PROGRAMMATIC AGREEMENT
AMONG
460TH SPACE WING,
THE AEROSPACE DATA FACILITY COLORADO,
THE COLORADO STATE HISTORIC PRESERVATION OFFICER
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
CONCERNING
ROUTINE MAINTENANCE AND REPAIR TO BUILDINGS 402 (5AH.2332), 403 (5AH.2288), 404 (5AH.2289), AND 405 (5AH.2333)
BUCKLEY AIR FORCE BASE,
COLORADO

**WHEREAS**, the 460th Space Wing (460 SW) at Buckley Air Force Base (AFB) proposes to continue routine maintenance and repair activities (Projects) to buildings 402 (5AH.2332), 403 (5AH.2288), 404 (5AH.2289), and 405 (5AH.2333) (The Radomes) as regular and general upkeep of The Radomes against normal wear and tear; and

**WHEREAS**, the 460 SW plans to carryout Projects pursuant to Department of Air Force Instructions, thereby making the Projects undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 United States Code (USC) § 470f, and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800; and

**WHEREAS**, the 460 SW has defined the undertaking's area of potential effect (APE) as restricted to the exteriors of The Radomes depicted in Appendix A; and

**WHEREAS**, the 460 SW has determined that the undertaking may have an adverse effect on The Radomes, which are eligible for listing in the National Register of Historic Places, and has consulted with the Colorado State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800; and

**WHEREAS**, the 460 SW has notified the 27 Tribes listed in Appendix B, of the undertaking planned on The Radomes, and has invited interested Tribes to sign this Programmatic Agreement (PA) as concurring party(ies) and they have declined; and

**WHEREAS**, the 460 SW has notified the Aurora History Museum Historic Sites and Preservation Office and Wings Over the Rockies regarding the effects of the undertaking on The Radomes and has invited them to sign this PA as concurring party(ies) and the Wings Over the Rockies declined; and

**WHEREAS**, the Aerospace Data Facility Colorado (ADF-C) is a tenant facility on Buckley AFB conducting operations within The Radomes and are the proponents of all construction and/or maintenance activities associated with The Radomes and have been invited to sign this PA; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), the 460 SW has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**WHEREAS**, 460 SW has determined that the interior and equipment within The Radomes does not contribute to the historic integrity of the buildings and the SHPO has concurred with this determination (Appendix C); and

**NOW, THEREFORE**, 460 SW, the SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

## STIPULATIONS

The 460 SW shall ensure the following measures are carried out:

### I. ROLES AND RESPONSIBILITIES

A. The 460 SW Wing Commander is responsible for ensuring that all historic properties on Buckley AFB that are listed in or may be eligible for the NRHP are managed and maintained in a way that meets NHPA requirements. The 460 SW Wing Commander shall designate a Cultural Resources Manager (CRM) with the authority to implement the stipulations identified in this PA.

B. All actions performed by 460 SW, or on behalf of 460 SW, in compliance with the terms of this PA shall be conducted by, or under the supervision of, a qualified professional meeting the Secretary of the Interior's Professional Qualification Standards in Archaeology, History, Architecture, Architectural History, or Historic architecture, as applicable.

### II. SECTION 106 PROJECT REVIEW PROCESS

The CRM shall determine if the proposed project regarding The Radomes is an undertaking as defined in 36 CFR § 800.16(y).

A. If the CRM determines the proposed project will not have an effect as defined in 36 CFR § 800.16(i), the CRM shall document this determination for inclusion in the Annual Report, and 460 SW has no further obligations under this stipulation.

B. If the CRM determines that the proposed project is listed in Appendix D, the CRM shall document this determination for inclusion in the Annual Report, and 460 SW has no further obligations under this stipulation.

C. If the CRM determines the proposed project is an undertaking not listed in Appendix D, the CRM shall continue on in the Section 106 Project Review Process in accordance with 36 CFR §§ 800.5 through 800.7.

## III. POST REVIEW DISCOVERIES

A. If unanticipated historic properties within the APE or effects on The Radomes are found, 460 SW shall address these post-review discoveries in accordance with 36 CFR § 800.13(b).

B. All cases of post review discoveries will be documented in the Annual Report.

## IV. DISASTER AND EMERGENCY RESPONSE

A. Emergency situations are those deemed necessary by 460 SW as an immediate and direct response to a disaster or emergency declared by the President of the United States or Governor of Colorado, or other immediate threat to life or property. Emergency situations may include repair, rescue or salvage and are to be implemented within 30 days from the declared disaster or emergency unless an extension is granted.

B. In accordance with 36 CFR § 800.12(d), immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and this PA. Salvage is defined as the recovery and remedial operations conducted in effort to preserve the integrity of historic structures to the greatest extent possible, when structures are inadvertently impacted by disasters or emergencies, to include those referenced in AFI 10-2501"Air Force Emergency Management Program Planning and Operations" and related guidance.

C. 460 SW shall notify the SHPO via telephone within 48 hours of commencing the emergency situation.

D. 460 SW shall include a summary of all emergency situations in the Annual Report.

## V. DISPUTE RESOLUTION

A. Should a signatory to this PA object to any of the actions proposed or the manner in which the terms of this PA are implemented, 460 SW shall consult with such party to resolve the objection. If 460 SW determines that such objection cannot be resolved, 460 SW shall:

1. Forward all documentation relevant to the dispute, including 460 SW's proposed resolution, to the ACHP. The ACHP shall provide 460 SW with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute,

460 SW 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. 460 SW shall then proceed according to its final decision.

2. If the ACHP does not provide written comments regarding the dispute within the 30 day time period, 460 SW may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, 460 SW 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.

B. 460 SW's responsibilities to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

## VI. MONITORING AND REPORTING

A. 460 SW shall prepare an annual report and distribute it to all Consulting Parties, except the ACHP, no later than 31 May each year the PA is in effect. The report shall include, but is not limited to, the following:

1. A list of undertakings that were reviewed but had no effect on The Radomes;

2. A list of undertakings that were reviewed but had no adverse effect on The Radomes;

3. A list of all post review discoveries;

4. A list of any newly proposed undertakings regarding The Radomes; and

5. Any changes 460 SW might consider toward improvement in implementation of any stipulations.

B. 460 SW shall ensure that the public is made aware of the availability of the Annual Report on its website, and that interested members of the public are invited to provide comments to the 460 SW.

C. 460 SW shall hold an annual meeting with the Consulting Parties, except for the ACHP, to review the implementation of this PA and any amendments that may be proposed no later than 15 July, starting 2015 and annually thereafter during the life of this PA. The meeting shall provide an opportunity to discuss the successes and shortcomings of the PA, its general implementation, and any proposed changes,

including consideration of exempting activities that result in a finding of no adverse effect.

## 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

A. If any signatory to this PA determines that its terms will not or cannot be carried out, the party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

B. Should consultation fail and the PA be terminated, 460 SW shall:

1. Consult in accordance with 36 CFR § 800.14(b)(3) to develop a new PA; or

2. Comply with 36 CFR §§ 800.3 through 800.7 with regard to each undertaking.

## IX. ANTI-DEFICIENCY ACT COMPLIANCE

The stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. If compliance with the Anti-Deficiency Act alters or impairs 460 SW's ability to implement the stipulations of this PA, 460 SW will consult in accordance with the amendment and termination procedures found at Stipulations VII and VIII of this PA.

## X. ADDITIONAL FEDERAL INVOLVEMENT

In the event that there is additional federal involvement in the Project, that federal agency will have the option to accept the terms of this PA, without acquiring an amendment, if the federal agency signs as an invited signatory, 460 SW must notify the signatories in advance of the federal agency committing to the terms of this PA.

## XI. DURATION

A. This PA will be effective from the date of its execution, and will remain in effect for five years, unless terminated pursuant to Stipulation VIII. If not renewed or extended, this PA will be terminated on 31 December 2019.

B. No extension or modification will be effective unless all signatories have agreed in writing. All parties will meet six months prior to the expiration to implement an extension protocol.

**Execution** of this PA and implementation of its terms evidence that 460 SW has afforded the ACHP reasonable opportunity to comment and that 460 SW has taken into account the effects of the undertakings on historic properties.

PROGRAMMATIC AGREEMENT
AMONG
460TH SPACE WING,
THE AEROSPACE DATA FACILITY COLORADO,
THE COLORADO STATE HISTORIC PRESERVATION OFFICER
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
CONCERNING
ROUTINE MAINTENANCE AND REPAIR TO BUILDINGS 402 (5AH.2332), 403 (5AH.2288), 404 (5AH.2289), AND 405 (5AH.2333)
BUCKLEY AIR FORCE BASE,
COLORADO

**BUCKLEY AFB**

Date 1/11/16

JOHN W. WAGNER, Colonel, USAF
Commander

PROGRAMMATIC AGREEMENT
AMONG
460TH SPACE WING,
THE AEROSPACE DATA FACILITY COLORADO,
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BUCKLEY AIR FORCE BASE,
COLORADO

**AEROSPACE DATA FACILITY COLORADO**

DANIEL D. WRIGHT III, Colonel, USAF
Commander

Date 25 NOV 15

PROGRAMMATIC AGREEMENT
AMONG
460TH SPACE WING,
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BUCKLEY AIR FORCE BASE,
COLORADO

**COLORADO STATE HISTORIC PRESERVATION OFFICE**

MR. STEVE TURNER, AIA
Colorado State Historic Preservation Officer

Date 1/27/16

PROGRAMMATIC AGREEMENT
AMONG
460TH SPACE WING,
THE AEROSPACE DATA FACILITY COLORADO,
THE COLORADO STATE HISTORIC PRESERVATION OFFICER
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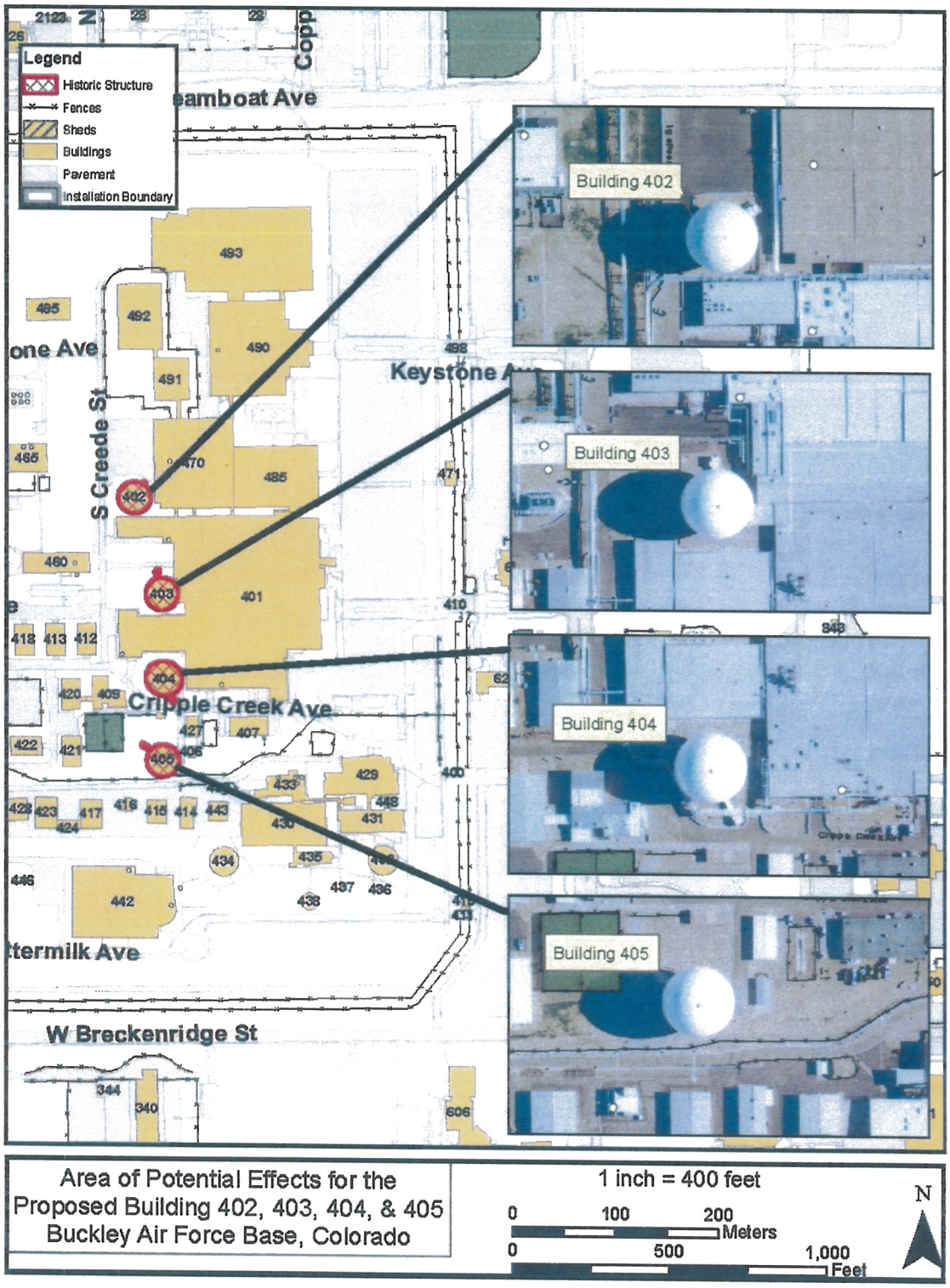
ROUTINE MAINTENANCE AND REPAIR TO BUILDINGS 402 (5AH.2332), 403 (5AH.2288), 404 (5AH.2289), AND 405 (5AH.2333)
BUCKLEY AIR FORCE BASE,
COLORADO

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

for _____ Date 2/24/16

MR. JOHN FOWLER, Executive Director
Advisory Council on Historic Preservation

## APPENDIX A
## APE MAP



**APPENDIX B**
**TRIBAL STAKEHOLDER LIST**

- Apache Tribe of Oklahoma
- Cheyenne-Arapahoe Tribes of Oklahoma
- Cheyenne River Sioux Tribe
- Comanche Nation
- Crow Tribe of Indians
- Crow Creek Sioux Tribe
- Eastern Shoshone Tribe of the Wind River Reservation
- Flandreau Santee Sioux Tribe
- Fort Peck Tribes of the Assiniboine and Sioux
- Fort Sill Apache of Oklahoma
- Jicarilla Apache Nation
- Kiowa Tribe of Oklahoma
- Lower Brule Sioux Tribe
- Mescalero Apache Tribe
- Northern Arapaho Tribe
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation
- Northern Ute Indian Tribe of the Uintah and Ouray Ute Reservation
- Oglala Sioux Tribe
- Pawnee Nation of Oklahoma
- Rosebud Sioux Tribe
- Santee Sioux National
- Southern Ute Tribal Council
- Standing Rock Sioux Tribe
- Three Affiliated Tribes of the Mandan, Hidatsa & Arikara Nation
- Ute Mountain Ute Tribe
- Wichita and Affiliated Tribes
- Yankton Sioux Tribe

## APPENDIX C
## DETERMINATION LETTER

To CEV 5 Feb 04 CCL

FILE 36-1-1
INIT LWH

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

January 26, 2004

Lt. Col. Christopher C. McLane
460th Civil Engineer Squadron
18401 East A-Basin Avenue (Stop 86)
Buckley AFB, CO 80011-9524

Re: Review of Buckley AFB Draft Historic Building Inventory Report

Dear Lt. Col. McLane,

Thank you for your correspondence dated January 21, 2004 concerning the above project. Our office has reviewed the submission and we do not concur with the finding of Not Eligible for the following resources:

- 5AH.2288/Building 403
- 5AH.2289/Building 404
- 5AH.2332/Building 402
- 5AH.2333/Building 405

Our office has determined that these resources are potentially eligible for the National Register under Criterion C as excellent examples of radome construction, and under Criterion Consideration G as resources that have achieved significance within the last 50 years. The radomes convey the significance of the Cold War build-up of the base. Our office understands your concern regarding the upgrade and sensitivity of these buildings. If these buildings become involved in the Section 106 process, our office would not require nor request any information regarding the function of the equipment within the radomes. Under the Section 106 review, our office would review any proposed work that would alter the exterior of the radomes. If the radomes need to be replaced as a result of the mission of the base, our office would most likely request photographic mitigation of the exterior of the radomes. Any mitigation would be subject to consultation between our offices.

In order to complete the review for resource 5AH.2275, please submit a history of the building. The history included on the survey form is a general history about the base. We need additional information detailing how the building was used and if this is one of the last buildings remaining associated with the domestic life of those living on the base.

Our office concurs with the finding of Not Eligible for the remaining submitted resources.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

for Georgianna Contiguglia
State Historic Preservation Officer

cc: Mr. Floyd Hatch, Buckley AFB

## APPENDIX D
## EXEMPTED ACTIONS

The categories of undertakings listed below have been determined by 460 SW, the SHPO, and the ACHP to meet the criteria for exemption; i.e., they qualify as undertakings, but will have no effect on historic properties, or their potential effects will not be adverse. An undertaking of one or more of the types listed below will not require further Section 106 review with SHPO, so long as the undertaking is limited to the types listed below, and is not a part of another undertaking. In addition, if at any time in the course of the undertaking information becomes available that would make this procedure inapplicable, including but not limited to the discovery of historic properties or adverse effects, Section 106 review shall be initiated by 460 SW.

### Surfaces

- Repair, patching, or replacement of exterior surfaces when done in kind to match the existing design.

- Cleaning activities, such as the removal of debris, surface grime, or mold to facilitate investigation or maintenance, as long as cleaning is conducted according to the Secretary of Interior Standards for Preservation & Guidelines for Preserving Historic Buildings. Any abrasive or chemical cleaning treatment that may cause damage to historic materials shall not be used. All cleaning shall be done using the gentlest means possible and pressure washing shall be limited to masonry at 300 pounds per square inch (PSI).

### Building Elements

- Repair or replacement of trim, or hardware, including character-defining features, if justified, when done in kind to match existing material and design.

- Maintenance of features such as frames, paneled or decorated jambs, and moldings through appropriate surface treatments such as cleaning, rust removal, paint removal, and reapplication of protective coating systems.

- Repair or replacement of doors, if justified, when done in kind to match existing design, material and form.

**APPENDIX E**

**CONCURRING PARTIES**

**AURORA HISTORY MUSEUM & HISTORIC SITES AND PRESERVATION CITY OF AURORA**

_____ Date _____

MS. JENNIFER A. KUEHNER, Executive Director