

SSFL Section 106 Consultation Meeting and Site Visit Summary

ATTENDEES: Ashley Boudreaux/NASA
Bill Bowling/Consulting Party
Randy Dean/CH2M HILL
Merrilee Fellows/NASA
Wayne Fishback/Consulting Party
John Luker/Consulting Party
Mark Osokow/Consulting Party
Chris Rowe/Consulting Party
Barbara Tejada/Consulting Party
Christina Walsh/Consulting Party
Abe Weitzberg/Consulting Party
Ronald Ziman/Consulting Party

**ATTENDEES
(BY PHONE):** Mark Beason/SHPO
Jim Biederman/GSA
Gloriella Cardenas/CH2M HILL
Allen Elliott/NASA
Jennifer Groman/NASA
Clint Helton/CH2M HILL
Amy Keith/NASA
Donna Leach/NASA
Tom McCulloch/ACHP
Maureen Sheehan/GSA
Susan Stratton/SHPO
Leslie Tice/CH2M HILL

COPY TO: Beth Vaughan/CH2M HILL

**MEETING
DATE/TIME:** March 1, 2012; 9:00 a.m. – 3:00 p.m.

**MEETING
LOCATION:** SSFL Building 203

PREPARED BY: Gloriella Cardenas/CH2M HILL
Sara Orton/CH2M HILL

I. Welcome and Introductions

Ashley Boudreaux/NASA Cultural Resources Manager gave the welcome, asked for introductions, and reminded the attendees to complete the sign-in sheet. She gave an introduction to the meeting, described the meeting objectives, and provided a brief discussion about the Proposed Actions. Merrilee Fellows went over the ground rules of the meeting.

II. National Historic Preservation Act Section 106 Summary

Ms. Boudreaux summarized the Section 106 of the National Historic Preservation Act (NHPA) process and NASA's identification of historic properties on NASA-administered property at SSFL, in accordance with the NHPA.

The consulting parties discussed that NASA has elected to integrate National Environmental Policy Act (NEPA) compliance and the Section 106 process. The State Historic Preservation Office (SHPO) representative expressed concerns about this choice and stated that the SHPO would prefer it not be an integrated process. Advisory Council on Historic Preservation (ACHP) affirmed that this approach is a legal alternative approach to Section 106. Some of the other consulting parties agreed that combining the two processes makes sense because NASA is abiding by the NEPA regulations and is completing an Environmental Impact Statement (EIS) to evaluate impacts to other environmental resources.

Section 106 requires an agency (such as NASA) take into account adverse effects on historic properties, but it does not necessarily prevent demolition of historic properties.

III. Proposed Action and Alternatives

The proposed action or alternatives could result in adverse effects to cultural resources. If the action were to cause an adverse effect to historic properties, measures would be developed to mitigate the adverse effect. Examples to be discussed include how the data are to be preserved, such as through interpretive displays, data recovery, preservation of parts of the resource, etc.

The proposed action includes demolition of up to 100 percent of the buildings onsite; specifics such as exact percentage and numbers of buildings are not yet known. The proposed action also includes soil cleanup to background levels.

This discussion opened up a discourse about potential mitigation measures the participants could use to preserve, conserve and maintain historic properties including photo documentation, visual tours, interpretive center, displays, museum, etc. Stewardship programs also would be considered.

IV. Consulting Parties' Roles

This discussion focused on the attendance and roles of those who participate in the Section 106 process.

The consultation meetings will focus on historic properties. Final decisions to be made by NASA in regard to historic properties will be incorporated into the ROD. NASA has been in contact with the federally recognized Native American tribe, the Santa Ynez Mission Band of Chumash Indians, though the tribe has not yet responded regarding participation in Section 106. Consulting party comments should be submitted in writing.

SHPO suggested that the SSFL site should be considered from a Native American religious point of view. The parties discussed how NASA has been in contact with the federally recognized Santa Ynez Mission Band of Chumash Indians and numerous non-federally recognized tribes. NASA explained the process of working with the Native American Heritage Commission to obtain contact information for these tribes. Some Native Americans have requested to become consulting parties, but were unable to attend the meeting on March 1.

NASA has chosen to integrate NEPA and Section 106. Section 106 consultation will be documented in the EIS. There will be a Record of Decision (ROD) instead of a Memorandum of Agreement (MOA). The final decision by NASA regarding historic properties will be incorporated into the ROD.

An ROD in place of an MOA is not SHPO's preferred choice. SHPO prefers a stand-alone Section 106. SHPO sees a greater value in incorporating and creating the MOA as a result of the consultation process.

V. Area of Potential Effects

The proposed undertaking will result in demolition of up to 100 percent of NASA-administered areas at SSFL. NASA-administered lands consist of 410 acres in Area II and an additional 42-acre portion of Area I. The area of potential effect on historic properties includes the NASA-administered areas in Area I and Area II.

VI. Historic Properties

Historic properties are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe and that meet the National Register criteria. The following are the historic properties on the NASA-administered portion of SSFL:

1. Burro Flats Painted Cave
2. Alfa Test Stand Historic District
3. Bravo Test Stand Historic District
4. Coca Test Stand Historic District

The parties discussed the process of how properties are listed on the NRHP and how the properties at SSFL currently are categorized. NASA explained that NRHP-eligible properties at SSFL carry the same legal protections as properties that are listed in the NRHP. SHPO added that evaluation of the areas could be revisited if additional information should become available. The parties discussed the nomination process and that the NRHP nomination and review can take six months or longer.

VII. Other Comments

The group discussed NASA's and the General Service Administration's (GSA's) roles. One party requested that NASA have an archaeologist and Native American monitor present for any soil drilling or removal. Mark Osokow asked if people doing the soil removals receive any archaeological training.

Chris Rowe noted that recent activities on the U.S. Department of Energy (DOE) property in Area IV had resulted in the identification of new archaeological features. For the activity in Area IV, an archaeologist/Native American monitor was present at all times; she did not understand why NASA does not follow this same practice. Rowe said that the Area II property cannot be evaluated as a single cultural site. She said that the cultural area stretches from SSFL to the Pacific Ocean.

John Luker said that there seems to be a conflict between the NHPA Section 106 requirements and the Administrative Order on Consent (AOC).

When the discussion turned to the Division of Toxic Substances Control's (DTSC's) involvement in the SSFL Section 106 process, Susan Stratton with SHPO stated that DTSC has few to no cultural resources staff and she noted that regulators at DTSC might approach this project without any preservation knowledge. The consulting parties had many questions about DTSC's involvement in this process and how preservation realistically can be achieved if NASA has signed the AOC. The consulting parties requested that someone from DTSC attend the next Section 106 consultation meeting so they can better understand the conditions of the AOC and how the AOC addresses preservation.

The parties discussed the California Environmental Quality Act (CEQA) process and how the SHPO will be involved in that process. The SHPO replied that there are no SHPO personnel who are involved with CEQA. Mark Osokow noted that the Section 106 process would reach different conclusions than the CEQA process.

Ms. Boudreaux presented a series of maps showing preliminary data of proposed soil contamination and how those areas relate to historic property locations. For the purposes of the Section 106 discussion, it is assumed that

NASA will remediate the soil depicted in this map. The consulting parties said they want to learn more about what these maps actually depict. What is the depth and level of contamination? When will DTSC have the revised background levels ready and how will that affect the map as presented? During the afternoon discussion about mitigating effects, or avoiding sites, the group felt they need to better understand the AOC's statement about five-percent exclusions and whether Section 106 mitigation could be viewed as "unforeseen". It was suggested that DTSC speak to this issue at the next meeting.

NASA reminded the parties that requests and comments made during this meeting should be followed up with a submittal to NASA in writing.

VIII. Site Visit and Additional Comments and Questions

During the afternoon break, the parties at SSFL toured the Alfa, Bravo, and Coca Historic Districts.

Ms. Boudreaux began the afternoon portion of the Section 106 Consultation by summarizing the morning presentation and proposing actions of: 1) demolition of 100 percent of structures and 2) soil remediation. The following questions were then posed to the group:

After seeing the map of proposed soil remediation areas, and the test stands up close – what do you want to happen at SSFL? There are many issues to think about when answering this question:

- What is the best mitigation should the test stands be saved? Who will maintain structures should they be saved? What is the timeline of transfer to GSA and ultimately to another party and how does it fit with the cleanup timeline?
- If the test stands are removed, is there any preferred form of preservation (museum, movie, etc.) the consulting parties would like to see?

One party responded by stating that rather than focus on saving "all" historic property on Area II, we should focus on what is reasonable to save and start there, and suggested not thinking of the property for our enjoyment, but for future generations to enjoy and appreciate.

Some consulting parties wanted as many test stands saved as possible, but that if they could not be saved, some sort of mitigation to preserve the history should be considered:

- One consulting party said that he would like to see as many test stands saved and an interpretative center and/or video kiosks at each preserved location.
- Another party described an interactive tour that could include an intranet where one could stream videos showing historical information to a smart phone with headphones.
- Another suggestion was an interpretive center and/or video kiosks at each preserved location.
- The parties discussed the opportunity for less destructive forms of soil remediation in cultural and historical areas. One consulting party suggested NASA go with alternative options such as soil vapor extraction or phytoremediation to clean soils.
- The parties recommended the use of "no action alternative" at Burro Flats area to minimize impacts to the cave paintings and artifacts in this area.

A lengthy discussion with GSA about the GSA process took place.

Some consulting parties inquired about GSA's process for finding potential buyers of the property at SSFL. Jim Biederman/GSA explained the GSA process of surveying potential federal interest in the site was completed a few years ago. Some consulting parties expressed concern about GSA's Section 106 process for property transfer neglecting decisions made during NASA's Section 106 process for property cleanup. The parties all wish to continue this discussion at future meetings and try to better understand GSA's timeline.

Some in the group believe that there are organizations who would want to be involved in both NASA's Section 106 process and in GSA's Section 106 process. NASA stated that consulting parties can request to join the process at any time, and can apply online. NASA will approve consulting parties with SHPO as an advisor.

Before the end of the meeting, NASA reiterated that comments should be submitted in writing or by e-mail to ensure full documentation of the ideas and concerns.