

f. Maintain and archive records and reports on all pesticide applications and operations made to all facilities and grounds to include those performed under contract by tenant and supported activities, by lessees per formal agreements, those installations and facilities in the base realignment and closure (BRAC) cleanup program, and for closing overseas installations. (PD: DODI 4150.7)

g. Ensure installation self-help programs are cost-effective and promote IPM approaches for control of minor nuisance pests through use of authorized pest management materiel, equipment, awareness training, and record keeping requirements. (PD: DODI 4150.7)

h. Ensure requirements for aerial pesticide applications over Army lands to control pests of medical, economic, or other emergencies or urgencies of military significance are addressed in an aerial spray statement of need (ASSON) and submitted to the U.S. Army Environmental Command (USAEC), NGB-ARNG, IMCOM-Korea, or IMCOM-Europe as appropriate. (PD: DODI 4150.7)

i. Ensure pest management commercial solicitations incorporate Army requirements for the application and safe handling of pesticides and are forwarded to USAEC, NGB-ARNG, IMCOM-Korea or IMCOM-Europe as appropriate for technical review prior to solicitation. (PD: DODI 4150.7; DOD 4150.7-M; DOD 4150.7-P)

j. Appoint an installation pest management coordinator (IPMC). (PD: DODI 4150.7)

Chapter 6 Cultural Resources

6-1. Policy

Ensure that installations make informed decisions regarding the cultural resources under their control in compliance with public laws, in support of the military mission, and consistent with sound principles of cultural resources management.

6-2. Legal and other requirements

Statutes, laws, regulations, and other guidance applicable to the Army Cultural Resources Management Program include:

- a.* Section 470, Title 16, United States Code (16 USC 470).
- b.* Section 1996, Title 42, United States Code (42 USC 1996) and Executive Order (EO) 13007.
- c.* Section 3001, Title 25, United States Code (25 USC 3001).
- d.* Section 470aa-470mm, Title 16, United States Code (16 USC 470); Sections 431-433, Title 16, United States Code (16 USC 431-433); and Section 469, Title 16, United States Code (16 USC 469).
- e.* Part 79, Title 36, Code of Federal Regulations (36 CFR 79).
- f.* Part 800, Title 36, Code of Federal Regulations (36 CFR 800).
- g.* Part 229, Title 32, Code of Federal Regulations (32 CFR 229).
- h.* Part 10, Title 43, Code of Federal Regulations (43 CFR 10).
- i.* DOD American Indian and Alaska Native Policy Memorandum, 20 October 1998.
- j.* Presidential Memorandum for Heads of Executive Departments and Agencies, Government-to-Government Relations with Native American Tribal Governments, 29 April 1994.
- k.* EO 13175.
- l.* EO 13287.
- m.* For overseas installations, the country-specific FGS requirements.

6-3. Major program goal

Develop and implement procedures to protect against encumbrances to mission by ensuring that Army installations effectively manage cultural resources.

6-4. Program requirements

- a. General program management.*
 - (1) Develop integrated cultural resources management plans (ICRMPs) for use as a planning tool.
 - (2) Develop NHPA programmatic agreements (PAs) and memorandums of agreement (MOAs), Army alternate procedures (AAP) historic property component (HPC) plans, NAGPRA Comprehensive Agreements (CAs) and Plans of Action (POA), Cooperative Agreements, and other compliance documents as needed.
 - (3) Appoint a government (that is, Federal or State Army National Guard (ARNG)) employee as the installation cultural resources manager (CRM).
 - (4) Establish a government-to-government relationship with Federally recognized Indian Tribes, as needed. Initial formal government-to-government consultation with Federally recognized Indian Tribes will occur only between the

garrison commander (GC) or the Adjutant General (TAG) of an ARNG and the heads of tribal governments. Follow-on activities may be accomplished by staff.

(5) Establish a process that effects early coordination between the CRM and all staff elements, tenants, proponents of projects and actions, and other affected stakeholders to allow for proper identification, planning, and programming for cultural resource requirements.

b. National Historic Preservation Act compliance.

(1) Ensure that the GC functions as the agency official with responsibility for installation compliance with the National Historic Preservation Act (NHPA).

(2) Establish a historic preservation program, to include the identification, evaluation, and treatment of historic properties in consultation with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), local governments, Federally recognized Indian Tribes, Native Hawaiian organizations, and the public as appropriate. Document historic properties that will be substantially altered or destroyed as a result of Army actions. (LD: Section 110, NHPA; 36 CFR 800)

(3) Identify, evaluate, take into account, and treat the effects of all undertakings on historic properties. If an Army undertaking may affect properties of traditional religious or cultural significance to a Federally-recognized Indian Tribe, initiate consultation on a government-to-government basis. (LD: Section 106, NHPA; 36 CFR 800)

(4) Prepare and implement, as required, an NHPA Section 106 MOA, PA, or HPC, to address NHPA compliance for undertakings. Coordinate all NHPA compliance documents (for example, MOAs, PAs, HPCs) through the chain of command to obtain HQDA technical and legal review prior to execution. (LD: 36 CFR 800)

(5) Ensure that efforts to identify, evaluate, and treat historic properties consider the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and are conducted under the supervision of personnel who meet applicable professional qualifications for undertaking such work. (LD: 36 CFR 61; Section 112, NHPA)

(6) Maintain an up-to-date listing of all historic properties, and where applicable, maintain historic status in conjunction with real property inventory and reporting guidelines. (LD: EO 13287)

(7) Withhold from public disclosure information about the location, character, or ownership of a historic property when the GC determines that disclosure may cause risk of harm to the historic property or may impede the use of a traditional religious site by practitioners. (LD: Section 304, NHPA)

(8) Consider alternatives for historic properties, including adaptive reuse, that are not needed for current or projected installation mission requirements. (LD: Section 111, NHPA)

(9) Nominate to the National Register of Historic Places (NRHP) only those properties that the Army plans to transfer out of Federal management through privatization efforts. Nominate other properties only when justified by exceptional circumstances. Avoid adversely affecting properties that are 50-years old or older that have not been evaluated for eligibility against NHPA criteria. Treat (assume) that all historic sites are eligible (that is, off-limits) until the SHPO concurs with the federal finding of non-eligible.

(10) Where disagreement occurs with the SHPO regarding the eligibility of a historic property for the NRHP, where applicable obtain a "Determination of Eligibility" from the Keeper of the National Register, National Park Service (NPS). (LD 36 CFR 800, 36 CFR 63)

(11) Undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected as a result of Army actions. (LD: 36 CFR 800)

c. AIRFA, Executive Order 13007 and Executive Order 13175 compliance.

(1) Consult with Federally recognized Indian Tribes to provide access to sacred sites on Army installations. Consistent with appropriate health, safety mission constraints provide access to allow the practice of traditional religions, rights and ceremonies. The GC will maintain the appropriate confidentiality of sacred site locations. The GC may impose reasonable restrictions and conditions on access to sacred sites on Army installations for the protection of health and safety, or for reasons of national security. (LD: EO 13007)

(2) Avoid adversely affecting the physical integrity of sacred sites. Ensure reasonable notice is provided to Federally-recognized Indian Tribes when proposed actions may adversely affect or restrict access to the ceremonial use of, or the physical integrity of, sacred sites. (LD: EO 13007)

(3) Consult with tribal governments before taking actions that affect Federally recognized Indian Tribes. Assess the impact of Army plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs and activities. (LD: EO 13175)

d. Native American Graves Protection and Repatriation Act compliance.

(1) Designate the GC as the Federal agency official with responsibility for installation compliance with Native American Graves Protection and Repatriation Act (NAGPRA). (LD: 43 CFR 10)

(2) Prepare CAs and POAs in coordination with Federally recognized Indian Tribes and Native Hawaiian organizations. Coordinate all NAGPRA CAs through the chain of command to obtain HQDA technical and legal review prior to execution. (LD: 43 CFR 10)

(3) Absent a CA, take reasonable steps to determine whether a planned activity (including MILCON) may result in the intentional excavation or inadvertent discovery of cultural items from Federally-owned or controlled Army lands. When cultural items may be encountered, the GC will implement consultation procedures and planning requirements of Section 3 and Section 5 of NAGPRA prior to issuing approval to proceed with the activity. (LD: 43 CFR 10.3 and 43 CFR 10.5)

(4) Establish initial communication with Federally recognized Indian Tribes via written correspondence between the GC and heads of tribal governments. Formally document all resulting agreements. (LD: 43 CFR 10)

(5) Inventory, summarize, and repatriate cultural items that are in existing collections under Army possession or control. Where there is a dispute as to the affiliation of cultural items, safeguard the cultural items until the dispute is resolved. (LD: 43 CFR 5, 6, 7, and 10)

e. ARPA and AHPA Compliance.

(1) Ensure the GC serves as the Federal land manager with responsibility for installation compliance with ARPA. (LD: 32 CFR 229)

(2) Ensure the GC serves as the Federal agency official with management authority over archeological collections and associated records. (LD: 36 CFR 79)

(3) Establish and include installation policy for management of, and for limitation of collection and removal of, paleontological resources in ICRMPs. Address known paleontological resources in any NEPA documentation prepared for actions that may impact or cause irreparable loss or destruction of such resources.

(4) Prohibit searching for or collection of historic properties (including archaeological resources) on Army installations except when authorized by the GC and pursuant to a permit issued under ARPA.

(5) Minimize the amount of archeological material remains permanently curated by reserving such treatment for diagnostic artifacts and other significant and environmentally sensitive material that will add important information to site interpretation.

(6) Curation of archeological materials from Army lands will occur only in 36 CFR 79-compliant repositories. Maximize use of off-installation facilities that are better able to provide for adequate long-term curatorial services.

(7) Do not disclose to the public information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under ARPA or under any other provision of Federal law. (LD: Section 9a, ARPA 1979)

Chapter 7 Pollution Prevention

7-1. Policy

a. Pollution prevention is the Army's preferred approach, where timely and cost-effective, to achieve and maintain compliance with environmental laws and regulations.

b. Prevent pollution from all sources to the extent practicable by:

(1) Reducing pollutants at the source.

(2) Modifying manufacturing, packaging, and shipping processes, maintenance or other industrial practices.

(3) Modifying product designs.

(4) Developing and modifying acquisition systems.

(5) Recycling/reuse (to include implementing water and energy conservation measures), especially in closed-loop processes.

(6) Preventing disposal and transfer of pollution between media.

(7) Meeting affirmative procurement requirements and promoting the acquisition and use of environmentally preferable products and services.

(8) Promoting use of nontoxic substances.

c. Use pollution prevention to complement, and where practicable, replace traditional pollution control approaches.

d. Incorporate pollution prevention planning throughout the mission, operation, or product life cycle.

7-2. Legal and other requirements

a. 42 USC 6901, (*RCRA*).

b. PL 109-58.

c. Sections 6901-6992k, Title 42, United States Code (42 USC 6901-6992k)).

d. Sections 13101-13102, Title 42, United States Code (42 USC 13101-13102).

e. EO 13423.

f. DODI 4715.4.