

**Statement of
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**Prepared for the
Subcommittee on Public Lands and Environmental Regulation
Of the House Committee on Natural Resources**

H.R. 3687, Proposed Amendment to the National Historic Preservation Act

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Introduction

Chairman Bishop and distinguished members of the Subcommittee, thank you for this opportunity to discuss the National Historic Preservation Act, its importance to the US Military, and the proposed amendment, H.R. 3687. My name is Maureen Sullivan. I am the Director of Environment, Safety, and Occupational Health in the Office of the Secretary of Defense. I am also the Federal Preservation Officer for the Department of Defense, and represent the Secretary of Defense on the Advisory Council on Historic Preservation.

The National Historic Preservation Act, as currently enacted, supports the warfighter by preserving our ability to effectively use our lands and built environment to support needed testing and training. The Act also protects the quality of life for our military men and women, their families, and the public by facilitating a strong connection to our shared history, culture, and traditions. Finally, it promotes efficiencies by encouraging partnerships with national, state, regional, tribal, and local agencies and organizations.

The National Historic Preservation Act provides the foundation for the Department of Defense's Cultural Resources Management Program. For almost 50 years, the Act has proven instrumental in helping our installations develop cooperative plans and projects that have benefited cultural resources on military lands and facilitated our mission. The current regulations implementing the Act, as well as the National Register of Historic Places and National Historic Landmark nomination processes, work well for DoD. Although managing the Department's large inventory of historic properties requires vigilance, we have not found compliance with the NHPA to be an impediment to our ability to meet our military readiness obligations.

Background and Policy

DoD is a proud steward of our Nation's largest inventory of federally owned and managed historic properties. We maintain and interpret some of our nation's most significant

and rich historic and cultural resources in order to support the military mission and to preserve this nation's military heritage for future generations. The Department currently manages over 28 million acres of land containing over 100,000 known archaeological sites, and over 20,000 historic buildings. Within DoD's inventory of historic properties are 72 National Historic Landmarks, including the Pentagon, listed in 1989; the U.S.S. Constitution, listed in 1966; the U.S. Military Academy at West Point, listed in 1960; the U.S. Naval Academy, listed in 1961; and the U.S. Air Force Academy, listed in 2004.

It has long been DoD policy to manage and maintain the cultural resources under our control in a sustainable manner through a comprehensive program that considers the preservation of historic, archaeological, architectural, and cultural values. This inclusive policy places DoD in the forefront as a leader in national cultural resources stewardship. Further, our policy of heritage preservation is mission supporting in that cultural resources promotion and interpretation encourages and maintains U.S. public support for its military. Finally, DoD is proud of its record of good-faith consultation with internal and external stakeholders, which has fostered positive and productive partnerships with Federal, tribal, state, and local government agencies, non-governmental organizations, and the general public.

DoD manages historic resources by working closely with various stakeholders, including Native American Tribes, State Historic Preservation Officers, the National Park Service, the Advisory Council on Historic Preservation, and local communities. The Department's localized management ensures compliance with applicable Federal and state laws, Executive Orders, and regulations, while simultaneously conducting testing and training in support of our military mission.

Due to DoD's extensive inventory of real property that must always be mission ready, identifying and managing historic properties is an ongoing and ever evolving process. The NHPA and its implementing regulations, provide a range of tools to aid Federal agencies in managing their historic properties. At the installation level, Military Departments use programmatic agreements to develop management prescriptions for historic properties potentially affected by large and complex military actions. For example, in 2010 the Commanding General of Marine Corps Installations West, the Arizona and California State Historic Preservation Officers, and the Advisory Council collaborated to develop and sign a programmatic agreement to address the basing of the MV-22 Osprey at Marine Corps Air Station Camp Pendleton.

The NHPA also provides for flexibility and expedited compliance in times of emergency and disaster. In accordance with 36 C.F.R. § 800.12, agencies may implement alternative arrangements to comply with the law. In 2010, the Department of the Army used these emergency provisions when an EF-3 tornado ripped the roof off of a historic drinking water treatment plant at Fort Leonard Wood, Missouri. The Army worked quickly to restore the plant

in order to provide safe drinking water, while also complying with the NHPA through its flexible provisions.

An additional tool provided for in the Act includes the Program Comment. A Program Comment allows Federal agencies to tailor the compliance process to more efficiently address potential effects on specific types of historic resources or repetitive and large-scale federal activities. The Department has successfully used Program Comments to satisfy our requirements under the NHPA in a single document for large numbers of like properties. This tool enables DoD to manage our resources for today's needs and improves the quality of life for our service members and their families. DoD has Program Comments covering Capehart and Wherry Housing (2005), Cold War Era Unaccompanied Personnel Housing (2006), and for World War II and Cold War Era Ammunition Storage Facilities, and Ammunition Production Facilities and Plants (both 2006). Through these Program Comments, DoD has satisfied its NHPA requirements for over 225,000 historic properties, resulting in an estimated \$80 million in compliance savings for Capehart and Wherry Housing alone. These existing tools provided in the NHPA and associated implementing regulations are very effective. Therefore, the Department will continue to use them to meet our needs when doing so can achieve greater efficiency and save money.

DoD Comments on H.R. 3687

The Department of Defense appreciates the concern for military readiness that underlies H.R. 3687, the Military LAND Act. We do not, however, believe that H.R. 3687 is currently needed to preserve our access to the lands we need to test and train. When a property that may be affected by a DoD undertaking is determined to be eligible for listing in the National Register, we work with State and Tribal Historic Preservation Officers, and the Advisory Council, to develop mutually acceptable agreements that address the potential consequences of our action on the affected historic properties without impinging on mission-critical military testing and training. Almost without exception, that collaborative process has proven successful in the past. Should the Department encounter a situation where it cannot reach an acceptable agreement that preserves our military readiness imperatives, the Department can, in accordance with the regulations implementing the NHPA, terminate consultation and request final comment from the Advisory Council. While we may sometimes disagree with a recommendation that a particular property is eligible for National Register listing, based on our past experience, we do not believe that compliance with the NHPA threatens DoD's ability to meet its vital national defense mission.

Conclusion

Installation cultural resource professionals within the Department of Defense can and will continue to demonstrate that the two goals of supporting the military mission and protecting cultural resources are compatible and complementary. With comprehensive and early planning,

we will continue to make effective and cost-efficient management decisions. As we have for nearly 50 years, we will look for new ways in which this landmark legislation can continue to protect our Nation's safety and its irreplaceable cultural resources.

In closing, Mister Chairman, I sincerely thank you for this opportunity to discuss the National Historic Preservation Act, its applications, and its importance to the military. We appreciate your strong support of our mission and our troops. I will be happy to answer any questions.