

APPENDIX B

PROGRAMMATIC AGREEMENT

DRAFT
PROGRAMMATIC AGREEMENT
AMONG
THE DEPARTMENT OF THE NAVY
AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER
CONCERNING
THE OPERATIONS AND MAINTENANCE OF
THE NAVAL WEAPONS INDUSTRIAL RESERVE PLANT,
PLANT NO. 387, DALLAS, DALLAS COUNTY, TEXAS

WHEREAS, the Department of the Navy (Navy) is responsible for the implementation of legislative mandates ordered by the Congress of the United States of America; and

WHEREAS, the United States Navy has executed a renewal of the lease of the Naval Weapons Industrial Reserve Plant (NWIRP) Dallas to Northrop Grumman Corporation, which, in turn, sub-let the NWIRP to Vought Aircraft Industries, Inc. (Lessee), in accordance with Public Law 106-65, for parcels of real property consisting of approximately 314 acres and comprising the NWIRP No. 387, Dallas, Texas (NWIRP Dallas); and,

WHEREAS, in consultation with the Texas State Historic Preservation Officer (SHPO), it has been determined by the Navy that the operations and maintenance of this property constitutes an undertaking as set forth at 36 CFR, Part 800.3(a) and 36 CFR, Part 800.9(a); and

WHEREAS, the Navy has conducted an Intensive survey of the land and buildings which compose the NWIRP Dallas, during which seven buildings (Buildings 1,6, 7, 16, 49, 94, and 97), hereinafter referred to as “historic properties” (Appendix 1), were found to meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, in light of the existence of NRHP-eligible properties, the Navy conducted and prepared an Integrated Cultural Resources Management Plan (ICRMP) which establishes a program for the maintenance and protection of the aforementioned historic properties, which has been reviewed and concurred in by the SHPO; and,

WHEREAS, in accordance with Section 110 of the *National Historic Preservation Act of 1966, as amended (NHPA)*, the Navy duly consulted with the SHPO; the City of Dallas

Planning and Development Office; The City of Grand Prairie, Texas; the Dallas County Historic Commission; the Preservation Dallas Commission; the J. Erik Johnsson Central Library; and the general public through a formal public hearing concerning the contents and programs outlined in the intensive survey and the ICRMP; and,

WHEREAS, the consulting parties identified above have concurred in the Navy’s established program for operations and maintenance of the NWIRP Dallas and its historic properties; and

WHEREAS, the Navy has consulted with the SHPO, Texas Historical Commission, and the consulting parties pursuant to 36 CFR, Part 800 (Regulations), regulations implementing Section 106 of the NHPA (16 U.S.C., Section 470f), Section 110(f) of the same NHPA (16 U.S.C., Section 470h.2[f]), and Section 111 of the same NHPA (16 U.S.C., Section 470h.3); and

WHEREAS, there is an agreed upon mechanism for the amendment of this Agreement as future circumstances may require (Appendix 3); and

NOW, THEREFORE, the Navy and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect(s) of the undertaking on historic properties.

STIPULATIONS

The Navy will ensure that the following stipulations are implemented:

I. Architectural and Archeological Properties

A. For the purposes of this Agreement, it is understood that:

1. Based upon the investigation, identification and evaluations processes discussed in the Survey, NWIRP Dallas’ historic properties are the only structures, which meet the eligibility criteria for inclusion in the NRHP, and they are eligible under Criteria “A”, association with significant events. The physical description and historic context of each of the historical properties is contained in the intensive survey and the ICRMP.

2. No indications of archeological deposits were found within the boundaries of NWIRP Dallas, due to the fact that the entire complex is, for all practical purposes, paved from boundary to boundary, and where there is no paving, the soil has been severely disturbed over the years. Therefore, it has been determined that there is little possibility of the existence of significant archeological properties existing which might be

eligible for inclusion in the NRHP. However, Appendix 2 has been prepared and is included in this Programmatic Agreement (PA) in the event of an unanticipated discovery of archeological deposits.

II. Area of Potential Effect (APE)

Although some future conveyance activities may induce changes in population distribution, traffic, and/or land use that extend beyond the boundaries of NWIRP Dallas properties, and/or parcels on which new construction might occur, the future effect of these changes on potential historic properties is uncertain at this time. However, in an effort to accommodate all future actions that might take place, the entire 314-acre site of NWIRP Dallas has been defined as the area of potential effect, in spite of the fact that it contains only seven (7) historic properties. In cases of dispute over the APE of this undertaking, the conditions set forth in this PA will be binding on all parties to the PA until such time as it is modified through formal negotiations between the principal signatory parties.

III. NEPA Coordination

A. It is mutually understood that many of the terms of this agreement will be carried out after the Navy has complied with the National Environmental Policy Act (NEPA) and filed its Record of Decision (ROD), Finding of No significant Impact (FONSI), or Categorical Exclusion (CATEX). Nevertheless:

1. The Navy must meet all its NHPA responsibilities for the federal property described and identified herein; and,
2. Whenever it is feasible for the Navy to carry out the terms of this PA prior to filing the ROD, FONSI, or CATEX, the Navy will do so; and
3. When it is infeasible to complete the actions required by Section 106 of the NHPA prior to issuance of a CATEX, FONSI (assuming a FONSI is otherwise prior, given the affects on historic properties), or ROD, the Navy will stipulate in the CATEX, FONSI, or ROD the specific areas in which the Navy has not complied with the Act. A conveyance or other associated activities which could affect historic properties shall be held in abeyance until the actions necessary to assess and take into account the effects on historic properties have been completed consistent with the terms set forth in this PA; and,
4. For the Navy, the Southern Division, Naval Facilities Engineering Command Historic Preservation Officer (HPO) or his designee will review the draft ROD or FONSI for any actions requiring NEPA documentation to ensure that outstanding historic preservation requirements are adequately addressed in these documents; and,

5. The Navy will ensure that no actions that could result in effects on existing or potential historic properties are undertaken pursuant to a ROD, FONSI, or CATEX until the terms of this PA have been carried out.

B. The Navy will coordinate the NEPA process with its lessee(s). In accordance with NEPA requirements, NEPA documentation for NWIRP Dallas will:

1. Identify known or potential historic properties and past studies; and,
2. Identify the potential for historic properties to be affected by the identified action(s); and,
3. Identify the steps necessary for the Navy to meet its Section 106 responsibilities under the NHPA.

C. The level of documentation in Stipulation III, B, 1-3, above will be commensurate with the type of environmental document prepared. Only brief overviews and summaries of impacts, if any, are expected in a CATEX. When an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is prepared, a more detailed presentation of data will be included

D. The Navy will send the SHPO any Draft EA (DEA) or Draft EIS (DEIS) for their review and comment. There will be a 30-day review period from the date received during the public review and comment period. The information included in these documents will constitute the first public effort in the process to assess the potential effects on the historic properties, as defined in 36 CFR, Parts 800.4 and 800.5.

E. The Navy will ensure that copies of the Final EA or Final EIS are provided to the SHPO.

F. The Navy shall provide a copy of this Agreement, its attachments and appendices, and the materials listed in Stipulation IX of this PA, to appropriate Commanders, Commanding Officers, Major Claimants, and other elements of the Navy responsible for any actions necessitating NEPA compliance.

IV. Identification and Evaluation

A. Identification and Evaluation Process

1. In accordance with the requirements of Section 110 of the NHPA and the Regulations, the Navy has conducted an intensive survey, which identified and evaluated the NRHP-eligibility of properties located within the boundaries of NWIRP Dallas. This survey, in its preliminary form,

was submitted to the Texas SHPO for review and comment, and has been made available to interested parties of the general public, the local governments, the Dallas Landmark Commission, and the City of Dallas, and their comments solicited. All comments received were taken into account, and proposed changes considered valid were incorporated into the final document. A copy of the final document was provided the SHPO, the City of Dallas, the concerned Navy commands, the Dallas Public Library, and the general public was notified of its availability for review. No general public comments were received.

2. During the conduct of the investigation detailed in the intensive survey document, only the historic properties previously identified were found to be eligible for inclusion in the NRHP, and that eligibility was based on the buildings meeting the criterion set forth in Criterion "A". No archeological properties were discovered which met the criteria for inclusion in the NRHP, and as a result it was the determination of the Navy that no archeological historic properties exist within the boundaries of NWIRP Dallas. The Texas SHPO has concurred in that determination.

3. The Navy will ensure the identification of significant records and objects related to the historic past of NWIRP Dallas, and these records and/or objects will be archived at a repository in accordance with the *National Records Act* or as specified by the Secretary of the Navy, in accordance with the requirements of the NHPA, should NWIRP Dallas ever be conveyed to a non-Federal entity.

4. The Navy will provide guidance to those lessee personnel assigned to NWIRP Dallas to ensure that historic properties are not inadvertently damaged, destroyed, or allowed to deteriorate during their operations.

V. Interim Protection of Historic Properties

A. NWIRP Dallas is currently sub-leased to the Vought Aircraft Industries, Inc. (Lessee), who has been assigned maintenance, repair, and upkeep responsibilities for the property under the terms of their lease agreement, under the guidance of the Defense Contract Management Command (DCMC), which maintains quality control on behalf of the Navy. The lease agreement also stipulates that no modification, additions, alterations, repairs, or new construction to any of the facilities are to be carried out without the express written permission of the Department of the Navy. Additionally, the Lessee has been advised by correspondence made in an addendum to the Assignment and Transfer of Rights and Duties that the historic properties are NRHP-eligible buildings, and that no alterations, modifications, or other actions which have the potential to affect the character of the buildings can be undertaken without specific written approval of the Navy. Thus, all parties to this agreement are assured that compliance with the

requirements of Section 106 of the NHPA will continue to be maintained throughout the period of the lease.

B. Any projects that the Lessee may propose will be presented to the HPO, Southern Division, Naval Facilities Engineering Command (SOUTHNAVFAC), who will conduct the required Section 106 consultation concerning those projects on behalf of the Navy.

C. In order to ensure interim and long-term protection of the historic properties, the Navy has prepared recordation documentation of those seven (7) historic buildings. This documentation has been prepared in accordance with SHPO standards, and includes a narrative historic context, copies of selected original architectural drawings, interior and exterior photographs, and completed Texas State File forms. This documentation has been provided to the SHPO, the Lessee, and the Navy.

VI. Exemptions to Consultation Requirements

A. Undertakings carried out in accordance with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Standards) and NAVFAC MO-913, *Historic Structures Preservation Manual* (MO-913) will not require review by the Advisory Council on Historic Preservation, unless:

1. the undertaking is found during consultation between the Navy and the SHPO to have an adverse effect on historic properties; and/or
2. the Navy and the SHPO cannot agree on measures to mitigate the adverse effect(s).

B. Should the SHPO object to any mitigation measures that the Navy proposes, the Navy will follow the steps described in Stipulation XI, "Dispute Resolution", below.

C. The following are undertakings which do not require SHPO review:

1. The following types of undertakings shall be considered to have no effect on historic properties and may proceed without notice to the SHPO:
 - a. Sidewalk, street, and storm gutter repairs;
 - b. Work remote to the historic properties, except exterior work on properties directly adjacent or where new construction will be directly adjacent;

- c. Introduction or removal of temporary storage facilities or garbage disposal facilities adjacent to the historic properties;
- d. Maintenance of existing landscaping and trees;
- e. Removal of dead, dying, or diseased unsalvageable vegetation and/or trees;
- f. Interior rehabilitation of buildings other than the historic properties;
- g. Minor, in-kind repair or replacement of building or site features, elements, or materials of historic properties such that original/significant historic fabric is matched in materials, size, dimension, color, texture, finish, construction details, and all other visual qualities;
 - + Repair or replacement of in-kind roof
 - + Repair or replacement of existing siding or replacement of deteriorated siding to match existing
 - + Replacement of in-kind doors and door hardware
 - + Repair, replacement, or installation of gutters and downspouts
 - + Repairs to or in-kind replacement of existing windows
 - + Repairs to or in-kind replacement of existing screen windows and storm doors and windows
- h. Minor modifications to heating, ventilation, and air conditioning (HVAC), plumbing, or electrical systems provided that such work does not affect the exteriors or significant interior features of the historic properties.
- i. Energy conservation methods that are not readily visible such as interior insulation, caulking, and weather-stripping
- j. Repainting of previously painted exterior or interior surfaces of the historic properties
- k. In-kind replacement of window panes

D. Rehabilitation

1. All rehabilitation undertakings on the historic properties shall adhere to the Standards and MO-913.

2. Except for those undertakings consisting of actions not requiring review, the Lessee will provide project documentation to DCMC on each undertaking, who will, in turn, forward that documentation to the SOUTHNAVFAC HPO, who will then carry out consultation in accordance with this PA with the SHPO on behalf of the Navy.

3. All rehabilitation undertakings that will significantly change the exterior of a building or buildings directly adjacent to the historic properties shall be designed so that the exterior of such building(s) will be compatible with the historic properties in terms of size, scale, color, material, and character. Except for those undertakings not requiring review, as described in Stipulation VI.C, the Lessee will provide project documentation to DCMC as set forth above for forwarding to the SOUTHNAVFAC HPO and subsequent consultation with the Texas SHPO.

4. If the Texas SHPO determines that the proposed rehabilitation of the historic properties does not adhere to the Standards, or that rehabilitation of an immediately adjacent building will have an adverse visual effect on the historic properties, further review will proceed pursuant to 36 CFR, Part 800.5 (e).

E. New Construction

1. New construction undertakings immediately adjacent to the historic properties shall adhere to the recommended approaches in the Standards that apply to new construction, specifically Standards 8, 9, and 10.

2. To ensure adherence to the recommended approaches set forth in the Standards, the Navy shall:

a. Provide complete documentation at the Design Development Phase of the project, including a description of the proposed project, siting, and setting to the SHPO for a review period of thirty (30) days from receipt; and,

b. Provide 35% design information to the SHPO for a review period of fifteen (15) days from receipt; and,

c. Provide progressive design information to the SHPO for a review period of fifteen (15) days from receipt if the Navy determines that said design is a radical departure from the 35% design in siting, footprint, massing, materials, or façade arrangement and appearance; and,

d. No response from the SHPO within the agreed upon review period shall be understood to indicate no objection to the undertaking or design, and a completion of the review and consultation process for the specific project being considered; and,

e. If at any point during its review, the SHPO objects to the plans for new construction, the Navy will follow the steps described in Stipulation XI, "Dispute Resolution", below.

F. Demolition

1. If a proposed undertaking involves the demolition of any historic property, or any portion thereof, the following documentation shall be provided to the SHPO and the Council for their concurrent review, provided that property has not already been documented:

- a. Current exterior and interior black-and-white photographs;
- b. Current structural analysis report, if pertinent;
- c. Reasons for proposed demolition; and
- d. Alternatives to demolition considered, and reasons for their rejection as viable.

2. If the SHPO does not object to the proposed demolition within a period of thirty (30) days from receipt, the Navy shall ensure that the historic property is recorded in accordance with the recordation level recommendations of the SHPO. Should Historic American Building Survey (HABS) documentation be required, HABS must accept the recordation, and the SHPO and the Council must be notified of its acceptance, prior to demolition. Otherwise, the SHPO must accept the documentation prepared to SHPO standards. In any event, a copy of the recordation documents will be provided the SHPO at the time of the acceptance notification.

3. If at any point during its review, the SHPO objects to the proposed demolition, the Navy will follow the steps described in Stipulation XI, "Dispute Resolution", below.

4. If demolition of a building, which is not a historic property, is proposed, the Navy shall notify the SHPO fifteen (15) days prior to start of demolition.

G. Protection of Archeological Resources

1. If a proposed undertaking involves excavation in an area of NWIRP Dallas which has not been previously disturbed, the Navy shall:
 - a. Provide a description of the site to the SHPO for a review period of fifteen (15) days from receipt;
 - b. No response from the SHPO after the agreed upon review period shall be taken to indicate no objection to the undertaking and a completion of the Section 106 process for the specific project.
2. In accordance with 36 CFR, Part 800.11(a), if previously undetected archeological resources are discovered during project activities, the Navy will cause to stop any and all activity that could have an effect upon the resource(s) and carry out those steps contained in Appendix 2, Archaeological Data Recovery Project Standards.
 - a. If further archeological investigation is required, any data recovery will be performed in accordance with the *Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (44 FR 44734-37)* and take into account the Council's publication, *Treatment of Archaeological Properties*.
 - b. If both the Navy and the SHPO determine that further investigation is not necessary, activities may resume with no further action required.
3. The Navy will actively ensure compliance with the *Archaeological Resources Protection Act (ARPA)* and the *Native American Graves Protection and Repatriation Act (NAGPRA)*, and will advise all contract and Navy personnel against illegal collection of cultural materials, should they be encountered, and of the penalties for such collection imposed by ARPA. Appropriate measures will be developed for the protection from looting and/or vandalism of historic and archeological resources under ARPA in consultation with the SHPO.

VII. Treatment and Management

- A. The Navy will ensure that the effects of all undertakings on historic properties are treated in accordance with the determinations and agreements reached pursuant to Stipulation V. above.
- B. The Navy will ensure that the provisions of the ARPA (P.L. 96-95) and the NAGPRA (P.L. 101-601) are implemented, as appropriate.

VIII. Public Involvement

- A. To the fullest extent possible and appropriate, the Navy will work with the Leasee, the SHPO, and other interested parties to develop treatments and/or management plans to ensure compatible reuse of the historic buildings.
- B. The Navy and the SHPO will consider the need for additional consulting parties consistent with the Council's publication *Public Participation in Section 106 Review: A Guide for Agency Officials (Advisory Council on Historic Preservation, 1989)*.
- C. To the extent possible and practical, public participation shall be coordinated with public participation under NEPA.
- D. The Navy has prepared an Integrated Cultural Resources Management Plan (ICRMP) for NWIRP Dallas, which establishes guidelines and procedures for the maintenance and management of all historic resources located at NWIRP Dallas. This ICRMP also examines, assesses, and applies the NRHP eligibility criteria to the nineteen (19) buildings and structures constructed at NWIRP Dallas during the period 1950 through 1956. A consensual agreement on the NRHP-eligibility those nineteen buildings or structures has been reached through consultation with the SHPO, and those eligible properties have been incorporated into the list of historic resources addressed by this agreement.

IX. Standards and Guidelines

- A. Standards and guidelines for implementing this PA include, but are not limited to:
 - a. Chief of Naval Operations (OPNAV) Instruction 5090.1B, Ch. 23;
 - b. Secretary of the Navy (SECNAV) Instruction 4000.35A;
 - c. 36 CFR, Part 800: *Protection of Historic Properties*;
 - d. The Section 110 Guidelines: *Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act (532 FR 4727-4746)*;
 - e. *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (National Park Service, 1990); and,
 - f. *Preparing Agreement Documents* (Advisory Council on Historic Preservation, 1989).

X. Documentation and Monitoring

A. The Navy shall retain documentation for all operations, maintenance, and development undertakings, specifically all undertakings with the potential to affect historic properties or known/unknown archeological sites, for a period not less than two years after completion of the undertaking. This documentation shall include photographs showing existing conditions prior to project start, work progress, work description, and photographs of the completed project. Should the property be transferred outside Federal jurisdiction, copies of all project files, active and inactive, will be provided the recipient of the property.

B. The SHPO may perform on-site review of completed or in-progress projects to ensure compliance with this PA. The SHPO will notify the Navy in writing, no less than thirty (30) days prior to an on-site review, and subsequent to the review, the SHPO shall provide the Navy with a summarized report of visit findings. All visits must be coordinated with the HPO, SOUTHNAVFAC.

C. A report summarizing historic and archeological resource projects shall be provided the SHPO annually on a date designated by the SHPO in writing. Summaries of the work accomplished by each project shall be approximately one concise paragraph in length.

D. The SHPO may provide training to Navy and/or leasee personnel on the responsibilities pursuant to Section 106 of the NHPA.

XI. Dispute Resolution

A. Should either party to this PA object to any actions proposed in relation to an undertaking pursuant to this PA, the Navy shall consult with the SHPO to attempt to resolve the objection. If the Navy determines that the objection cannot be resolved, it shall request the comments of the Council pursuant to 36 CFR Section 800.5(b)(2). Any Council comment provided in response to such a request shall be taken into account by the Navy in accordance with 36 CFR Section 800.7(c) with reference only to the subject of the dispute; the responsibility of the Navy to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged. The Navy will take public comments into account, and a formal response to those comments will be made.

B. If either of the parties to this Agreement believe that the terms of the PA cannot be carried out, or that an amendment to the terms of the PA is required, that party shall immediately notify the other signatory to the Agreement and request consultation to amend this agreement. Appendix 3 provides the format for such an amendment proposal. The process of amending the PA shall be the same as that exercised in creating the original PA.

C. The Historic Preservation Officer, Southern Division, Naval Facilities Engineering Command, shall serve as the Advisory Council and Texas SHPO's single point of contact with the Navy in all matters pertaining to historic properties at NWIRP Dallas, as stipulated by the Commander, Naval Air Systems Command.

XII. Anti-Deficiency Act

A. All requirements set forth in this PA requiring the expenditure of Navy funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C., Section 1341). No obligation undertaken by the Navy under the terms of this Agreement shall require or be interpreted to require a commitment to expend funds not appropriated for a particular purpose.

B. If the Navy cannot perform any obligation set forth in this PA due to the unavailability of funds, the Navy, the SHPO, and if appropriate, the Council intend the remainder of the PA to be executed. Any obligation under the PA, which cannot be performed due to unavailability of funds, must be renegotiated between the principal signatories.

XIII. Renewal

A. This PA shall be in effect for five (5) years from the date of execution, which shall be the date of the final signature. Before the end of the fifth year, the PA shall be reviewed by the Navy, the SHPO, and if appropriate, the Council, for possible needs for modifications, termination, or extension. At the request of any of the signatories, this PA may be reviewed for possible modifications, termination or extension at any time.

XIV. Termination/Execution of Agreement

This Agreement will terminate upon official notification to the SHPO and the Council, if appropriate, that all NWIRP Dallas properties have been transferred, or otherwise disposed, by the Navy, and that the Navy no longer holds any property interest in the property now known and defined as the NWIRP Dallas.

Execution and implementation of this PA establishes that the Navy has satisfied its responsibilities under Section 106 and 110(f) of the National Historic Preservation Act of 1966, as amended, for all individual or collective undertakings carried out under this PA and as outlined in this PA.

FOR THE DEPARTMENT OF THE NAVY:

_____ **Date:** _____
(John Ball, CAPT, USN, NAVAIR Facilities Director))

FOR THE TEXAS HISTORICAL COMMISSION:

_____ **Date:** _____
(F. Lawrence Oaks, Texas State Historic Preservation Officer)

ACCEPTED BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATION:

_____ **Date:** _____
(Executive Director, ACHP)

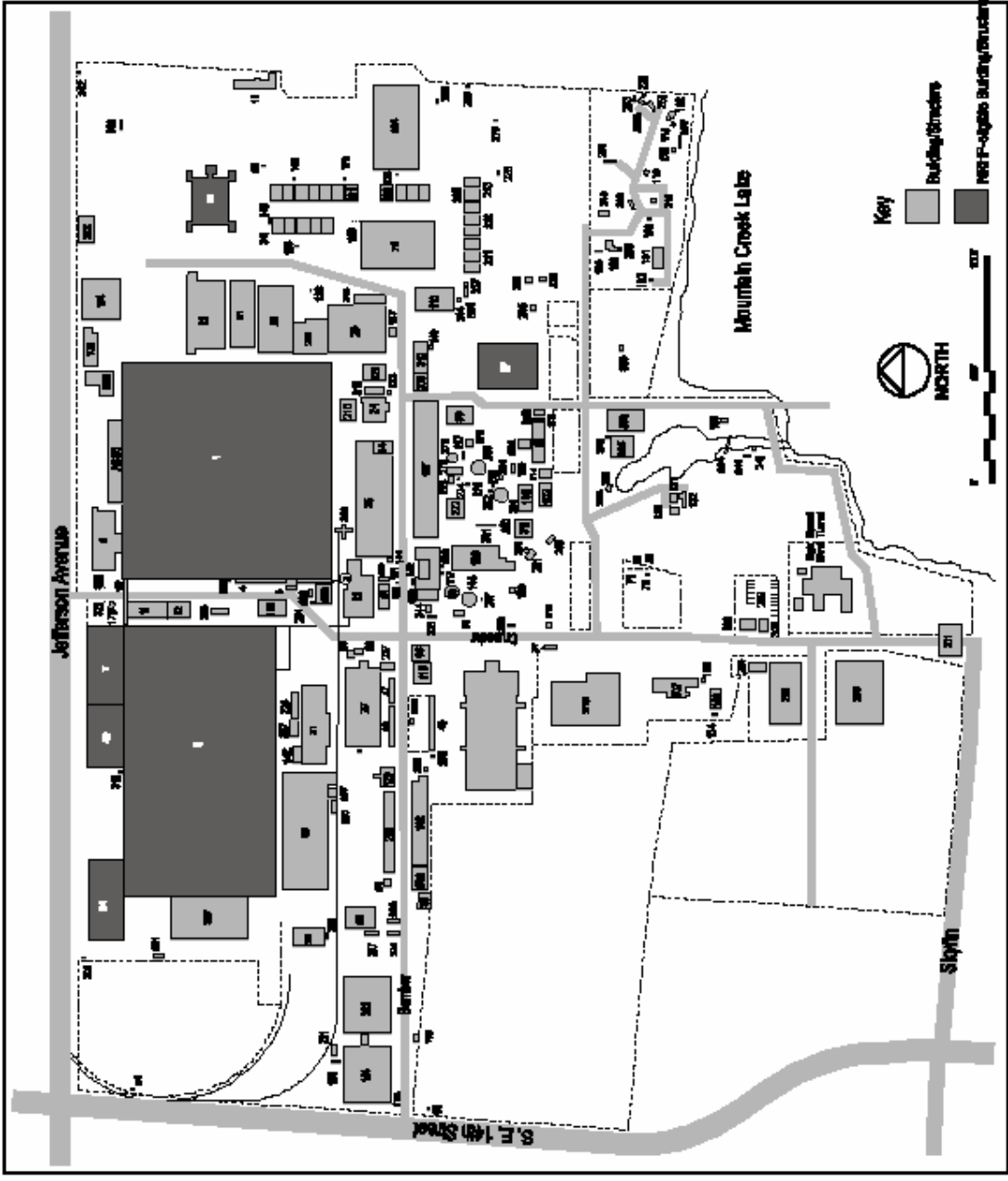
CONCUR FOR THE CITY OF DALLAS:

_____ **Date:** _____

CONCUR FOR VOUGHT AIRCRAFT INDUSTRIES, INC.:

_____ **Date:** _____

APPENDIX 1 – NWIRP DALLAS HISTORIC PROPERTIES



NWIRP Dallas, site plan showing all NRIHP-eligible facilities

APPENDIX 2

ARCHEOLOGICAL DATA RECOVERY PROJECT STANDARDS

In the event that any ground disturbance activity conducted at NWIRP Dallas should unearth deposits or artifacts which have the *potential* to be of sufficient significance as to meet the criterion for eligibility for inclusion in the National Register of Historic Places, the following standards apply:

Archeological data recovery shall be carried out in accordance with a data recovery plan developed in consultation by the Navy with the Texas State Historic Preservation Officer (SHPO). The data recovery plan shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Archaeological Documentation* (48 FR 447344-37) and pertinent standards and guidelines of the Texas SHPO, and shall take into account the Advisory Council on Historic Preservation's (Council) publication, *Treatment of Archaeological Properties* (Advisory Council on Historic Preservation, [draft] 1980), subject to any pertinent revisions the Council may make in the publication prior to completion of the data recovery plan. The plan shall, at a minimum, specify:

1. The property, properties, or portions of properties where data recovery is to be carried out;
2. Any property, properties, or portions of properties that will be transferred without data recovery, and the rationale for doing so;
3. The research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
4. The field work methodology to be used in analysis, with an explanation of its relevance to the research questions;
5. The methodology to be used in analysis, with an explanation of its relevance to the research questions;
6. The methodology to be used in data management and dissemination of data, including a schedule;
7. The manner in which recovered materials will be disposed of, in a manner consistent with State of Texas law regarding disposition of archaeological materials and recovered human remains;

8. The manner in which field notes and other records of field work and analysis will be preserved and disposed of;
9. The methodology to be used to involve the interested public in the data recovery process;
10. The methodology to be used in disseminating results of the work to the interested public;
11. The methodology by which parties with special interests in the property, if any, will be kept informed of the work and afforded the opportunity to participate, and,
12. The schedule for the submission of progress reports and final reports to the Texas SHPO and others.

Records of data recovery fieldwork and analysis shall be retained in an archive or other curatorial facility approved by the Texas SHPO and disseminated as appropriate to facilitate research and management without unduly endangering historic properties. Material recovered from data recovery projects shall be curated in accordance with 36 CFR Part 79, except that human remains and artifacts associated with graves shall be treated in conformance with requirements of the *Native American Graves Protection and Repatriation Act* (NAGPRA) (Public Law 101-601).

APPENDIX 3

AMENDMENT FORM

Amendment #

Date:

MEMORANDUM OF AGREEMENT

**AMONG:
THE DEPARTMENT OF THE NAVY,
AND
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
FOR THE:
OPERATIONS AND MAINTENANCE OF
THE NAVAL WEAPONS INDUSTRIAL RESERVE PLANT,
DALLAS, DALLAS COUNTY, TEXAS**

1. Need for Amendment: (Describe briefly)
2. Proposed Amendment Narrative: (Specify)

DEPARTMENT OF THE NAVY:

By: _____ Date:
(Typed Name, Rank, Title and Command)

TEXAS STATE HISTORIC PRESERVATION OFFICER:

By: _____ Date:
(Typed Name and Title)

ACCEPTED FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION:

By: _____ Date:
(Typed Name and Title)