

established by the Secretary of the Interior and as promulgated by the Chief of Engineers in TM 5-801-1, Historic Preservation.

§ 650.188 Procedures for preparing nominations to the National Register (RCS DOI-1005).

Procedures for preparing nomination forms for Army controlled properties which appear to qualify for listing in the National Register of Historic Places are contained in TM 5-801-1. Completed forms will be forwarded through channels to HQDA (DAEN-FEB-P) WASH DC 20314. RCS DOI-1005 applies.

§ 650.189 Funding of historic preservation activities.

(a) Funding for the requirements for historic properties will be accomplished through regular programing/budgeting channels.

(b) Historic properties in the Army Family Housing inventory will be funded in the Family Housing Management Account (FHMA). Requirements for historic properties other than family housing will be supported by the appropriation financing all other real property maintenance activities on the installation.

(c) Projects for restoration and/or rehabilitation of historic properties, which include construction-type work in excess of \$50,000, will be included in the installation's military construction programs for accomplishment under Military Construction Army (MCA) or FHMA programing procedures as outlined in AR 415-15 and AR 210-50. Block 25 of DD Form 1391 (Military Construction Project Data) of these projects will contain a statement identifying the project as supporting a historic property listed in the National Register.

(d) Projects for preservation of registered historic places, which include construction-type work not in excess of \$50,000, will be identified and processed for approval by the appropriate approving authority, as reflected in AR 415-35 and/or AR 420-10, and will be programed and budgeted in the normal budget cycle. Requirements will be identified to the proper supporting appropriation (FHMA, Operation and

Maintenance Army (OMA) Operation and Maintenance, Army Reserve (OMAR) etc.) in the installation and command budget submissions (RCS CSAB 205 series), and specifically identified as supporting a historic property listed in the National Register (AR 415-15).

§ 650.190 Utilization of historic properties.

(a) Historic properties which are a functional part of Army installations or are so located that their disposal or outleasing is impractical will be preserved and maintained by the installation commander. All efforts will be made to utilize these properties for military purposes in order to justify funds expended under this program. The concept of "adaptive use" (TM 5-801-1) for these properties compatible with their cultural values will be observed, whenever possible. Where this is not possible, a stabilization project will be developed to prevent further deterioration of the property.

(b) In all instances, the planned use of a historic property listed in the National Register will be reviewed with the SHPO and the Advisory Council on Historic Preservation in accordance with 36 CFR part 800 (§ 650.190 and appendix).

(c) Historic properties which would be more adequately administered by the Department of the Interior, non-Federal public agencies, local historical societies, or similarly oriented organizations should not be retained by the Army. Therefore, when there is no adverse impact on the performance of the Army mission, the installation commander may recommend, in the Analytical Report of the Installation Master Plan, the disposal of a historic property for historic monument purposes in accordance with AR 405-90 and the Federal Property and Administrative Services Act of 1949 as amended, or recommend its outleasing for historic preservation, park and recreation or similar purposes in accordance with AR 405-80. In the latter case, the installation commander's recommendations must include assurances that the grantee has a viable plan for use of the property in a manner compatible with preservation objectives and policies. In

such instances, the installation commander will notify the SHPO and the Advisory Council on Historic Preservation and, if appropriate, consummate a "Memorandum of Agreement" that the proposed action will not adversely affect the historical, architectural, archeological or cultural value of the property (§650.191).

§650.191 Compliance procedures.

(a) The applicable Federal regulation that contains the review requirements of section 106 of Pub. L. 89-665 and Executive Order 11593 is 36 CFR part 800, Procedures for the Protection of Historic and Cultural Properties, and is included in its entirety in the appendix.

(b) Any action which may have an effect on a National Register property or an historic place which appears eligible for listing in the National Register must go through two integral but separate review procedures. First, the environmental impact assessment (subpart B of this part) must identify cultural resources potentially affected by the proposed action. Second, where the identification of cultural resources indicates that properties included in the National Register will be affected, evidence of compliance with the review requirements of 36 CFR part 800 will be included in the environmental impact assessment and/or EIS Comments by the Advisory Council on Historic Preservation, should be included in the EIA or draft EIS and must be included in the final EIS.

(c) If there is an effect, but it is determined that the action will not have an adverse effect, a description of the proposed action together with the commander's determination of "no adverse effect" will be forwarded to the SHPO for comments. If the SHPO concurs in the findings, then a copy of this correspondence will be forwarded to the Executive Director of the Advisory Council on Historic Preservation (§650.191(f)). If there is no reply within 45 days, the action may proceed.

(d) If it appears that there will be an adverse effect, the installation commander will prepare a technical report documenting the identification of cultural resources, the assessment of the impact of the undertaking on those re-

sources, and the feasibility of mitigative measures. All mitigative measures proposed to minimize adverse effects on properties included or eligible for inclusion in the National Register should have the concurrence of the SHPO and the Advisory Council on Historic Preservation and should be documented in a Memorandum of Agreement signed by all three parties. In most cases, an on-site inspection/consultation by the signees is required as part of the development of the Memorandum of Agreement. All correspondence regarding the determination of "no adverse effect," (§650.191(b)) or in obtaining a Memorandum of Agreement is to be forwarded to the parties directly involved with information copies to the appropriate major command and HQDA (DAEN-MCZ-E) WASH DC 20314.

(e) If a memorandum of agreement cannot be consummated, the case will be forwarded through Army channels to HQDA (DAEN-MCZ-E) WASH DC 20314, who will in turn forward it to the Advisory Council on Historic Preservation for review and evaluation. Where a Memorandum of Agreement cannot be obtained or an unfavorable ruling is obtained from the Advisory Council, then an Environmental Impact Statement containing the comments of the Advisory Council must be prepared covering the basic action and the proposed mitigative measures. If it is determined that the Army should proceed with the proposed action and that action will result in the destruction or major alteration of the property, then records of the property, including measured drawings, photographs, and written data will be prepared for deposit in the Library of Congress as part of the Historic American Buildings Survey or the Historic American Engineering Records in accordance with the standards promulgated by the Office of Archeology and Historic Preservation, Department of the Interior, Wash DC 20240. (TM 5-801-1 explains the standards and §650.192 discusses archeology).

(f) Advice on matters relating to implementing 36 CFR part 800 may be obtained from the Advisory Council on Historic Preservation as indicated below: