

# Fort Monroe programmatic agreement

*The Army's decision to close Fort Monroe is an undertaking that requires compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations 36 CFR 800, Protection of Historic Properties. Section 800.14 of the regulations spells out a variety of methods available for Federal agencies to meet Section 106 obligations. A Programmatic Agreement is a document that records the terms and conditions agreed upon to resolve potential Adverse Effects of a Federal agency program, complex undertakings, or other situations, such as the closure of Fort Monroe.*



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## 1D.1 SYNOPSIS OF THE PROGRAMMATIC AGREEMENT

The *Programmatic Agreement (PA)* among the United States Army, the Virginia State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), the Commonwealth of Virginia, the Fort Monroe Authority (FMA) and the National Park Service (NPS), is based on a number of principles that the concurring parties above agree to be guided by in their future use and management of Fort Monroe. The principles include:

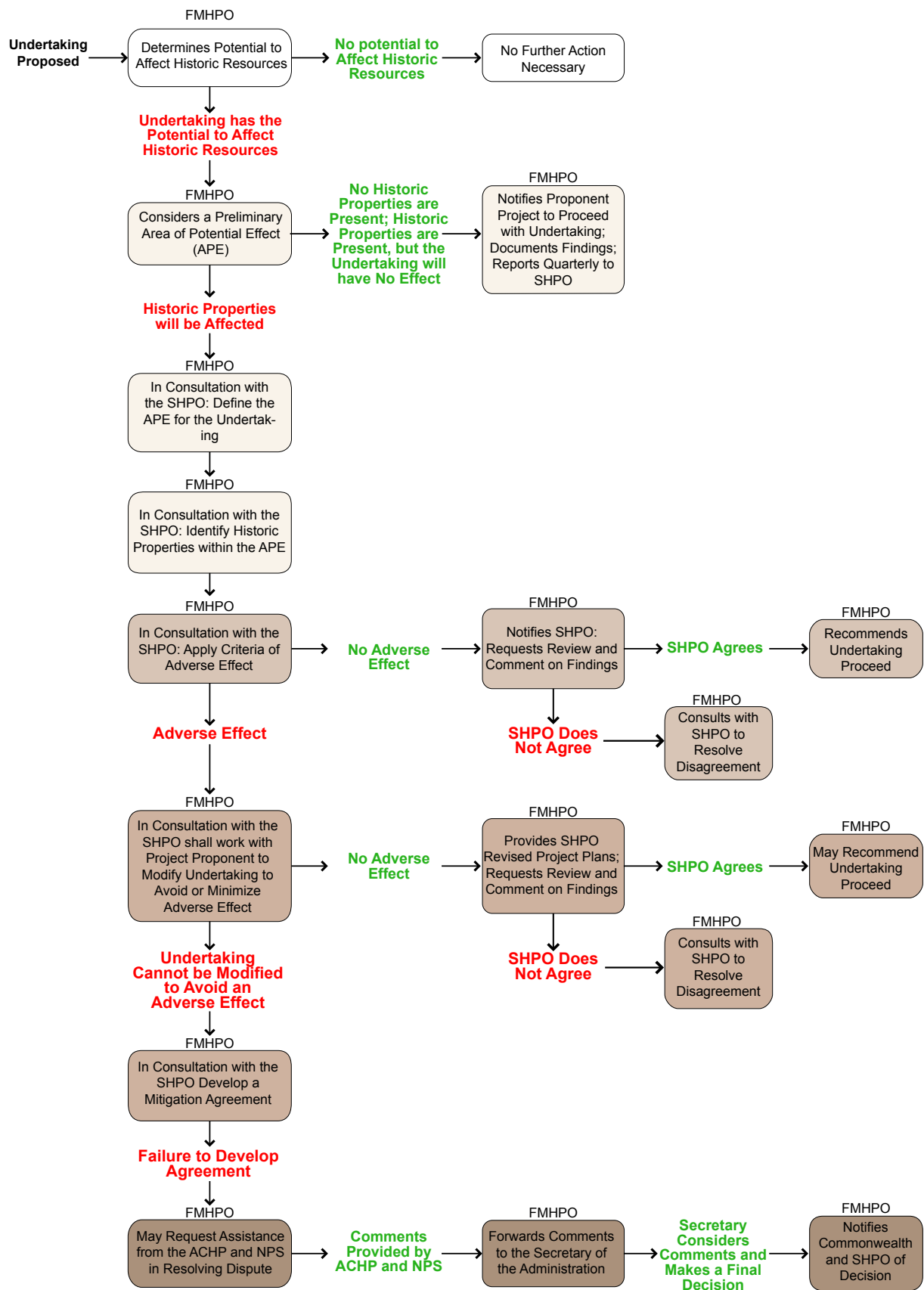
- » The importance of preserving the NHL status of Fort Monroe
- » The use of Historic Property Management Zones as a basis for managing and treating Fort Monroe's historic properties
- » The importance of public access
- » The importance of economic sustainability
- » The desire not to take action that would preclude the use of all or part of Fort Monroe as a National Park or partner with the NPS until such time as the Commonwealth and FMA have evaluated such opportunities

The *PA* also outlines actions that will be taken by the Army, the FMA, and the Commonwealth of Virginia. The Army's stipulations covered actions that occurred prior to the Army's departure and included activities such as environmental clean-up, property management, mothballing historic properties and completing additional resource identification studies such as a Significant Viewshed Analysis and a Cultural Landscape Study. The FMA is responsible for the development of a Historic Preservation Manual that will contain *Design Standards* for historic properties and new construction. The FMA is also tasked with the development of an Interpretive and Educational Programs Plan. The Commonwealth of Virginia is responsible for ensuring many things occur once they assume responsibility for the management of the property. These include provisions for conducting ongoing property evaluation and condition assessments; provisions for identifying and treating archeological resources; provisions for appropriate protective mechanisms in the event of sale transfer or lease of property; specifics for a continuing review process for future activities at Fort Monroe, i.e. the establishment of a FMHPO; and other responsibilities.

Administrative Provisions reflecting the implementation of the *PA* include:

- » Professional standards and qualifications
- » Document review time frames
- » Procedures for addressing late discovery
- » Procedures for resolving disputes
- » Procedures for handling emergency actions
- » Annual reporting and meeting requirements
- » Procedures for amending and terminating the *PA*
- » Anti-Deficiency Act statement
- » A statement of duration for the *PA*

PROGRAMMATIC AGREEMENT



## 1D.2 THE FORT MONROE HISTORIC PRESERVATION OFFICER

The Fort Monroe Historic Preservation Officer (FMHPO) is the on-site historic preservation expert assigned to Fort Monroe by the Commonwealth of Virginia. The FMHPO has a variety of duties that are defined by the *Programmatic Agreement for the Closure and Disposal of Fort Monroe*. Those duties include:

- » Function as the historic preservation expert at Fort Monroe for the Commonwealth
- » Review of proposed undertakings at Fort Monroe to evaluate effects to historic properties
- » Act as a liaison between the Commonwealth and project proponents and advise on undertakings affecting historic properties
- » Act as a liaison between the Commonwealth and the public concerning historic preservation issues at Fort Monroe
- » Coordinate Project Reviews with the State Historic Preservation Officer (SHPO) and the Fort Monroe Authority (FMA)
- » Coordinate public notification and stakeholder involvement in undertakings occurring at Fort Monroe
- » Develop a public notification and stakeholder involvement protocol

The terms “undertaking,” “activity,” and “project” are used to describe a variety of actions including building maintenance, rehabilitation, and new construction and reconstruction. Any undertaking at Fort Monroe has the potential to affect the fort's historic properties. This includes buildings, structures, landscapes, viewsheds, objects, and archaeological resources. An evaluation for potential effect is required for all actions. The FMHPO is the point of contact for these evaluations and will coordinate project reviews with the SHPO and the FMA. Application and interpretation of these Historic Preservation Design Standards is the responsibility of the FMHPO as part of that review process.

The flow chart on Page 1D.4 outlines the process defined in the *PA* that the FMHPO will follow for the review of undertakings at Fort Monroe. The process is designed to identify historic resources, evaluate the effect of the undertaking, and avoid or minimize Adverse Effects. In cases where an adverse effect cannot be avoided, a legally binding Mitigation Agreement may be developed with agreed upon measures to mitigate the adverse effect. Section 1G of the *Design Standards* outlines the review processes for different types of undertakings that may occur and the steps that project proponents will follow for project review. Identifying historic resources, evaluating the affect of an undertaking, and applying the criteria of adverse effect have been integrated into reviews at specific stages of the project to help project proponents understand what is important to protect, maintain, and preserve.

