

# ES&H RESPONSIBILITIES

DATED: 11/18/2008

## SUBJECT: CULTURAL RESOURCES MANAGEMENT PROGRAM

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1. PURPOSE. This document addresses responsibility and accountability and provides administrative guidance for cultural resources management (CRM) to the Oak Ridge Office (ORO).
2. APPLICABILITY. The provisions of this document apply to ORO Principal Staff.
3. RESPONSIBILITIES.
  - a. Manager, ORO.
    - (1) Grants exceptions to National Historic Preservation Act (NHPA) requirements in the event of an imminent threat to national security and reports thereon to Headquarters.
    - (2) Signs Oak Ridge Reservation (ORR) programmatic agreements between DOE, the Advisory Council on Historic Preservation (Advisory Council), and the Tennessee State Historic Preservation Officer (SHPO).
    - (3) Ensures that a Cultural Resource Management Plan (CRMP) is developed and implemented in accordance with DOE P 141.1, DEPARTMENT OF ENERGY MANAGEMENT OF CULTURAL RESOURCES, dated May 2, 2001, and DOE G 450.1-3, ENVIRONMENTAL GUIDELINES FOR DEVELOPMENT OF CULTURAL RESOURCE MANAGEMENT PLANS, dated September 22, 2004.
  - b. Assistant Managers.
    - (1) Ensure implementation of the CRMP within their area(s) of responsibility.
    - (2) Sign Memoranda of Agreement and/or site-specific programmatic agreements with the Tennessee, Kentucky, or Ohio SHPO and the Advisory Council for projects within their area of program responsibility.
  - c. Director, Environmental and Quality Management Division.
    - (1) Designates a Cultural Resources Management Coordinator (CRMC) who performs the following functions:
      - (a) Monitors ORO compliance with CRM requirements and evaluates contractor compliance as requested by the COR.
      - (b) Maintains a central file of ORO cultural resources documentation.
      - (c) Reviews National Environmental Policy Act (NEPA) and Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA) documentation for compliance with CRMP requirements.
      - (d) Coordinates ORO submissions of nominations for the National Register of Historic Places (the National Register) as explained in 36 CFR 60.9, NOMINATION OF FEDERAL AGENCIES.

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- (e) Provides ORO project reviews and information as needed by the SHPO and the Advisory Council for compliance with Sections 106 and 110 of the NHPA.
  - (f) Provides for formal revision of the ORO CRMP every five years, with periodic minor updates to address corrections and clarifications on an as-needed basis.
  - (g) Provides cultural resources management support for the Y-12 National Security Complex (via the Service Agreement), Paducah, and Portsmouth sites, Berkeley Site Office, and Stanford Site Office.
- (2) Approves, on behalf of ORO, CRMPs developed by ORO contractors.
- d. Contracting Officer's Representatives.
- (1) Coordinate and monitor contractor implementation and compliance of the CRMP.
  - (2) Ensure integration of documentation from/for the Cultural Resources Survey, SHPO coordination, project planning, NEPA, and CERCLA.
  - (3) Conduct periodic inspections of ORO undertakings and survey sites to monitor effectiveness of the CRMP with assistance from the CRMC as requested.

## 4. REFERENCES.

- a. DOE G 450.1-3, ENVIRONMENTAL GUIDELINES FOR DEVELOPMENT OF CULTURAL RESOURCE MANAGEMENT PLANS, dated September 22, 2004.
- b. DOE P 141.1, DEPARTMENT OF ENERGY MANAGEMENT OF CULTURAL RESOURCES, dated May 2, 2001.
- c. National Historic Preservation Act (NHPA) of 1966 (PL 89-665), as amended. Establishes the National Register, creates the Advisory Council on Historic Preservation, and provides funds for preservation. Requires Federal agencies to evaluate the effect of proposed undertakings on historic sites under their ownership and to allow the Council a reasonable opportunity to comment on these actions.
- d. National Environmental Policy Act of 1969 (PL 91-190). Requires Federal agencies to consider the environmental effects, including those on cultural resources, in the decision-making process.
- e. Executive Order 11593 (1971). Requires Federal agencies to identify and nominate appropriate sites under their ownership for inclusion in the National Register and to submit procedures to the Department of Interior and the Council.
- f. Archaeological and Historic Preservation Act of 1974 (PL 93-291). Extends the Archaeological Recovery Act to all projects with Federal involvement and authorizes 1 percent of project funding for recovery of archeological data.

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- g. American Indian Religious Freedom Act of 1978 (PL 95-341). Directs Federal agencies to act in such a way as to protect and preserve the access of Native American people to sacred lands and their rights to worship in their traditional manner.
- h. Archaeological Resources Protection Act (ARPA) of 1979 (PL 96-95), as amended. Directs the Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Tennessee Valley Authority to promulgate uniform regulations to carry out the purposes of ARPA. Such regulations appear in 18 CFR Part 1312, 32 CFR Part 229, 36 CFR Part 296, and 43 CFR Part 7.
- i. The Native American Graves Protection and Repatriation Act of 1990. Establishes a means for Native American organizations to request the reparation of human remains and other cultural items held by the Federal agencies or Federally funded organizations. Contains provisions for ownership and control of Native American remains and cultural items removed or discovered, and establishes penalties for illegal trafficking of Native American remains and cultural items.
- j. Memorandum, R.F. Pelletier, EH-231, to Distribution, subject: Management of Cultural Resources at Department of Energy Facilities, dated February 23, 1990. Informs all DOE facilities and programs of the requirements for complying with the various executive orders, statutes, and regulations governing the management of cultural resources.
- k. Executive Order 13287 – Preserve America (2003). Requires Federal Agencies to manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values (i.e. Heritage Tourism).
- l. Implementing Regulations.
  - (1) 36 CFR 60 - National Register of Historic Places.
  - (2) 36 CFR 63 - Determination of Eligibility for Inclusion in the National Register of Historic Places.
  - (3) 36 CFR 65 - National Historic Landmarks Program.
  - (4) 36 CFR 68 – The Secretary of the Interior's Standards for the Treatment of Historic Properties.
  - (5) 36 CFR 78 - Waiver of Federal Agency Responsibilities Under Section 110 of the NHPA.
  - (6) 36 CFR 79 – Curation of Federally Owned and Administered Archaeological Resources.
  - (7) 36 CFR 800 - Protection of Historic and Cultural Properties.
  - (8) 43 CFR 7 - Protection of Archaeological Resources.

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- (9) 43 CFR 10 – Native American Graves Protection and Repatriation Regulations.
  - m. Programmatic Agreement Among the Department of Energy Oak Ridge Office, the State of Tennessee Historic Preservation Officer, and the Advisory Council on Historic Preservation Concerning Management of Historical and Cultural Properties at the Oak Ridge Reservation (hereinafter referred to as the Programmatic Agreement). Agreement for administration of activities at the ORR to satisfy ORO's responsibilities for compliance with Section 106 and Section 110 of the NHPA.
  - n. Cultural Resource Management Plan, Department of Energy Oak Ridge Operations Office, Anderson and Roane Counties, Tennessee (July 2001). Developed to ensure DOE ORO compliance with cultural resource statutes and to ensure that cultural resources are addressed early in the planning process of undertakings and that needed protection is provided or the appropriate documentation is prepared before an undertaking is initiated.
5. DEFINITIONS.
- a. **ADVISORY COUNCIL ON HISTORIC PRESERVATION.** Established by the NHPA of 1966, it produces guidance documents for avoiding and mitigating adverse effects on historic properties, and promulgates regulations for Federal agency compliance with the NHPA.
  - b. **ARCHAEOLOGICAL RESOURCE.** Any material remains of past human life or activities that is at least 100 years old and is of archaeological interest.
  - c. **CULTURAL RESOURCES.** For the purposes of the ORO Cultural Resources Survey and Management Plan, includes structures less than 50 years old that are of historic importance; objects and structures that are representative of American folklife traditions as defined by the American Folklife Preservation Act (PL 94-201); and Manhattan Project and Cold War scientific facilities.
  - d. **CULTURAL RESOURCES MANAGEMENT PLAN.** A plan, developed in consultation with State Historic Preservation Officers, to formally establish and document the means by which consideration of historic and cultural resources are integrated into the decision-making process for ORO activities. (See Section I of the Programmatic Agreement.)
  - e. **CULTURAL RESOURCES SURVEY.** A survey conducted to identify significant historical properties located within the ORR. (See Section II of the Programmatic Agreement.)
  - f. **HISTORIC PROPERTY.** Properties containing archaeological or cultural resources or that meet the National Register criteria for evaluation (36 CFR 60.4).
  - g. **NATIONAL REGISTER OF HISTORIC PLACES.** The list of districts, sites, buildings, structures, and objects significant to American history, architecture, archaeology, engineering, and culture maintained by the Secretary of Interior.
  - h. **STATE HISTORIC PRESERVATION OFFICER.** An official appointed by a Governor or designated by statute, pursuant of Section 101(b) of the NHPA, to administer a state historic preservation program.