

**PROTOTYPE
PROGRAMMATIC AGREEMENT
BETWEEN
THE UNITED STATES ARMY FORT SILL AND
THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE
REGARDING BUILDING INTERIORS**

WHEREAS, The U.S. Army (Army), manages multiple buildings and structures that are listed on, or eligible for inclusion in, the National Register of Historic Places (National Register);

WHEREAS, Fort Sill has determined that its management activities that are undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC § 470f, and its implementing regulations at 36 CFR part 800 (Section 106), may result in adverse effects to the interiors of historic properties;

WHEREAS, the Army has developed cultural resource management regulations and guidance under Army Regulation (AR) 200-1 that provide a framework for the Army to make informed decisions regarding the cultural resources under its control and jurisdiction in compliance with public laws, in support of the military mission, and consistent with sound principles of cultural resource management;

WHEREAS, survey information for historic property interiors is not generally available in order to evaluate the significance of the interior features and whether they contribute to the significance of the building as a whole;

WHEREAS, the time consuming and repetitive nature of reviewing and evaluating individual interior spaces within the Army's historic inventory that have been altered or have endured many changes over time due to a succession of multiple functions imposed on these resources, makes compliance with the regular Section 106 process for effects to these interiors inefficient;

WHEREAS, the Army therefore sought an alternative way to comply with its responsibilities under Section 106 with regard to non-significant interiors of historic properties within its historic property inventory;

WHEREAS, that effort to seek an alternative resulted in the Advisory Council on Historic Preservation (ACHP) designating this Agreement as a Prototype Programmatic Agreement (PA), under 36 CFR § 800.14(b)(4), after consultation with the Army, the National Conference of State Historic Preservation Officers, the National Park Service and those organizations listed in Appendix B of this PA;

WHEREAS, once so designated by the ACHP, individual Programmatic Agreements using the Prototype as a template or model do not require the participation or signature of the ACHP;

WHEREAS, prior to execution of this particular PA, Fort Sill consulted with the Oklahoma SHPO to discuss any concerns the SHPO may have regarding the interiors of particular historic properties within the installation;

NOW, THEREFORE, Fort Sill and the SHPO agree that its undertakings shall be administered in accordance with the following stipulations to satisfy Fort Sill's Section 106 responsibilities for the effects of its undertakings on the interiors of historic properties in the Fort Sill inventory.

STIPULATIONS

Fort Sill shall ensure that the following Stipulations are carried out:

I. Compliance for Interiors of Historic Properties that are individually eligible for or listed on the National Register.

For historic properties that are individually listed on or eligible for the National Register, within Fort Sill, no further review will be necessary for alterations to the interiors of historic properties, if all of the following conditions are satisfied:

- (a) Fort Sill has completed an interior survey, meeting the specifications in Appendix A of this PA, on an individually eligible historic property and, based on that survey, determines that its interior does not contribute to the significance of the property or the historic district where it is located;
- (b) The survey and the determination is conducted by a qualified professional that meets the relevant standards outlined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, pursuant to 36 CFR part 61; and
- (c) The SHPO concurs in the determination that the interior does not contribute to the significance of the property or the historic district; and
- (d) The survey and determination documentation is retained by Fort Sill within its cultural resource management office in a permanent database. Fort Sill will provide the SHPO with electronic or paper copies of these documents.
- (e) This provision is limited to those historic properties that are individually significant at a state or local level of significance. Any individual property that has national significance will be treated as an NHL and will not be subject to this PA, as provided in Stipulation III.

(f) Appendix D to this PA contains the list of properties at Fort Sill that are individually eligible for or listed on the National Register. The list further identifies when the interior survey occurred with the corresponding results.

II. Compliance for Interiors of Buildings Not Individually Eligible

For properties that are contributing elements within a National Register listed or eligible historic district, no further review will be necessary for alterations to those interiors within Fort Sill if all the following conditions are satisfied:

(a) Fort Sill has determined that the historic properties in question are not individually eligible for the National Register.

(b) The SHPO concurs in the determination; and

(c) Such determinations must be conducted by a qualified professional that meets the relevant standards outlined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, pursuant to 36 CFR part 61.

(d) Provided however, that the SHPO may determine certain interior spaces or interior features within the historic district are significant. Once the SHPO notifies Fort Sill in writing about such a determination, a description identifying the relevant interior will be included in Appendix C of this Agreement and the relevant interior will not be subject to this PA, but instead, will be subject to future Section 106 review pursuant to 36 CFR §§ 800.3 through 800.7 or a duly adopted Program Alternative pursuant to 36 CFR § 800.14. These determinations will not restrict the ability of the SHPO and Fort Sill to apply this PA to the other interior spaces and features within the historic district that have not been determined to be significant.

(e) Appendix E to this PA contains the list of buildings that Fort Sill and the SHPO have concurred are not individually eligible for the National Register.

III. Compliance for Interiors of Buildings within National Historic Landmark Districts

Fort Sill, in consultation with SHPO and NPS, will determine which interiors within NHL Districts require survey to assess the presence of features that contribute to the significance of the NHL district. The survey instrument, provided as an attachment to this PA, will include provisions that address NHL Districts. No individually listed NHL historic properties will be subject to this PA.

(a) In the event that interior features contributing to the significance of the NHL district are identified by the SHPO or the installation through a qualified

professional that meets the relevant standards outlined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, pursuant to 36 CFR part 61, those interiors would not be subject to this PA and will therefore be subject to future Section 106 review pursuant to 36 CFR §§ 800.3 through 800.7 or a duly adopted Program Alternative pursuant to 36 CFR § 800.14.

(b) For interiors that are determined by the survey to be non-contributing to the significance of the NHL district, no further review of alterations to those interiors will be necessary, if all of the following conditions are satisfied:

(1) The determination is conducted by a qualified professional that meets the relevant standards outlined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards, pursuant to 36 CFR part 61;

(2) The SHPO concurs in the determination; and,

(3) The structure is not individually eligible for the National Register at a national level of significance.

(c) Appendix F to this PA contains the list of contributing properties in the Fort Sill National Historic Landmark District. The list further identifies the consensus assessment if the building interior requires a survey and any corresponding results.

IV. Inapplicability of this PA

(a) This PA shall not apply to the addition of an element of an interior placed immediately adjacent to a window and visible from the exterior of any historic property, such as a stairway or inserted floor that may be seen through the window.

(b) If the proposed interior alterations are part of a larger project (undertaking), this PA shall not apply to any other components of the project (undertaking) but only to the elements of the project that relate exclusively to the alteration of interiors.

(c) This PA does not apply in connection with effects to historic properties that are located on tribal lands and/or that are of religious and cultural significance to Indian tribes.

V. Meetings and Reports

Fort Sill and the SHPO shall meet on the third Thursday of November and every three years thereafter, to discuss implementation and effectiveness of this PA. Such meetings shall include identification of other interior surveys that may need to be conducted and efficiencies in the management at the installation that will further streamline time and cost savings measures for the Army and the SHPO.

VI. Dispute Resolution

Should any signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, Fort Sill shall consult with such party to resolve the objection. If Fort Sill determines that such objection cannot be resolved, Fort Sill will:

- (a) Forward all documentation relevant to the dispute, including Fort Sill's proposed resolution, to the ACHP. The ACHP shall provide Fort Sill with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Fort Sill shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. Fort Sill will then proceed according to its final decision.
- (b) If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, Fort Sill may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Fort Sill shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
- (c) Fort Sill's responsibility to carry out all other actions subject to the terms of this PA that are not subject of the dispute remain unchanged.

VII. Amendment

This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. Termination

If any signatory to this PA or the ACHP determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to

develop an amendment per Stipulation VII, above. If within thirty (30) days (or another time period agreed to by all parties) an amendment cannot be reached, any signatory or the ACHP may terminate the PA upon written notification to the other signatories. Once the PA is terminated, Fort Sill will continue to comply with Section 106 for the effects of its undertakings on the interiors of its historic properties through the process at 36 CFR §§ 800.3 – 800.7, or through an existing and applicable program alternative under 36 CFR § 800.14.

IX. Anti-Deficiency Act

The stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. Fort Sill will make a reasonable and good faith effort to secure the necessary funds to implement this PA in its entirety. No obligation undertaken by Fort Sill under the terms of this PA shall require or be interpreted to require a commitment to expend funds not appropriated for a particular purpose. If compliance with the Anti-Deficiency Act alters or impairs Fort Sill's ability to implement the stipulations of this PA, Fort Sill will consult pursuant to Stipulations VII and VIII.

X. Sunset Clause

This PA will terminate on its own accord ten (10) years after its issuance, unless it is amended before that date to extend that period.

XI. Relationship to Privatization of Army Lodging Programmatic Agreement

This PA supersedes the "Programmatic Agreement Among U.S. Army Garrison Fort Sill, Oklahoma and the Oklahoma State Historic Preservation Officer for the Privatization of Army Lodging at Fort Sill, Oklahoma" (PAL PA) executed on June 24, 2009 with regard to the effects of Fort Sill's undertakings on the interiors of the historic properties subject to the PAL PA. The PAL PA will remain in effect in accordance with its provisions with regard to all other effects.

XII. Relationship to Residential Communities Initiative Programmatic Agreement

This PA supersedes the "Programmatic Agreement Among US Army Garrison Fort Sill, Oklahoma, Oklahoma State Historic Preservation Officer and the Advisory Council on Historic Preservation for the Privatization of Family Housing at Fort Sill, Oklahoma" (RCI PA) executed on April 3, 2008 with regard to the effects of Fort Sill's undertakings on the interiors of historic properties subject to the RCI PA. The RCI PA will remain in effect in accordance with its provisions with regard to all other effects.

XIII. Updating Appendices C through F

Appendices C through F of this PA correspond to Stipulations I through III and identify specific properties at Fort Sill and the status of the property in terms of the relevant stipulation. Changes to the appendices will be based upon written correspondence between Fort Sill and the SHPO which documents that a consensus determination has been made concerning the National Register status of the property and/or the contributing/noncontributing status of the property's interior. Because the appendices will evolve over time based on evaluation efforts and other potential activities, the appendices may be updated without requiring any change to the overall PA. The date the appendix is printed will be included in the header of each appendix and will be changed each time an update is produced. Fort Sill will review Appendices C through F annually and provide updated appendices as appropriate to the SHPO.

Execution of this PA by Fort Sill and SHPO, the filing of this PA with the ACHP, and implementation of its terms evidence that Fort Sill has taken into account the effects of its undertakings on the interiors of the historic properties in its inventory and afforded the ACHP an opportunity to comment.

SIGNATORIES:


Fort Sill



Colonel Paul Hossenlopp, Garrison Commander

Date 6 JAN 12

Oklahoma State Historic Preservation Officer



Dr. Bob Blackburn, State Historic Preservation Officer

Date 2-8-12

Appendix A

Historic Building Interior Survey Form

Historic Building Interior Survey Form

Print Form

This form is to be used in conjunction with the Advisory Council on Historic Preservation's Prototype PA on Army Interiors

Installation: Surveyed By:

Facility Number: Surveyed Date:

Facility Name: Facility Address:

This form is to be used to identify whether the interior of a historic property contributes to its significance which makes it eligible for listing on the National Register of Historic Places. This form can be used to cover an entire building or multiple forms can be used together to cover different rooms or additions of a building.

Select only one historic status code below that reflects the buildings current status:

- NHLC - Contributing Element to a NHL District
 NRHC - Contributing Element of a NR Historic District
 NRLI - Individually Listed on the National Register of Historic Places List
 NREI - Individually eligible for the National Register
 NREC - Contributing Element of a NR eligible Historic District

Please check the appropriate box if a building element is an original finish of the building and/or a character defining feature of the building. A building element may be original but may not be a character defining feature if building is only a contributing property of a historic district and not individually listed.

Building Element	Original finish	Character Defining feature	Area or room of Building:	Building Element	Original finish	Character Defining feature
Ceilings				Plumbing		
Ceiling fixtures	<input type="checkbox"/>	<input type="checkbox"/>		Fixtures	<input type="checkbox"/>	<input type="checkbox"/>
Ceiling Mouldings	<input type="checkbox"/>	<input type="checkbox"/>		Hardware	<input type="checkbox"/>	<input type="checkbox"/>
Ceiling finish	<input type="checkbox"/>	<input type="checkbox"/>		Mechanical Systems		
Doors				Hardware	<input type="checkbox"/>	<input type="checkbox"/>
Door hardware	<input type="checkbox"/>	<input type="checkbox"/>		HVAC	<input type="checkbox"/>	<input type="checkbox"/>
Door mouldings	<input type="checkbox"/>	<input type="checkbox"/>		Stairways		
Door types	<input type="checkbox"/>	<input type="checkbox"/>		Balustrade	<input type="checkbox"/>	<input type="checkbox"/>
Fireplaces				Decorative elements	<input type="checkbox"/>	<input type="checkbox"/>
Hearth	<input type="checkbox"/>	<input type="checkbox"/>		Steps	<input type="checkbox"/>	<input type="checkbox"/>
Surround	<input type="checkbox"/>	<input type="checkbox"/>		Architectural Features		
Floors				Built-ins	<input type="checkbox"/>	<input type="checkbox"/>
Flooring	<input type="checkbox"/>	<input type="checkbox"/>		_____	<input type="checkbox"/>	<input type="checkbox"/>
Thresholds	<input type="checkbox"/>	<input type="checkbox"/>		<div style="border: 1px solid black; border-radius: 15px; padding: 10px; width: fit-content; margin: 0 auto;"> Does the interior contribute to the significance of the structure? <input type="radio"/> Yes <input type="radio"/> No </div>		
Walls						
Fixtures	<input type="checkbox"/>	<input type="checkbox"/>				
Wall mouldings	<input type="checkbox"/>	<input type="checkbox"/>				
Wall finish	<input type="checkbox"/>	<input type="checkbox"/>		Other Details		
Window mouldings	<input type="checkbox"/>	<input type="checkbox"/>		_____	<input type="checkbox"/>	<input type="checkbox"/>
				_____	<input type="checkbox"/>	<input type="checkbox"/>
				_____	<input type="checkbox"/>	<input type="checkbox"/>

Appendix B

Public Involvement – List of Stakeholders

Army Working Group:

Kathleen McLaughlin – Army Deputy Preservation Officer
Jennifer Groman – former Army Deputy Preservation Officer
Robert L. Beardsley – Fort Leavenworth Cultural Resource Manager
Sarah Killinger – Army Liaison with the Army Environmental Command
Kristin Leahy – Army National Guard Bureau
Derek Manning – Fort Belvoir Cultural Resource Manager
Chantal C. McKenzie – Texas Army National Guard
Suzanne Perry – Fort Benning
Susan E. Smead – Virginia Army National Guard
Paul D. Rubenstein – Corps of Engineers Deputy Preservation Officer
Susan L. Thompson – Army Environmental Command

National Park Service:

J. Paul Loether – Chief National Register of Historic Places National Historic Landmarks Program
Alexandra M. Lord, Ph.d. – Branch Chief, National Historic Landmarks Program
Jeffery L. Durbin – Section 106 Compliance
Jim Gabbert – National Center for Preservation Resources, Historian
Jon Smith – Assistant Associated Director for Heritage Preservation Assistance Programs

National Council of State Historic Preservation Officers:

Nancy Schamu – Executive Director

National Trust for Historic Preservation:

Elizabeth S. Merritt – Deputy General Counsel

State Historic Preservation Office Representatives (focus group):

Georgia – Elizabeth Shirk

Maryland – Elizabeth Cole and Amanda Apple

Texas – Caroline Wright and William McWhorter

Virginia – Marc Holma

State Historic Preservation Office Representatives:

Illinois – Anne Haaker

Florida – Laura Kammerer

Kansas – Kimberly Norton Gant

Kentucky – Craig Potts and Jill Howe

Missouri – Judith Deel and Rebecca Prater

Montana – Peter Brown

New Mexico – Terry Moody

North Dakota – Susan Quinnell

Appendix C

Interior spaces or interior features within a historic district determined by SHPO to be significant and not subject to this Agreement

Appendix D

List of Fort Sill properties that are individually eligible for or listed on the National Register

Appendix E

List of Fort Sill properties not individually eligible for or listed on the National Register

Appendix F

List of Fort Sill properties in the Fort Sill National Historic Landmark District

AMENDMENT TO
PROTOTYPE
PROGRAMMATIC AGREEMENT
BETWEEN
THE UNITED STATES ARMY FORT SILL AND
THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE
REGARDING BUILDING INTERIORS

WHEREAS, the Prototype Programmatic Agreement Between the United States Army Fort Sill and the Oklahoma State Historic Preservation Office Regarding Building Interiors (Agreement) was executed on February 8, 2012; and,

WHEREAS, the signatories for the Agreement were the United States Army Fort Sill (Fort Sill) and the Oklahoma State Historic Preservation Office (SHPO); and,

WHEREAS, in accordance with Stipulation V of the Agreement, Fort Sill and the SHPO met on January 9, 2013 to discuss efficiencies in the management at the Installation that may further streamline time and cost saving measures for Fort Sill and the SHPO; and,

WHEREAS, one of the efficiencies Fort Sill proposed at the meeting was development and implementation of a system of preservation zoning for buildings that could be subject to Stipulation I of the Agreement but do not satisfy condition (a) of Stipulation I because the interior has been determined to contribute to the significance of the historic property; and,

WHEREAS, the system of preservation zoning would provide a time and cost saving measure for Fort Sill and the SHPO by streamlining Section 106 consultation requirements for work on contributing interiors of individually eligible or listed historic properties; and,

WHEREAS, Fort Sill has considered other options to streamline and reduce the need for case-by-case review of proposed work on the interiors of these buildings and believes that this amendment is the most expedient and cost effective method of addressing this issue; and,

WHEREAS, Fort Sill will send a copy of this executed amendment to the ACHP;

NOW, THEREFORE, in accordance with Stipulation VII of the Agreement, Fort Sill and the SHPO agree to amend the Agreement by adding the following Stipulation:

Stipulation XIV: Compliance for Interiors of Historic Properties that could be subject to Stipulation I of the Agreement but do not satisfy condition (a) of Stipulation I.

For historic properties within Fort Sill that are individually listed on or eligible for the National Register of Historic Places (National Register) and its interior has been determined to contribute to the significance of the property or the historic district where it is located, no further review will be necessary for alterations to the interiors of the described properties, if all of the following conditions are satisfied:

- (a) Fort Sill has completed an interior survey, meeting the specifications in Appendix A of the Agreement, on an individually eligible historic property and, based on that survey, determines that its interior contributes to the significance of the historic property; and,
- (b) The SHPO concurs in the determination that the interior contributes to the significance of the property or the historic district; and,
- (c) Conditions (b), (d), (e), and (f) of Stipulation I are satisfied; and,

These conditions relate to the professional qualifications of the surveyor, the retention of documentation in a permanent database and provision of documentation to the SHPO, the exclusion of individually eligible historic properties that are nationally significant, and the identification of subject properties and status of the survey effort in Appendix D of the Agreement

- (d) As part of the interior survey, the interior spaces are categorized as either primary or secondary spaces according to the definitions provided in (1) and (2) below; and,

(1) Primary spaces are those that are essential in conveying the historic and architectural character of the building.

(2) Secondary spaces are those that may help define the building's significance and character but, because of their size, location, or function, are less critical in defining a building's importance within its period of significance.

The above definitions are based on the Technical Preservation Service's (TPS) document "Identifying Primary and Secondary Interior Spaces in Historic Buildings," retrieved on April 3, 2013 from <http://www.nps.gov/tps/standards/applying-rehabilitation/successful-rehab/interiors-primary-secondary.htm>. The TPS is a division of the National Park Service (NPS).

(e) Fort Sill develops documentation that clearly illustrates the status of the spaces as primary or secondary, such as floor plans which are coded to show primary and secondary spaces; and,

(f) The SHPO concurs in the determination of primary and secondary spaces; and,

(g) Any work in primary spaces is consistent with the Treatment Standards; and,

(1) Any proposed project in primary spaces that includes work that is not consistent with the Treatment Standards will be consulted with the SHPO in accordance with 36 CFR §§ 800.3 through 800.7 or a duly adopted Program Alternative pursuant to 36 CFR § 800.14.

(h) Any work in secondary spaces has no potential to cause adverse effect(s), as defined in (1) below, on primary spaces.

(1) Based on 36 CFR § 800.5(a)(1), an adverse effect is defined as work that alters, directly or indirectly, any of the characteristics of the primary space that qualifies it to be contributing to the historic property in a manner that diminishes the primary space's integrity of design, materials, workmanship, feeling or association.

(2) Any proposed project in secondary spaces that includes work that has the potential to cause adverse effect(s) on primary spaces will be consulted with the SHPO in accordance with 36 CFR §§ 800.3 through 800.7 or a duly adopted Program Alternative pursuant to 36 CFR § 800.14.

SIGNATORIES:

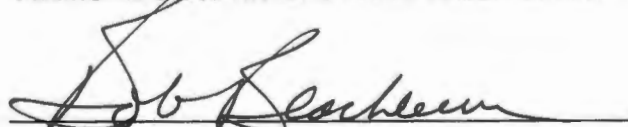
Fort Sill



Colonel Paul Hossenlopp, Garrison Commander

Date 8 MAY 2013

Oklahoma State Historic Preservation Officer



Dr. Bob Blackburn, State Historic Preservation Officer

Date May 14, 2013