

**Arecibo Observatory – Consulting Parties/Historic Preservation Meeting Teleconference**

**National Science Foundation**

**June 21, 2017; 3:30 – 5:30 pm**

**Meeting Minutes**

**Attendees:**

**National Science Foundation (NSF)**

- Liz Pentecost
- Caroline Blanco
- Kristen Hamilton
- Joseph Pesce
- Edward Ajhar

**Puerto Rico State Historic Preservation Office (SHPO)**

- Berenice Sueiro
- Miguel Bonini
- Juan Llanes
- Santiago Gala

**Advisory Council on Historic Preservation (ACHP)**

- Charlene Vaughn

**CH2M**

- Kira Zender,
- Madeline Almodovar
- MaryNell Nolan-Wheatley

**Consulting Parties**

- Carmen Pantoja
- Anthony Van Eyken
- Nicholas White
- Joan Schmelz
- Brett Isham
- Xavier Siemens
- Luisa Fda Zambrano-Marin
- Francisco Cordova

**Other Government Representative:**

- Natalia Gandia for Stefania Rodriguez at Congresswoman Gonzalez's office
- Representative from the Resident Commissioner's office (not present during introductions)

**Meeting Minutes:**

1. Introductions (see list of attendees above).
2. This is a consultation meeting under Section 106 of the National Historic Preservation Act (NHPA).
  - a. Section 106 is provision that looks at ways to consider impacts from federal actions on significant historic properties. NSF is looking to work with the Consulting Parties to address potential adverse effect to the Arecibo Observatory.
  - b. A consultation meeting was held in November 2016. Prior to that, public scoping had occurred to introduce the Section 106 process and start to identify Consulting Parties.

Subsequently, there have been various communications between NSF and the identified Consulting Parties.

- c. Madeline Almodovar (CH2M) is present for translation if necessary.
3. The Proposed Action is to reduce funding for operations at Arecibo Observatory. There are 5 proposed project alternatives that have been identified during the Environmental Impact Statement (EIS) process under the National Environmental Policy Act (NEPA).
  - a. The Preferred Alternative is Alternative 1.
  - b. NSF has reached out to solicit proposals for continued operation. One or more proposals have been submitted. , This is currently in the evaluation and review process.
  - c. It seems that the best way to approach Section 106 is to focus on Alternative 1, since it is the Preferred Alternative. If Alternative 1 is not possible, consultation would be reinitiated under Section 106 for Alternatives 2, 3, 4, and 5.
4. *Question from Carmen Pantoja:* Will this meeting be recorded? Will there be Meeting Minutes?
  - a. CH2M will take meeting minutes. NSF will make them available. NSF will post the transcript from the November 2016 consultation meeting on the NSF website, along with the meeting minutes from today.
5. NSF initiated Section 106 in July 2016. The Programmatic Agreement (PA) will focus on Alternative 1, the Preferred Alternative. In consultation with SHPO, NSF has determined that the Preferred Alternative has the potential to result in adverse effects to historic properties.
  - a. It is important to clarify that it is possible that no buildings would be demolished under Alternative 1, the Preferred Alternative. NSF wanted to identify those buildings that might not be used. However, under this alternative, NSF is not bound to demolish buildings, either contributing or non-contributing to the historic district.
6. *Comment from Carmen Pantoja:* The discussion of demolition under Alternative 1 is confusing, because there is a Table in the EIS under Alternative 1 that lists all the buildings that will be demolished.
  - a. This all depends on the needs of the new operator. It could be that they don't need to demolish anything, or they need to demolish only some building(s). So, NSF looked at each scenario and figured out ways to address adverse effects. NSF acknowledges this concern and the language in the Final EIS will be clarified.
7. *Question from Carmen Pantoja:* Where are the collaborators in Alternative 1? The description of Alternative 1 did not state that the property would be transferred.
  - a. If Alternative 1 is chosen it is because there is a possibility of a viable operator to take over the facility for scientific operations. It is not known at this time if the property would be transferred. If it were transferred, there would be requirements. It was decided to do a PA because it is not certain who the new operator would be, which buildings may be retained or removed, or if a transfer would be needed.
  - b. The language in the Final EIS will be clarified. Certain requirements would be included in any transfer. The instrument to resolve and address adverse effects is the PA. This will focus on Alternative 1 and the three sub-options: potential demolition of contributing buildings; potential demolition of non-contributing buildings; potential transfer of the property.
8. Schedule Discussion:

- a. There is an ongoing solicitation of proposals. The current cooperative agreement with SRI expires on March 31, 2018. The new operator would take over on April 1, 2018. In terms of schedule, we need to back up the dates from there. So, NSF needs to issue the Record of Decision (ROD) by the end of August or the beginning of September. That would allow sufficient time for the transition. Under NEPA, the government agency is required to wait 30 days between the Final EIS and the ROD. This means that the Final EIS needs to be issued by the end of July or beginning of August.
9. Discussion regarding ways to address adverse effects.
- a. ACHP has accepted the invitation to participate in the Section 106 consultation process. Consultation with the Puerto Rico SHPO and ACHP has been ongoing. The take away from discussions with SHPO and the ACHP is that NSF needs more input from the Consulting Parties, and NSF agreed.
  - b. NSF is looking for ideas and suggestions to resolve (avoid, minimize and/or mitigate) adverse effects.
    - a. The potential adverse effects are primarily a result of the potential for demolition.
    - b. Mothballing buildings or structures would remove science facilities from use, and this could also be an adverse effect.
    - c. Transferring the property out of federal ownership could also be an adverse effect, because the Section 106 process does not apply to private entities.
  - c. NSF has a few ideas regarding ways to resolve adverse effects under Alternative 1, the Preferred Alternative.
    - a. NSF would encourage the new operator to retain and use the historic buildings that contribute to the NRHP-eligible historic district.
    - b. NSF would suggest that there be awareness training for historic properties. Based on comments from the public meetings the new operator would need to be very aware of the historical significance of the Observatory. Qualified historic preservationists would provide this training, to help the new operators understand the importance of minimizing effects to the historic property.
  - d. *Question from Carmen Pantoja:* The NRHP nomination for the Observatory states that the government of Puerto Rico donated public lands to make the Observatory. Can the land be transferred back to the government of Puerto Rico? Very concerned about the fact that the property could be transferred. Who regulates this?
    - a. Right now, NSF is looking at different options, including NSF retaining ownership of the property and NSF transferring the land to another entity that would continue to operate the Observatory as a scientific facility. There is no consideration to transfer it to something like a private developer. If it were to go out of federal hands, it would be another entity promoting scientific research.
    - b. The concern about Section 106 not applying to a non-federal entity is the reason why a transfer is considered to be an adverse effect under Section 106.
    - c. NSF is taking this into consideration and trying to figure out ways to resolve these potential adverse effects. NSF might require any new operator/owner to invite the SHPO to visit every few years to provide guidance. NSF could also require any new operator/owner to install interpretive plaques if they plan to demolish buildings that contribute to the historic district.

- e. *Comment from Berenice Sueiro (SHPO):* A preservation covenant agreement would be a possibility to resolve these adverse effects. The problem is SHPO has no way to enforce anything after NSF is gone. There would need to be a binding document. There is an example of this type of agreement for the Cuartel de Ballaja.
  - a. A PA is a legally binding agreement. It could include a preservation covenant, under which a transfer would be bound to occur with certain provisions. The previous mitigation measures would also go along with the preservation covenant.
  - b. SHPO will provide NSF with a provide a copy of the Cuartel de Ballaja preservation covenant.
- f. *Question from Carmen Pantoja:* The description of Alternative 1 in the Draft EIS seems different from what is described now. Will there be other changes to the alternative?
  - a. Alternative 1 has not changed; however, NSF will provide clarity that the particulars will depend on the needs of the operator. Whether the federal ownership is maintained or transferred, the purpose of the alternative would be the same.
  - b. Consulting Parties agree that it would be helpful if NSF provided them with updated text for Alternative 1.
  - c. NSF will also send out the draft PA to the Consulting Parties and post it on the NSF website. That will be followed by a 30-day comment period. The PA will then be discussed at the July 6 Consulting Party meeting.
- g. Ideas for telling the story of the building at the Observatory, in case of potential demolition.
  - a. There would be two levels of documentation completed: Historic American Building Survey (HABS) or Historic American Engineering Record (HAER) documentation would be done for buildings that contribute to the NRHP-eligible historic district; Puerto Rico Historic Property Inventory (HPI) Forms would be done for non-contributing buildings.
    - 1. HABS/HAER is a very detailed system of documentation that involves measured drawings, photographs, architectural/engineering and historical narrative. Archival stable copies of the documentation would be submitted to the Library of Congress and local repositories.
    - 2. In consultation with SHPO, NSF would determine the correct HPI form to complete for non-contributing buildings. HPI forms are a briefer form of documentation, that includes current descriptions and photographs of the building/structure and a brief historical context.
  - b. Input from Consulting Parties and Discussion:
    - 1. *Comment from Carmen Pantoja:* History is not just about preserving buildings. It is hard to imagine the loss of something as important as the Arecibo Observatory. A plaque would not do it justice and could not cover why it was included in the NRHP. The loss of the Observatory would result in an impact to science and to the world. Pictures and plaques are so limiting; it would be important to include various media in the solution and include the reasons why it was included in the NRHP.

Also, it is important that the resources are available in Puerto Rico, not just in Library of Congress.

2. NSF is not committed to using interpretive plaques. It sounds to NSF like it is very important to include the stories about the scientific discoveries that were made at the Observatory? Are there ideas for what office to submit the documentation to in Puerto Rico? How could we represent the cultural importance? With a report? In the whereas clauses of the PA? In the EIS? Would the Consulting Parties be willing to submit some explanations about the cultural importance of the site to people who live in Puerto Rico? This would all be in addition to encouraging any new collaborator to retain the buildings, historic preservation training to emphasize the cultural importance, various levels of documentation. The PA could help address the cultural piece, which is different than just the historical significance.
  3. *Response from Carmen Pantoja*: This needs to be decided by experts, historians. It is important to include the cultural component and what the site means to the people of Puerto Rico. It is a question of how people who live in Puerto Rico feel about the site.
  4. *Response from Charlene Vaughn (ACHP)*: We need to acknowledge the importance of the resource to the nation and to Puerto Rico. How can we tie the NEPA analysis to the whereas clauses to address the cultural significance and how it is tied to the historic property in the long-term? This is a cultural and heritage issue. The people of Puerto Rico should decide how it is addressed. SHPO has stated that the site could have international significance.
  5. *Response from Francisco Cordova (Director, Arecibo Observatory)*: Our main interest is to preserve the Observatory. As NSF moves forward with Alternative 1, there need to be restrictions in place for anyone that would want to destroy facilities. This cannot be accomplished in a report. It needs to be accomplished through a separate documentation process.
  6. *Response from the SHPO office*: The cultural importance of the site needs to be established and clarified. It cannot just be a discussion of what to write in the PA document.
- c. *Question from Charlene Vaughn (ACHP)*: Has Arecibo been asked to sit down with NSF to identify significant elements of the facility? It seems there is an absence of information about the significance of the site. Not everything at the site should be treated the same. Maybe a covenant is not required, but people should be informed about the significance. Any plans for demolition need to be put in context.
1. With any new collaborator, NSF would require that a qualified historic preservationist provide training to the new operators, in addition, perhaps, to a preservation covenant in which it would be stipulated that even if there is no demolition, SHPO would be invited every so often to the site to provide guidance.

2. There is a document from 1991 that was produced by the ACHP that discusses scientific facilities and historic preservation. The idea is that scientific needs are separate from historic preservation concerns.
  - a. Consulting Parties requested a copy of this document. NSF will provide a link to the summary.
  - b. *Response from Charlene Vaughn (ACHP)*: The document from 1991 is very old. The NASA document from the 2000s is a better and more recent example.
  - c. There is even a more recent document from NASA, which NSF will provide to the Consulting Parties.
- d. *Comment from Francisco Cordova (Director, Arecibo Observatory)*:  
 If NSF doesn't have any potential operators suggesting that they will demolish buildings, this may not end up being a problem.
  1. Important to consider the potential for demolition and include a provision in the PA because NSF does not know what might happen in the future.
  2. *Response from Charlene Vaughn (ACHP)*: It is reasonably foreseeable that unless there are covenants in place that prohibit it, a new operator would likely make changes to the site. This is why it is necessary to consider adverse effects.
- e. *Question from Charlene Vaughn (ACHP)*: Was NSF able to contact the mayor or any local officials to discuss the project? Has the SHPO contacted local officials? If so, what is their interest in the consultation process?
  1. Yes, NSF contacted local officials. They were informed about this teleconference and about the in-person meeting on July 6. The Resident Commissioners office (Natalia Gandia) is on the line.
  2. *Response from the SHPO office*: No, the SHPO was waiting for NSF to make the first contact.
- f. *Question from Charlene Vaughn (ACHP)*: We have discussed acknowledging the cultural significance and other significance to the local community and documenting that. What else do we need to make sure this is documented?
  1. NSF has already completed a substantial amount of documentation. The documentation can be clarified more. NSF is open to ideas. Additional documentation could be part of the resolution of adverse effects. Any other comments?
- g. *Comment from Luisa Fda Zambrano-Marin (Arecibo Observatory)*: Individual concerns that are not the opinion of Arecibo Observatory as a whole. It seems that the public outreach that has occurred has not led to the people of Puerto Rico knowing about this undertaking. How can we gauge the impact if locals are not aware? Maybe target the media more? Use social media? The cultural and historical aspects of the people. The group of Consulting Parties is very small and is not a large enough representation.
  1. NSF described several ways in which outreach has been conducted, including through Spanish and English newspapers, the NSF

Astronomical Services Division website, direct notifications to all of the stakeholders on the list, and social media announcements.

- h. *Comment from Carmen Pantoja*: The language barrier is also something to be considered. The terms are very technical for Section 106 and it is difficult to interpret what they mean. For example, who can be a Consulting Party? More definitions would be helpful. Also, the meeting schedule for July 6 is inconvenient because of the July 4 holiday and many people will be on vacation.
  - 1. NSF acknowledges that the July 4 holiday could be problematic, but it is important to stick to the schedule to allow the possibility that a new operator could take over. Perhaps NSF could host another conference call in July or August? Also, the public and Consulting Parties can provide comments to NSF at any time during the comment period that we can establish once we send out a draft PA.
- i. *Question from Charlene Vaughn (ACHP)*: Have materials been translated into Spanish?
  - 1. Yes. And there has been a translator at every meeting.
- j. *Question from SHPO*: Is the July 6 meeting for Consulting Parties open to the public?
  - 1. Yes. It is open to everyone. All stakeholders have already been contacted. The date of the meeting will also be published in the newspapers.
  - 2. *Response from Charlene Vaughn (ACHP)*: Important to note that the public cannot all function as a Consulting Party. Consulting Parties are the ones who provide input on adverse effects. A useful document could be a Frequently Asked Questions (FAQ) handout that the agency can develop that explains technical terms and de-mystifies Section 106. It would need to be in English and Spanish, no more than 2 pages, no more than 6 questions and answers. That way everyone is equally informed. Could include: What is the undertaking? Why is it being proposed? When will it occur? How is NSF reaching out to the people? How can the public inform the mitigation that is ultimately proposed?
    - a. NSF has clarified the role of Consulting Parties during the previous meetings and will repeat this on July 6. NSF has taken an inclusive view.
    - b. NSF will develop the FAQ and send that with a copy of a draft PA.
- k. NSF's aim is to get a draft PA to ACHP, SHPO, and Consulting Parties by COB Friday June 23. This will allow enough time for people to review it before the July 6 meeting. The draft PA will focus on Alternative 1, the Preferred Alternative. If another alternative is chosen, NSF will re-initiate consultation.
  - 1. *Response from SHPO office*: Agrees with this approach. A PA with 5 alternatives is confusing for everyone.
  - 2. *Comment from Charlene Vaughn (ACHP)*: ACHP also agrees that this is a good approach. If NSF is focusing on Alternative 1, the process for looking at other options if Alternative 1 is not successful needs to be

included in the PA. However, just saying that consultation will be re-initiated is too open ended. NSF should say that consultation will resume and will focus on the other alternatives. It is important not to surprise people if Alternative 1 is not chosen. You don't want people to assume that NSF will be starting from the very beginning of the consultation process.

a. Yes, the provisions and stipulations would cover this.

l. Any other ideas to include in the draft PA?

1. *Comment from Charlene Vaughn (ACHP):* The ACHP will reach out to SHPO about talking to local officials. It will be important to include their feedback.

a. NSF could meet with any willing local officials in-person just before the July 6 meeting.

m. Next steps: NSF will work to produce a draft PA in English and Spanish. The draft PA will be posted on the NSF website and stakeholders will be notified. This will be followed with a 30-day public comment period. NSF will also develop the FAQs and provide the updated language for Alternative 1 for distribution. SHPO will provide the example of the preservation covenant for Cuartel de Ballaja. NSF also requests that ACHP, SHPO, or Consulting Parties email or call NSF with any ideas.

1. *Response from SHPO:* SHPO will share the information on their Facebook page and include the link to the NSF website.

a. NSF encourages people to share the information.

2. *Question from Charlene Vaughn (ACHP):* Will the July 6 meeting be recorded?

a. Yes. Also, NSF will have a translator. NSF is looking into simultaneous translation. Meetings with consecutive translation tend to last longer, so NSF is planning for that.

3. *Question from Carmen Pantoja:* Please provide a description of the format for the July 6 meeting so that people can be prepared. How long will the meeting last?

a. It will last a few hours. It starts at 6 and will likely end around 9. The most important thing is to get through everything that needs to be discussed. It is possible to follow up with more teleconferences if necessary.

b. NSF will provide an agenda before the meeting. The agenda will first be provided to the ACHP, SHPO, and the Consulting Parties. (Javier at ACHP can help with the translation. Charlene will provide the agenda to Javier).

## 10. Conclusions:

a. ACHP, SHPO and Consulting Parties will receive the following by COB Friday June 23: Draft PA in English and Spanish; description of Alternative 1, Preferred Alternative; a meeting agenda for July 6; FAQs in English and Spanish; a link to the 1991 ACHP document; a link to the 2000s NASA document; a link to the NSF



website; a link to an ACHP “success stories” for a comparable scientific site; a link to NSF’s solicitation for proposals

1. *Comment from Charlene Vaughn (ACHP):* ACHP can provide a “Success Story” for a scientific site that could be a good example of how similar situations have been approached in the past. This will be provided as a link.
- b. SHPO will post the information on their Facebook page and add links.
- c. The responses to the solicitation for proposals are currently under review.
  1. *Question from SHPO:* when does the review period end?
    - a. Solicitation period closed in May. It is a complex process for review: proposals are received, experts review them, a panel reviews them, updates are obtained, program officers make a recommendation to the Director, then there is an analysis on the business side and financial side. All of this occurs before any award can be made. Not clear when the review period will end. Current award ends at the end of March, so the process must be completed by March 2018, which is the reason why NSF must issue its ROD by the end of August or early September.
  2. *Question from Charlene Vaughn (ACHP):* Will NSF have completed the Final EIS by then, too?
    - a. All NSF’s environmental compliance obligations (NHPA, NEPA, etc.) must be completed before NSF can make a decision so that the information gathered informs the ultimate decision.
    - b. If appropriate, the ROD would say that NSF selected Alternative 1, but would not provide specifics on who the awardee is. After that, NSF can award a proposal in September. Everything must be done before March when the current cooperative agreement expires.
- d. Closing remarks. Thank you for your participation!