



NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230

Mr. John M. Fowler, Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637

April 28, 2017

RE: Section 106 Consultation for the Proposed Changes to Arecibo Observatory Operations, Arecibo, Puerto Rico, Invitation to Participate, and Request to Review Draft Programmatic Agreement

Dear Mr. Fowler,

The National Science Foundation (NSF) Directorate for Mathematical and Physical Sciences, Division of Astronomical Sciences has identified the need to divest several facilities from its portfolio to retain the balance of capabilities needed to deliver the best performance on the key science of the present decade and beyond. The Arecibo Observatory in Puerto Rico is one of those facilities. NSF has identified five Action Alternatives, all of which include some level of potential deconstruction of the facility. The decision regarding the potential changes to operations of the Arecibo Observatory in Puerto Rico is considered a federal undertaking and triggers compliance with Section 106 of the National Historic Preservation Act (NHPA). While engaging in Section 106 consultation under NHPA, NSF is simultaneously proceeding with its environmental review under the National Environmental Policy Act (NEPA) to identify potential environmental impacts associated with the proposed changes to operations. A Draft Environmental Impact Statement (EIS) was published on October 28, 2016, which evaluated potential environmental impacts of the following alternatives:

- **Alternative 1** – Collaboration with Interested Parties for Continued Science-focused Operations (Agency Preferred Alternative)
- **Alternative 2** – Collaboration with Interested Parties for Transition to Education-focused Operations
- **Alternative 3** – Mothballing of Facilities
- **Alternative 4** – Partial Deconstruction and Site Restoration
- **Alternative 5** – Complete Deconstruction and Site Restoration
- **No-Action Alternative** – Continued NSF Investment for Science-focused Operations

This Draft EIS may be viewed at www.nsf.gov/AST (click on "AST Facilities- Environmental Reviews").

The Section 106 consultation thus far has included the following communications:

- May 23, 2016: NSF published its "Notice of Intent To Prepare an Environmental Impact Statement and Initiate Section 106 Consultation for Proposed Changes to Arecibo Observatory Operations, Arecibo, Puerto Rico and Notice of Public Scoping Meetings and Comment Period" in the Federal Register, and distributed it to potential stakeholders
- June 6, 2016: NSF met in-person with State Historic Preservation Officer (SHPO) staff in San Juan to introduce the proposed action
- June 7, 2016: NSF held two public scoping meetings (one in San Juan and another in Arecibo) to begin its NEPA process and its Section 106 consultation process; stakeholders were invited to identify themselves as consulting parties on the sign-in sheet
- June 16, 2016: NSF sent emails to the people who expressed an interest in becoming consulting parties and asked for confirmation regarding whether they wanted to formally participate in NSF's Section 106 process as consulting parties; 6 responded saying they did want to participate as consulting parties
- July 5, 2016: NSF sent a Section 106 consultation initiation letter to the SHPO
- July 19, 2016: NSF sent an email to Mr. John Fowler and Mr. John Eddins forwarding its Section 106 consultation initiation letter and inviting participation from the Advisory Council on Historic Preservation (Council); no responses were received
- August 8, 2016: The SHPO sent a letter to NSF stating that it "received and reviewed" NSF's proposed action in accordance with the NHPA and its implementing regulations. Because NSF had not yet determined a conclusive course of action, the SHPO requested in its letter that it "be kept abreast upon any determination regarding this significant property in order to assess and resolve project effects"
- October 6, 2019: NSF emailed the Council with a status update and to inquire if the Council would like to participate in the Section 106 process; no response was received
- October 19, 2016: NSF submitted an Assessment of Effects to SHPO (Enclosure 1), with a finding of adverse effects (the six consulting parties were copied on the correspondence and the Assessment of Effects was posted on the NSF public webpage)
- November 4, 2017: NSF (Ms. Caroline Blanco) emailed the Council a link to the Draft EIS and inquired about Council participation
- November 4, 2017: The Council (Mr. Eddins) responded that if the Council doesn't respond in 15 days, NSF can move forward, and noted that if there are no issues with the Section 106 process they would not be likely to participate
- November 15, 2017: NSF met in-person with the SHPO and staff in San Juan to discuss adverse effects finding and to begin consideration of possible mitigation measures; during the meeting, a consensus was reached that a Programmatic Agreement (PA) would likely be the appropriate mechanism to address adverse effects
- November 17, 2017: NSF held a consulting parties meeting and four additional consulting parties were added to the list as a result of their participation in this meeting (note that a transcript of this meeting is available upon request)

- December 12, 2016: the SHPO sent a letter to NSF acknowledging receipt of documentation describing all five action Alternatives and noting that all five Alternatives meet the criteria of adverse effect; the SHPO recommended that NSF notify the Council and continue to consult with consulting parties to seek ways to resolve adverse effects
- December 15, 2016: NSF forwarded the SHPO's December 12th letter to the Counsel and invited the Council to participate in the Section 106 process
- December 15, 2016: The Council (Mr. Eddins) and NSF (Ms. Blanco) exchanged emails concerning the need for Council involvement, and NSF described public opposition to the proposal and its intention to draft a Programmatic Agreement (PA); no further response from the Counsel was received
- Winter/spring 2017: NSF prepared a preliminary draft of the PA and has been working on reviewing and developing responses to public comments received on the Draft EIS; NSF has also been preparing and finalizing the Final EIS (anticipated release in the Summer of 2017)
- April 2017: NSF is sharing a preliminary draft PA to the SHPO and Council for an early review, to be followed by an invitation to the consulting parties to review and comment on the draft PA during a 30 day comment period (the draft PA will also be posted on the NSF public webpage); NSF also plans to hold a telephonic consultation meeting soon after the close of the 30 day comment period

We are attaching, in Enclosure 2, copies of the above correspondence. Also note that all of the SHPO letters and the Assessment of Effects are posted on the NSF public website referenced above.

Per 36 CFR 800.11, we would like to formally invite your participation in this Section 106 process and invite your early review of the enclosed preliminary draft PA. The regulations also specify documentation requirements, which we believe are fully addressed in the enclosed *Proposed Changes to Arecibo Observatory Operations: Historic Properties Assessment of Effects* (Assessment of Effects), as described below:

1. Description of undertaking - please see *Section 1.1, Definition of Proposed Undertaking, Section 1.2, Proposed Alternatives Background, and Section 1.3, Proposed Alternatives Description* in the enclosed Assessment of Effects, with the Area of Potential Effects described in *Section 1.4*
2. Description of steps taken to identify historic properties - please see *Section 1.4, Area of Potential Effects, and Section 1.5, Methodology* in the enclosed Assessment of Effects
3. Description of historic properties affected - please see *Section 2, Identified Historic Properties*, in the enclosed Assessment of Effects
4. Undertaking's effects on historic properties (adverse) - please see *Section 3, Assessment of Effects*, in the enclosed Assessment of Effects
5. Explanation of why the effects meet the criteria of adverse effect - please see *Section 3, Assessment of Effects*, in the enclosed Assessment of Effects
6. Copies or summaries of views provided by the public and consulting parties - please see Enclosure 2 for SHPO letters and Enclosure 4 for a summary of comments relating to cultural resources that were submitted during both the DEIS and the Section 106 public comment periods.

We are providing the preliminary draft PA to both you and the SHPO simultaneously, and we request your initial thoughts on this document ahead of our sharing it with the full consulting parties group and the public for a 30-day review and comment period.

I will follow up with your office shortly to discuss your anticipated participation. If you have any questions, please contact me by phone at 703-292-4592 or by email at cblanco@nsf.gov. We look forward to further consultation with you on this proposed undertaking.

Regards,



Caroline M. Blanco
Federal Preservation Officer
Assistant General Counsel
Office of the General Counsel

Cc: Mr. John Eddins, ACHP (via email)
Ms. Charlene Dwin Vaughn (via email)
SHPO staff (via email)

Enclosures:

- (1) Proposed Changes to Arecibo Observatory Operations: Historic Properties Assessment of Effects*
- (2) Consultation record*
- (3) Preliminary Draft Programmatic Agreement*
- (4) Summary of public and consulting parties comments relating to cultural resources*