public, the USMC shall notify the parties to the PA in  
4                    writing of the objection and take the objection into consideration. The  
5                    USMC shall consult with the objecting party and, if the USMC determines  
6                    appropriate, with the CA SHPO and other PA parties for no more than 30  
7                    days. Within ten (10) days following closure of this consultation period,  
8                    the USMC will render a decision regarding the objection and will notify  
9                    all consulting parties of its decision in writing. In reaching its decision,  
10                   the USMC will consider any comments from the consulting parties  
11                   regarding the objection, including the objecting party. The USMC's  
12                   decision regarding the resolution of the objection will be final.  
13
- 14           **E.**     The USMC shall provide the SHPO, the Tribes, and the ACHP, when  
15                    ACHP comments have been issued hereunder, and any parties that have  
16                    objected pursuant to Stipulation XIV.A with a copy of its final written  
17                    decision regarding any objection addressed pursuant to this stipulation.  
18
- 19           **F.**     The USMC may authorize any action subject to objection under this  
20                    stipulation to proceed after the objection has been resolved in accordance  
21                    with the terms of this stipulation.  
22

## 23 **XV. AMENDMENTS, NON-COMPLIANCE AND TERMINATION**

- 24
- 25           **A.**     If any Signatory or Invited Signatory believes that the terms of this PA are  
26                    not being honored or cannot be carried out, or that an amendment to its  
27                    terms should be made, that Signatory or Invited Signatory will  
28                    immediately consult with the other Signatories to consider and develop  
29                    amendments to the PA. This PA may be amended when such an  
30                    amendment is agreed to in writing by all Signatories. The amendment will  
31                    be effective on the date a copy signed by all of the Signatories is filed with  
32                    the ACHP.  
33
- 34           **B.**     If this PA is not amended as provided for in this stipulation, or should any  
35                    Signatory wish to terminate the PA, any Signatory may terminate this PA  
36                    by notifying the other Signatories in writing and providing a written  
37                    explanation of the reasons for termination. The PA shall be terminated  
38                    when the final notice of termination is received by all Signatories.  
39
- 40           **C.**     Should this PA be terminated, and before any work continuing on its  
41                    undertakings, the USMC shall consult in accordance with 36 CFR  
42                    800.14(b) to develop a new PA or follow 36 CFR Part 800 to review all its  
43                    undertakings.  
44  
45  
46

**XVI. DURATION OF THE PA**

- 1  
2  
3       **A.**     This PA shall be in effect for six (6) years from the date of its execution.  
4               The signatories shall consult to reconsider the terms of this PA one year  
5               before its expiration. The purpose of such a review shall be to determine  
6               whether the terms of this agreement have been satisfactorily implemented  
7               and whether the Signatories (USMC, the SHPO and ACHP) can agree to  
8               extend this PA. Reconsideration may include continuation of the PA as  
9               originally executed, as amended, or termination.
- 10  
11       **B.**     Unless amended as stated above, at midnight of the seventh anniversary  
12               date of its execution, this PA shall expire. Should the PA not be extended  
13               and should no successor agreement document be in place at the time of  
14               expiration, USMC shall comply with 36 CFR Part 800 for all its  
15               undertakings.
- 16  
17       **C.**     If the administration of all or part of the Installation is transferred to  
18               another branch of the military or another government agency, or if the  
19               property is disposed of by the United States, this PA and the ICRMP shall  
20               be considered null and void and shall have no other force or effect. If part  
21               of the Installation has not been transferred and remains under USMC  
22               control, that part of the Installation shall be subject to this PA for the  
23               duration of this PA. For land acquisitions or transfer of administrative  
24               control to USMC for this Installation, the newly acquired or  
25               administratively controlled land could be subject to this PA through an  
26               amendment to its terms.

**XVII. ANTI-DEFICIENCY ACT**

27  
28  
29  
30       The USMC obligations under this PA are subject to the availability of appropriated funds,  
31       and the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act.  
32       The USMC will make reasonable and good faith efforts to secure the necessary funds to  
33       implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or  
34       impairs the USMC's ability to implement the stipulations of this agreement, the USMC  
35       will consult in accordance with the amendment and terminations procedures found at  
36       Stipulation XV of this agreement.

**XVIII. EFFECTIVE DATE**

37  
38  
39  
40       This PA shall take effect on the date that it has been fully executed by USMC, the SHPO,  
41       and the ACHP.  
42  
43  
44

1 EXECUTION of this PA by USMC, the SHPO, ACHP, and implementation of its terms,  
2 evidences that USMC has taken into account the effects of these undertakings on historic  
3 properties and afforded the ACHP an opportunity to comment.  
4

5 **SIGNATORY PARTIES:**  
6

7  
8 THE UNITED STATES MARINE CORPS  
9

10 \_\_\_\_\_ DATE: \_\_\_\_\_  
11 Brigadier General John W. Bullard, Commanding General, MCIWEST-MCB Camp Pendleton  
12  
13  
14

15 STATE OF CALIFORNIA, OFFICE OF HISTORIC PRESERVATION  
16

17 \_\_\_\_\_ DATE: \_\_\_\_\_  
18 Carol Roland-Nawi, PhD  
19 State Historic Preservation Officer  
20  
21

22 ADVISORY COUNCIL ON HISTORIC PRESERVATION  
23

24 \_\_\_\_\_ DATE: \_\_\_\_\_  
25 John M. Fowler, Executive Director  
26

27 **INVITED SIGNATORIES**  
28

29  
30 \_\_\_\_\_ DATE: \_\_\_\_\_  
31 Mark Macarro, Chairman, Pechanga Band of Luiseño Indians  
32  
33

34 \_\_\_\_\_ DATE: \_\_\_\_\_  
35 Randall Majel, Chairman, Pauma Band of Mission Indians  
36  
37

38 \_\_\_\_\_ DATE: \_\_\_\_\_  
39 Bo Mazzetti, Chairperson, Rincon Band of Luiseño Mission Indians  
40  
41

42 \_\_\_\_\_ DATE: \_\_\_\_\_  
43 Robert Smith, Chairman, Pala Band of Mission Indians  
44  
45  
46

1  
 2 \_\_\_\_\_ DATE: \_\_\_\_\_  
 3 LaVonne Peck, Chairperson, La Jolla Band of Mission Indians  
 4

5  
 6 \_\_\_\_\_ DATE: \_\_\_\_\_  
 7 Rosemary Morillo, Chairperson, Soboba Band of Mission Indians  
 8  
 9

10 **CONCURRING PARTIES:**

11  
 12  
 13  
 14 \_\_\_\_\_  
 15 Mel Vernon, Captain, San Luis Rey Band of Mission Indians Date  
 16  
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18  
 19 \_\_\_\_\_  
 20 David Belardes, Chairman, Juaneño Band of Mission Indians – Acjachemen Nation Date  
 21  
 22

23  
 24 \_\_\_\_\_  
 25 Joe O’Campo, Chairman, Juaneño Band of Mission Indians Date  
 26  
 27

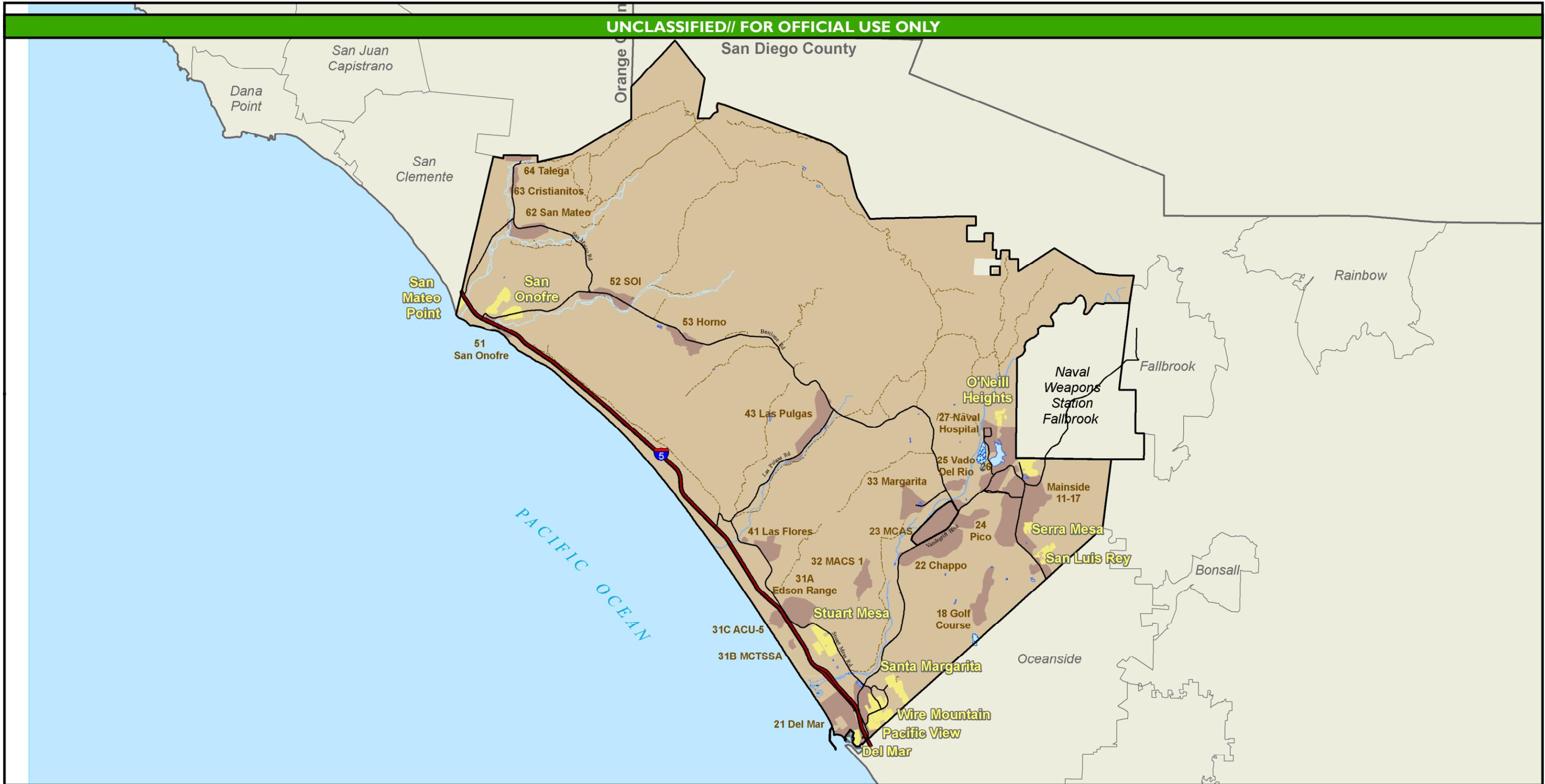
28  
 29 \_\_\_\_\_  
 30 Anthony Rivera Jr., Chairman, Juaneño Band of Mission Indians – Acjachemen Nation Date  
 31  
 32

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 34 \_\_\_\_\_  
 35 Scott Wolf, President, San Diego County Archaeological Society Date  
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**ATTACHMENT A: INSTALLATION MAP**

UNCLASSIFIED// FOR OFFICIAL USE ONLY



MARINE CORPS BASE CAMP PENDLETON



UNCLASSIFIED//FOR OFFICIAL USE ONLY

ALTHOUGH EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY OF THE INFORMATION, ERRORS AND CONDITIONS ORIGINATING FROM PHYSICAL SOURCES TO DEVELOP THE DATABASE MAY BE REFLECTED IN THE DATA SUPPLIED. THE USER MUST BE AWARE OF DATA CONDITIONS AND ULTIMATELY BEAR RESPONSIBILITY FOR THE APPROPRIATE USE OF THE INFORMATION WITH RESPECT TO POSSIBLE ERRORS, ORIGINAL MAP SCALE, COLLECTION METHODOLOGY, CURRENCY OF THE DATA, AND OTHER CONDITIONS SPECIFIC TO CERTAIN DATA. THIS INFORMATION DOES NOT DEPICT ALL POSSIBLE RESOURCES. FIELD VERIFICATION OF ALL DATA IS REQUIRED FOR SITE SPECIFIC PROJECTS. THIS INFORMATION IS DEEMED RELIABLE, BUT NOT GUARANTEED.



SCALE 1:171,927

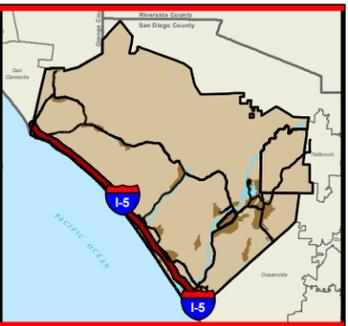
0 9,900 19,800 29,700 39,600 Feet

0 0.9 1.8 2.7 3.6 Miles

0 2,100 4,200 6,300 8,400 Meters

ELLIPSOID ..... GEODETIC REFERENCE SYSTEM 1980  
PROJECTION ..... CA STATE PLANE ZONE VI  
HORIZONTAL DATUM ..... NAD 83/WGS 1984

**NAD 83/WGS 84**  
THE NORTH AMERICAN DATUM 1983 (NAD83) AND THE WORLD GEODETIC SYSTEM 1984 DATUM (WGS 1984) ARE EQUIVALENT FOR MAPPING, CHARTING, AND NAVIGATION AT THIS SCALE.



## ATTACHMENT B

## DEFINITIONS

The following definitions apply to this PA in addition to those defined in 36 CFR § 800.16 and MCO P5090.2A CH 3:

1. **Emergency Undertaking** is any undertaking on the Installation that the Installation Commander determines must be initiated within 30 days of a disaster (including human-caused fire) or national security emergency to avoid an imminent threat to human life or major property damage, as defined in 36 CFR 800.12.
2. **Exempt Undertaking** is an undertaking that is exempt from further review or consultation under terms of this PA, pursuant to Stipulation III.E, and specifically listed in Attachment C.
3. **Intensive Survey** is a systematic, detailed examination of an area designed to gather information about the number, location, condition, and distribution of historic properties within an undertaking's APE and may include subsurface investigation when the ground surface is obscured in archaeologically sensitive area.
4. **Cultural Resources Manager (CRM)** is the position at MCIWEST-MCB Camp Pendleton that is responsible for directing, planning, and administering the Installation's complex and multifaceted Cultural Resources Management Program (CRMP); providing professional and technical advice to Installation staff and command; directing the CRMP internally, and with external agencies, organizations, and the public; and planning and developing the Installation's cultural resource inventory, evaluation, and enhancement program. All identification and evaluation tasks covered under this PA will be carried out by professionals meeting the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44716).
5. **Reconnaissance survey** is a non-intensive inventory strategy employed when gathering data to refine a historic context; checks on presence or absence of expected property types; estimates distribution of historic properties in a given area; provides general understanding of properties in an area; may require more detailed survey to meet specific needs.
6. **Tribal Monitors** are monitors designated by tribes, which are Invited Signatories, and have specialized knowledge in religious and cultural significance for the Invited Signatories that they represent.

**ATTACHMENT C****EXEMPT UNDERTAKINGS****I. UNSCREENED EXEMPTIONS**

The following classes of undertakings are considered exempt from further review or consultation under the terms of this PA, as defined in Attachment B, and pursuant to Stipulation III.E. MCIWEST-MCB Camp Pendleton has consulted with SHPO, ACHP, Invited Signatories, and other consulting parties on the classes of undertaking identified as unscreened exempt undertakings. Unscreened exemptions are those classes of undertakings that will not potentially affect historic properties in accordance with this PA. The CRM shall determine if an undertaking falls within a class of unscreened exemptions listed in this attachment (Section I A-F). Unscreened exemptions are not to be reported in the annual report. Classes of exempt undertakings are:

- A.** Normal training exercises that either occur in previously cleared training areas or do not include ground disturbance and are conducted in accordance with the Range and Training Area Operating Procedures (MCIWEST-MCB CAMPENO 3500.1). This document contains restrictions regarding the identification and avoidance of cultural resources, including archaeological sites, during training exercises. Range and training area users are required to have the most current version of the base Environmental Operations Map. This map identifies all environmental constraints on base. Archaeological sites are shown as Restricted Activity Areas that shall be avoided in training exercises with the exception of foot traffic and traversing sites via established roads;
- B.** Easement acquisitions in which historic properties are received in the acquisition;
- C.** Land acquisitions or transfers of administrative control to USMC, where the historic properties are received;
- D.** Transfer of use authorization from one authority to another when an action such as a boundary adjustment necessitates changing a right-of-way or easement from one authority to another;
- E.** Replacement of non-historic signposts and monuments, when no new ground disturbance is involved;
- F.** Broadcast seeding and mulching for establishment of vegetation that does not include earth disturbance.

**II. SCREENED EXEMPTIONS**

The MCIWEST-MCB Camp Pendleton CRM shall determine whether a specific undertaking subsumed in the following classes of undertakings may be treated as exempt under this PA. If the CRM determines that an undertaking may be treated as exempt, then the undertaking shall be considered exempt under this PA. If the CRM determines that an undertaking will affect, will continue an on-going effect, or may potentially affect historic properties, the undertaking shall not be considered exempt and shall be subject to the provisions of this PA under Stipulations III.D and IV) or 36 CFR Part 800. Screened exemptions are to be reported in the MCIWEST-MCB Camp Pendleton Annual Report. Screened undertakings may include:

- A. Land use-planning activities that do not authorize specific undertakings (e.g., Land Management Plans and Cultural Landscape Plans)
- B. Activities in which the APE is entirely within obviously disturbed contexts, and the disturbance is such that the presence of historic properties is considered highly unlikely;
- C. Activities that do not involve ground or surface disturbance (e.g., repaving of existing roads) and that do not have the potential to affect access to or use of resources by Native Americans;
- D. Issuance or granting of permits, easements, rights-of-way, or leases that do not authorize surface or resource disturbance, and that do not have the potential to affect access to or use of resources by Native Americans;
- E. Application of pesticides and herbicides proven to not have the potential to affect access to or use of resources by Native American traditional religion, arts and medicine practitioners;
- F. Work within the perimeter of existing material borrow pits;
- G. Routine road maintenance and resurfacing where work is confined to previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties or historic properties would not be affected because proposed work is clearly within a disturbed context;
- H. Felling of hazardous trees within recreation areas or other areas for health and safety reasons provided they are left in place or cut up for firewood;
- I. Maintenance or replacement in kind of existing nonstructural facilities that does not involve new or additional ground disturbance (e.g., maintenance or replacement of road guards, gates, fences, guardrails, barriers, traffic control devices, light fixtures, curbs, sidewalks, etc.);

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- J.** After CRM screening for potential Consideration Criterion G eligibility, activities or alterations involving facilities or structures that are less than 50 years of age and that will not become 50 years of age within five years of the date of execution of this agreement;
- J.** Maintenance that does not add to nor change the configuration of the existing electronic communication site involving no ground disturbance or impacts to known historic properties;
- K.** Activities that involve less than one cubic meter of cumulative ground disturbance per acre.
- L.** Controlled burns, hazard fuel reductions, and fire school burns that reduce the potential for wildland fires provided that a resource advisor is present with current cultural resource maps to ensure avoidance of known cultural resources during these types of undertakings. Post-burn surveys will be conducted to identify previously unknown cultural resources and document any inadvertent effects to historic properties.

## ATTACHMENT D

## STANDARD RESOURCE PROTECTION MEASURES

The following protection measures shall be implemented as appropriate for all subject undertakings managed under this PA. When these protection measures are effectively applied, USMC will have taken into account the direct and indirect effects of these undertakings on historic properties.

**I. AVOIDANCE OF HISTORIC PROPERTIES**

At a minimum, activities associated with an undertaking shall be excluded from areas where historic properties occur.

- A.** All proposed activities, facilities, improvements, and disturbances shall avoid direct and indirect effects to historic properties. Avoidance means that no activities associated with an undertaking that may affect historic properties, unless specifically identified in this PA, shall occur within an historic property's boundaries, including any defined buffer zones. Portions of undertakings may need to be modified, redesigned, or eliminated to properly avoid historic properties.

(1) For historic properties eligible for the NRHP under 36 CFR 60.4(d), archaeological sites, the physical demarcation of historic properties, and their exclusion from an undertaking's proposed activity areas is a minimum requirement.

(2) Physical demarcation and avoidance during the implementation of an undertaking is also required for other historic properties eligible for the NRHP under other criteria. Minimum protection requirements shall also include the use of buffer zones to extend the protection area around historic properties where setting is an important attribute, and the proposed activity may affect the setting's quality.

(3) Linear sites may be crossed or bounded in areas where their features or characteristics clearly lack historic integrity, i.e., where those portions (taking into account any buffer zones related to setting) do not contribute to site eligibility or values.

- B.** All historic properties within an APE shall be clearly delineated before implementing any associated activities that have the potential to affect historic properties.

(1) Historic property boundaries shall be delineated with coded flagging or other effective marking. Activities within historic property boundaries will be prohibited with the exception of using developed USMC transportation

1 systems when the CRM recommends that such use is consistent with the  
2 terms and purposes of this agreement.

3  
4 (2) Historic property location and boundary marking information shall be  
5 conveyed to appropriate USMC administrators or employees responsible  
6 for implementation so pertinent information can be incorporated into  
7 planning and implementation documents and contracts (e.g., as clauses or  
8 stipulations in permits).

9  
10 C. Buffer zones may be established to ensure added protection where the  
11 CRM or other professional archaeologist or historian determines that they  
12 are necessary. The use of buffer zones in conjunction with other avoidance  
13 measures is particularly applicable where setting contributes to the  
14 property's eligibility under 36 CFR 60.4, or where it may be an important  
15 attribute of some types of historic properties (e.g., historic buildings or  
16 structures; historic or cultural properties of religious or cultural  
17 significance to Invited Signatories ). The size of buffer zones needs to be  
18 determined by the professional archaeologist or historian on a case-by-  
19 case basis. Landscape architects may be consulted to determine  
20 appropriate viewsheds for historic resources. Invited Signatories shall be  
21 consulted when the use or size of protective buffers for Native American  
22 traditional or cultural properties needs to be determined.

23  
24 D. When any changes in proposed activities are necessary to avoid historic  
25 properties (e.g., project modifications, redesign, or elimination; removing  
26 old or confusing project markings or engineering stakes within site  
27 boundaries; or revising maps or changing specifications), these changes  
28 shall be completed before initiating any activities.

29  
30 E. Monitoring may be used to enhance the effectiveness of protection  
31 measures in conjunction with other measures (Stipulation IV) .The results  
32 of any monitoring inspections shall be included in the annual report  
33 (Stipulation VII.B.(6)).

## 34 35 II. SPECIAL CIRCUMSTANCES

36  
37 The CRM may provide written approval for the work specified in this section within  
38 the boundaries of historic properties and under carefully controlled conditions. All  
39 activities performed under Standard Resource Protection Measures, Section II Special  
40 Circumstances of this attachment (Attachment D) must be documented in SRs,  
41 pursuant to this PA. No activities approved for Standard Resource Protection  
42 Measures under Section II Special Circumstances may be performed as exemptions  
43 described in Attachment C Exempt Undertakings.

44  
45 A. Specified activities that may be approved under the following conditions:  
46

1 1) Felling and removal of hazard, windthrow, and salvage trees within  
2 historic properties under the following conditions:

3  
4 (a) Felled trees may be removed using **only** the following techniques:

5  
6 (i) hand bucking and carrying,

7  
8 (ii) rubber tired loader only when used outside the historic property  
9 boundary,

10  
11 (iii) crane/self loader when staging is outside the historic property  
12 boundaries,

13  
14 (iv) helicopter

15  
16 (b) Equipment operators shall be briefed on the need to reduce ground  
17 disturbances (e.g., minimizing turns);

18  
19 (c) No skidded or tracked equipment shall be allowed within historic  
20 property boundaries; and

21  
22 (d) All such activities must be monitored by a qualified cultural  
23 resource team consisting of a qualified professional archaeologist and  
24 Tribal monitor at the time of tree removal.

25  
26 (2) Placement of foreign, non-archaeological material (e.g., padding or  
27 filter cloth) over an archaeological deposit to prevent surface and  
28 subsurface impacts. Such foreign material may be used on an  
29 archaeological deposit under the following conditions:

30  
31 (a) Engineers will design the foreign material depth to acceptable  
32 professional standards;

33  
34 (b) Engineers will design the foreign material use to assure that there  
35 will be no surface or subsurface impacts to the archaeological  
36 deposit;

37  
38 (c) The foreign material must be easily distinguished from and cannot  
39 mix with the underlying archaeological deposit;

40  
41 (d) The foreign material must be removable should research or other  
42 management need require access to the archaeological deposit at a  
43 later date; and  
44

1 (e) Concerns derived through consultation with Invited Signatories or  
2 other public concerns about the use of the foreign material will be  
3 addressed before use.  
4

- 5 **B.** Any such specified activities within the boundaries of historic properties  
6 shall be reviewed during the Annual Report to assess continuation of or  
7 need for changes in the protection measure.  
8

9 **III. APPROVAL OF SPECIAL CIRCUMSTANCES**  
10

11 The CRM shall provide written approval (project approval letter required) for the  
12 specific activities listed in section III.C of this attachment (Attachment D) involving  
13 routine repair and maintenance of historic structures.  
14

- 15 **A.** USMC shall emphasize the repair of existing elements, rather than in-kind  
16 replacement, whenever practicable (i.e., when more economical or when  
17 materials and skills are readily available).  
18

19 (1) When applying these protection measures, the CRM shall verify that  
20 the proposed work conforms to the recommendations set forth in the  
21 *Secretary of the Interior's Standards for Rehabilitation, and Guidelines for*  
22 *Rehabilitating Historic Buildings*.  
23

24 (2) Repair or in-kind replacement treatments shall apply only to historic  
25 properties which have maintenance and repair plans that have been  
26 approved by SHPO and are consistent with those presented in these  
27 approved plans for the historic fabric, materials, workmanship, or design  
28 of a structure's distinctive elements (e.g., foundations or footings, walls,  
29 porches, etc. [except roofs and windows] ).  
30

31 (3) Where proposed repair or in-kind replacement, or other historic  
32 preservation activities, may have an effect on a structure's character  
33 defining features or other distinctive elements (i.e., affecting original  
34 fabric, materials, workmanship, or design) without SHPO approved  
35 maintenance and repair plans:  
36

37 a) Case-by-case consultation pursuant to 36 CFR Part 800 is required;  
38

39 b) Persons meeting the Secretary of the Interior's Standards and  
40 Guidelines for Professional Qualifications for historian, historic  
41 archaeologist, architect, historic architect, landscape architect,  
42 architectural historian, or restoration engineer, must review, supervise,  
43 or complete the project, as preservation needs dictate.  
44

- 45 **B.** All activities approved for the below listed protection measures shall be  
46 documented in the Installation's Annual Report.

1  
2 C. Routine Repair and Maintenance Protection Measures. This measure is  
3 only for historic properties which have maintenance and repair plans that  
4 have been approved by SHPO.

5  
6 (1) Structural Elements  
7

8 (a) For historic properties that have maintenance and repair plans that  
9 have been approved by SHPO, repair or replacement of siding, trim, or  
10 hardware, when done in-kind to match historic material, design, and  
11 color.  
12

13 (b) Repair of window frames or shutters by patching, splicing,  
14 consolidating, or otherwise reinforcing or replacing in-kind those parts  
15 and materials that are either extensively deteriorated or are missing.  
16 The same historic configuration of panes shall be retained.  
17

18 (c) For historic properties which have maintenance and repair plans  
19 that have been approved by SHPO, replacement of window frames to  
20 match historic material and design. The same historic configuration of  
21 panes shall be retained.  
22

23 (d) Replacement of glass, when done in-kind to match historic form  
24 and design. Window panes may be double or triple glazed as long as  
25 the glazing is clear and replacement does not alter the historic window  
26 form. This excludes the use of tinted glass, use of which requires  
27 consultation.  
28

29 (e) Maintenance of features, such as frames, paneled or decorated  
30 jambs and moldings, through appropriate surface treatments such as  
31 cleaning, rust removal, limited paint removal, and reapplication of  
32 protective coating systems using historic color and texture.  
33

34 (f) Repair or replacement of doors, when done in-kind to match  
35 historic material and form.  
36

37 (g) Repair or replacement of porches, cornices, and stairs when done  
38 in-kind or to match historic material and design, and the style,  
39 materials, and character of the structure.  
40

41 (h) Repair or replacement of foundations when the work does not  
42 change the structure's historic appearance or subsurface.  
43

44 (i) For historic properties which have maintenance and repair plans  
45 that have been approved by SHPO, repair or replacement of roofs or  
46 parts of roofs that are deteriorated, when done in-kind or where

1 matching historic material and design. In areas of high fire danger, fire  
2 retardant roofing is allowed. If fire retardant materials are used, the  
3 materials must match the original roofing color and be as compatible  
4 with the design and character of the building as possible. Adequate  
5 anchorage for roofing material to guard against wind damage and  
6 moisture penetration shall be provided.  
7

8 (2) Surfaces:  
9

10 (a) Painting interior or exterior surfaces, when the new paint matches  
11 the existing or historic color. If the existing paint color is not desirable  
12 and the historic color is not known, the color should be in keeping with  
13 historic color schemes for nearby or similar structures. Damaged or  
14 deteriorated paint may be removed to the next sound layer by hand-  
15 scraping or hand-sanding. Use of abrasive methods, such as  
16 sandblasting, is not covered by this treatment.  
17

18 (b) Replacement or installation of caulking and weather-stripping  
19 around windows, doors, walls, and roofs.  
20

21 (c) Removal of hazardous materials or surfaces such as asbestos and  
22 lead paint, and replacing them with nontoxic materials that resemble  
23 the historic surfaces as closely as possible.  
24

25 (3) Interior Elements:  
26

27 (a) Replacement of modern appliances and fixtures (e.g., ranges,  
28 refrigerators, and bathroom fixtures). When associated historic  
29 cabinetry is present, and the interior, in general, retains its historic  
30 appearance, the cabinetry will be retained.  
31

32 (b) Repair or replacement of floor coverings, when done in-kind to  
33 match historic material and design.  
34

35 (c) Rendering inoperable, but not removing, gas lighting fixtures,  
36 when another inconspicuous light source is used.  
37

38 (d) Floor, wall, or ceiling refinishing in-kind.  
39

40 (4) Utility Systems:  
41

42 (a) Installation of mechanical equipment that does not affect the visual  
43 integrity or exterior fabric of the building.  
44

45 (b) Replacement, removal, or upgrading of electrical wiring.  
46

1 (c) Replacement of floor furnaces and floor registers with surface-  
2 mounted wall heating systems or hot water appliances. Repairs to the  
3 floors will be done with in-kind materials and design. If the  
4 replacement is of a historic property's character defining feature, then  
5 the replacement will only be authorized if it is consistent with a SHPO  
6 approved maintenance and repair plan for that historic property.  
7

8 (d) Repair, replacement, removal, or upgrading of water and plumbing  
9 systems when historic features, such as hand pumps, are left in place.  
10 Historic plumbing fixtures should be retained and used if possible.  
11

12 (e) Replacement of metal water tanks with fiberglass, when the color  
13 and texture of the existing or historic tank are replicated or when  
14 landscaping camouflages the replacement tank. Redwood tanks with  
15 plastic inserts are also feasible. Construction of a structure around a  
16 tank to control temperature is allowed when landscaping camouflages  
17 the change.  
18

19 (f) Replacement of and enlarging liquid propane gas systems, if tanks  
20 are screened with landscaping materials.  
21

22 (g) Replacement of communications equipment, when the same size,  
23 shape, and general configuration are retained, excluding large antenna  
24 and communications dishes.  
25

26 (h) Replacement of lightning rod wiring with new copper wire.  
27

28 (5) Surrounding Features (see Ground Disturbing Activities, Section 7):  
29

30 (a) Replacement of signs in-kind.  
31

32 (b) Ongoing maintenance of immediately surrounding landscaping,  
33 including such modifications as removing hazardous vegetation,  
34 adding vegetation that blends with the historic landscape, or adding  
35 rocks to define paths, where not otherwise prohibited, so long as  
36 historic landscape characteristics are maintained.  
37

38 (c) Installation of interpretive signs or rotational exhibit structures that  
39 are temporary (in place for 12 months or less), not attached to historic  
40 structures, and are sympathetic to the historic property. Signs should  
41 be constructed of materials and painted colors that harmonize with the  
42 historic property and its setting.  
43

44 (d) Repair or replacement of driveways and walkways done in-kind to  
45 match existing or historic materials and design.  
46

1 (e) Repair or replacement of fencing done in kind to match existing or  
2 historic material and design.

3  
4 (f) Addition of a completely removable accessibility ramp which  
5 blends with the historic materials and style of the structure itself.

6  
7 (g) Repair, replacement, or addition of exterior lighting that blends  
8 with the landscaping and style of the building.

9  
10 (6) New Materials:

11 (a) Installation of dry insulation.

12 (b) Installation of fire or smoke detectors or burglar alarms.

13 (c) Installation of skirting over a structure's crawl space, if constructed  
14 or painted a color to match or blend with the structure.

15 (d) Installation of security systems or security devices, such as dead  
16 bolts, door locks, window latches, and door peepholes.

17 (7) Ground Disturbing Activities (where no known conflicts with other  
18 historic properties, e.g., prehistoric archaeological deposits, may exist):

19 (a) Excavations for repair or replacement of building footings or  
20 foundation work within two (2) feet of existing footings and  
21 foundations.

22 (b) Installation of utilities, such as sewer, water, or storm drains,  
23 electrical, gas, or leach lines, and septic tanks, where installation is  
24 restricted to specific areas previously disturbed by installation of these  
25 utilities.

26 (c) Tree planting or removal in areas that have been previously  
27 disturbed by these activities, including nursery beds and arboreta,  
28 provided historic landscaping is maintained.

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**ATTACHMENT E****PUBLIC PARTICIPATION**

USMC will seek information and advice from state, local, and tribal governments, public and private organizations, Native Americans, and other interested persons likely to have knowledge of or concern about historic properties, as recommended in the Council's guidelines for 36 CFR Part 800 public consultation, Public Participation in Section 106 Review: A Guide for Agency Officials (1989), and incorporate such information into identification, evaluation, and treatment of historic properties. Participation of interested persons under 36 CFR Part 800 shall be coordinated with the public notification process of NEPA, consistent with NEPA regulations, 40 CFR 1506.6.

**I. NEPA PUBLIC COMMENT PROCESS**

USMC shall use the NEPA public notification and scoping process, as implemented through MCO P5090.2A CH3 and DoD Instruction 4710.35 to comply with 36 CFR Part 800 provisions for public notification, identification of interested persons, and public participation in decision-making. The NEPA scoping process affords interested persons the opportunity to comment on federal undertakings. These comments are taken into account as part of the NEPA decision.

**A.** Interested persons shall be notified of proposed undertakings through directed informational mailings of schedules of proposed actions. Schedules include all proposed undertakings with the potential to cause effects or significant impacts to cultural resources.

**B.** Schedules of proposed actions shall be submitted to identified interested persons, as described in Section II of this attachment, on a quarterly basis and include the following information about each proposed undertaking:

- (1) Description, potential effects, and location;
- (2) Estimated dates of public scoping and decision;
- (3) Agency contact person;
- (4) Process for receiving information;
- (5) Status of environmental analysis; and
- (6) Estimated implementation date.

**C.** Interested persons who have commented during the NEPA process receive notification of undertaking decisions.

1           **D.** If interested persons raise timely objections to or comments regarding specific  
2           undertakings, the USMC upon receiving the objections, shall follow the process  
3           pursuant to Stipulation XIV. Timely objections are those raised within the public  
4           notification and review procedures specified under NEPA regulations, 40 CFR  
5           1506.6.  
6

7           **II. IDENTIFYING INTERESTED PERSONS**  
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9           **A.** The NEPA process for public notification will be used to identify persons  
10          interested in how effects of undertakings on historic properties are being taken  
11          into account pursuant to this PA.  
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13          **B.** Interested persons shall include at a minimum:  
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15                   (1) Individuals, groups, or organizations interested in undertakings  
16                   implemented under this PA;

17                   (2) Adjacent local, state, and tribal governments;

18                   (3) Adjacent Native American communities including non-federally  
19                   recognized tribes;

20                   (4) Native American groups or individuals known to have interests in  
21                   historic properties; and  
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23                   (5) Others who notify USMC of their interest in receiving information  
24                   about particular undertakings or historic properties.  
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## ATTACHMENT F

## TRIBAL CONSULTATION

USMC will seek information and advice from tribal governments through government-to-government consultation. The USMC will provide the Indian tribe a reasonable opportunity to identify its concerns about historic properties as well as identification and evaluation of historic properties including those of traditional religious and cultural importance and an undertaking's potential effects on such properties and measures to avoid adverse effects.

**I. TRIBAL CONSULTATION PROTOCOL**

For this Installation, USMC has an established relationship with the tribes who have been invited to sign this PA. To facilitate the consultation process, consultations, such as those covered by this PA, are delegated to the Installation CRM by the Base Commander. Tribal consultation will be conducted through meetings, submittal of reports, email, phone conversations, and official correspondence.

**A. Quarterly Reports.** USMC will prepare and submit Quarterly Reports summarizing all undertakings implemented within the quarter (a three-month period beginning 1 October through 30 September) and any planned undertakings for the following quarter. Tribes will be requested to provide comments within two weeks of receipt. The content of the Quarterly Report will be the same as the Annual Report as summarized in Stipulation VII.B of this PA.

**B. Semi-Annual Consultation Meetings.** Tribal consultation meetings will be held every six months (semi-annually) at a minimum. Meeting minutes will be taken and distributed with two weeks of the consultation meeting via email. If agreed to by the Invited Signatories, concurring parties of non-federally recognized tribes will also be invited to participate in these meetings.

**C. Native American (Tribal) Monitoring.** When an undertaking is determined to require monitoring: 1) due to the nature of the undertaking and the APE includes an archaeological sensitive area, as defined in Stipulation IV.D; or 2) requires implementation of protection measures, per Attachment D Standard Resource Protection Measures, to avoid adverse effect; and/or 3) as a result of tribal consultation, monitoring will be required by a professional archaeologist and Native American (Tribal) monitor to avoid adverse effects or facilitate possible discovery of potential historic properties (post-review discovery).

**D. Tribal Monitors.** Tribal monitors are designated as monitors by tribes (Invited Signatories) due to their specialized knowledge in religious and cultural significance for the tribe that they represent.

1 **II. NATIVE AMERICAN AND ETHNIC CONCERNS**

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USMC shall also ensure that information and concerns from Native Americans and persons from other ethnic groups are taken into consideration in the NEPA process when making decisions affecting historic properties identified with those groups.