

Section 106 Consulting Parties Meeting
Green Bank Observatory
Thursday, June 28, 2018
3:00 p.m. – 5:00 p.m. (EDT)

Attendees and Introductions

National Science Foundation (NSF): Caroline Blanco (Assistant General Counsel/Federal Preservation Officer, Office of the General Counsel), Karen Pearce (Senior Legislative Affairs Specialist, Office of Legislative and Public Affairs), Elizabeth Pentecost (Project Administrator, Division of Astronomical Sciences), Kristen Hamilton (Environmental Compliance Officer, Office of the General Counsel), Harshal Gupta (Green Bank Observatory Program Director, Division of Astronomical Sciences, Directorate for Mathematical and Physical Sciences)

CH2M HILL/Jacobs (Jacobs): Lori Price (Senior Cultural Resources Consultant), Jessica Wobig (Cultural Resources Specialist)

Advisory Council on Historic Preservation (ACHP): Charlene Vaughn (Assistant Director of Federal Permitting, Licensing, and Assistant Section, Office of Federal Agency Programs)

Green Bank Observatory (GBO): Dr. Karen O'Neil (Green Bank Observatory Director), Mike Holstine (Business Manager), Frank Ghigo, Martin Chestnut, Paulette and David Woody, Mary Meeks, Jon Cooper, Jason Pitzer, Galen Watts, Carla Beaudet, Dennis Egan

Division of Culture and History's State Historic Preservation Office: Susan Pierce (Deputy State Historic Preservation Officer), Benjamin Riggle, Sarah Hanna

National Park Service (NPS): Bonnie Halda

Pocahontas Landmarks Commission: Bob Sheets

Senator Manchin Representative: Zahava Urecki, Staff Assistant

Interested Community Members: Deana and Ellie White, Sue Howard, Jennifer Wood, Gray Ralphsnyder, Carlos Sosa

The Pocahontas Times: Suzanne Stewart

Status/Process Update

Kristen/NSF provides an overview of the meeting purpose.

- Statement of Intent.
- Introduction of the environmental review process (beginning in 2016).
 - Included 2 different public scoping meetings, public comment period, and issuance of a Draft EIS (published in November 2017), followed by a 60-day public comment period and public meeting.
 - Completed Endangered Species Act.
- **Charlene/ACHP** asks if the received public comments could be summarized. **Kristen/NSF** clarified the received public comments during the NEPA process on cultural resources and noted that all public comments were considered by NSF during the Section 106 process as well:
 - 6 comments received:
 - Comments from 3 persons in attendance at today's meeting
 - Overall interest in additional research (including the 20-meter Telescope, the Hannah House, and Tatel Telescope)
 - EPA asked how TCPs were identified.

- **Kristen/NSF** continues by providing an overview of the Section 106 process, which includes four main steps: initiation, identification of potential historic properties, assessment of effects, and development of a document to address adverse effects to historic properties

Summary of Historic Properties at GBO

Lori/Jacobs provides overview of identification and assessment process to date

- Survey efforts in 2014 led to a NRHP Historic District (GBO Historic District) found eligible by NSF (the federal agency) under Criteria A and C. Also, Criteria Consideration G is applicable to the GBO Historic District due to the presence of historic properties with exceptional significance that are less than 50-years of age
- Discussion of the Section 106 process for the GBO Historic District versus the Reber National Historic Landmark (NHL); the NPS is involved when there is a potential effect on an NHL
- **Bonnie/NPS** clarifies that the Secretary of the Interior (SOI) designates NHLs and the NPS provides comment on the potential to affect NHLs in addition to the Lead Federal Agency, the State Historic Preservation Officer (SHPO) and other Consulting Parties
- **Charlene/ACHP** is introduced because of the ACHP's involvement due to the potential adverse effect to a historic property. She clarifies that she is vested in today's meeting not only due to the role of ACHP but also because of her previous experience and knowledge gained from the Section 106 efforts at the Arecibo Observatory.
- **Lori/Jacobs** continues with the explanation of the four individually NRHP-eligible historic properties (Interferometer Range, 40-foot Telescope, 43-meter Telescope, Green Bank Telescope or GBT). Some additional discussion between the Consulting Party attendees and Lori/Jacobs occurs to further clarify the difference between the individually NRHP-eligible historic properties and the GBO Historic District's contributing resources. SHPO concurred with the NRHP-eligibility determinations and assessment of adverse effect.
- **Charlene/ACHP** asks **Susan/SHPO** to explain SHPO's role in review and concurrence of the NRHP-eligibility assessment and potential adverse effect determination.
 - **Susan/SHPO** clarifies the review and concurrence of the NRHP-eligibility recommendations and states she would like to further discuss the telescope (Tatell) which was referenced in the received public comments.
- **Carla Beaudet, GBO staff**, interjects with a recommendation to include further discussion on the Drake Lounge, which is in the residents' hall above the cafeteria. Currently, the Drake Lounge has a commemorative plaque memorializing the site where a meeting occurred leading to the Drake equation, and Tully-Fischer relation (foundation of how dark matter was inferred, quantifies the mass of galaxies). Noted there is a book available, "But It Was Fun," for purchase at the GBO gift shop that further discusses the event.
- **Bob/Pocahontas Landmarks Commission** appreciates seeing the Hannah House featured in the presentation due to the anniversary of the county and his previous comment regarding the building's local significance.

Discussion of Draft Programmatic Agreement

Kristen/NSF discusses the Draft PA, which is a document that details how to resolve adverse effects.

- **Charlene/ACHP** further describes how a PA is a program alternative, or a project-based programmatic agreement to address short/long term solutions that are aimed to include all Consulting Parties. The document lays out a road map for how a project's effects on historic properties will be addressed. The draft does not exactly detail the outcome.
- **Kristen/NSF** explains a comment period is open, and NSF will provide the weblink for submitting a comment.
- **Kristen/NSF** describes how a PA is set up, or the intent of each Section.

Kristen/NSF opens the floor for additional questions related to the Draft PA.

- **Deana White/CP** asks for a copy of a "2006 report" that recommended the need for de-funding the GBT.
 - **Caroline/NSF** and **Liz/NSF** clarify that the NSF AST completed a Senior Review in 2006. NSF-AST relies on its decadal surveys for setting science priorities for the agency. The 2010 Decadal Survey recommended that NSF conduct a "senior" review before the mid-decadal review, and the result was the 2012 Portfolio Review. The 2012 portfolio review did specifically mention the GBT. Both clarify that it is a publicly available document, and NSF will provide a link or copy.
 - **Charlene/ACHP** asks to clarify if the public was involved in the previously mentioned studies.
 - **Caroline/NSF** and **Liz/NSF** clarify that NSF AST utilized an external advisory group composed of experts in the field, not the public, who made the recommendations to NSF. The recommendations were developed to ensure NSF's portfolio is balanced and maximizes progress on the scientific priorities set by the 2010 Decadal Survey. While not everyone agrees with NSF's ultimate direction, the external review groups are essential to the overall mission.
 - **Ellie White/CP** asks how the advisory group is selected.
 - **Liz/NSF** states about 12-20 persons are selected by NSF to compose a multidisciplinary panel that makes the recommendations.
 - **Harshal/NSF** states the overall process is broader than the advisory group because it takes into account the recommendations of the 2010 Decadal Survey, which reflects the priorities of the greater astronomical science community.
 - **Karen/GBO** further explains how the 2006 review included operational costs. Financial reviews brought in by outside parties and internal audits created contradictions between the NSF audit review and the response that was received internally. As a result, scientists made financial recommendations that were audited by financial experts, which generated some irregularities. Overall, the outcome was based on a budgetary cap described in 2012 report.
- **Charlene/ACHP** asks about how the WV Senator legislative questions were answered.
 - **Karen/NSF** and **Caroline/NSF** state that periodic comments/concerns/questions presented to NSF have consistently been responded to by NSF; many of the comments/concerns/questions focused on the proposed Alternatives analyzed in the NEPA review, and did not focus on the portfolio review. Karen states that NSF has been in close contact with the WV delegation throughout this process.
- **Mike/GBO** asks why the National Radio Quiet Zone (NRQZ) is not identified as an historic property (he mentioned it was first created by the State in 1967 followed by U.S. Congress)
 - **NSF/SHPO/Jacobs** explain that the NRQZ was discussed as part the NRHP-eligible Historic District.

- **Bonnie/NPS** clarifies that the Reber Telescope NHL is not significant for its setting but, rather, for its technological significance. She then poses a question: should the GBO Historic District be considered an NHL?
- **ACHP/NSF/SHPO/Jacobs** state that it would be difficult to list the NRQZ in the NRHP because it's not a site or object. But could evaluate it in more detail as a contributing factor to the setting of the historic district.
- **CP** asks about the potential for UNESCO World Heritage eligibility.
 - **ACHP/NSF/SHPO/Jacobs** Explain the process for consideration is different than determining eligibility for the NRHP and involves greater competition, globally.
 - **Karen/GBO** adds that, while the GBO was the first NRQZ in the US, it is not necessarily the best example. It is unique to the U.S., but not to the world.
- **GBO staff**, who has served as a custodian of the NRQZ for 12-years (NRQZ has been run by GBO for 52 years), emphasized that the technology wouldn't have importance without the NRQZ (setting).
 - **ACHP/NSF/SHPO/Jacobs** all agree that this impact of the NRQZ on the setting will need to be further evaluated.
- **Charlene/ACHP** asks whether mitigation could be included by incorporating a more full analysis of the importance of the NRQZ into any agreement document.
 - Notes that Section 110f *and* 106 should be noted in the "Whereas" section
- **Charlene/ACHP** asks how Tribal representatives were included.
 - **Kristen/NSF** states that the relevant tribes were notified and followed up with phone calls. Delaware Nation identified themselves as being an interested party. Cherokee replied with an "out of interest area" comment and recommended the Shawnee be contacted. The Delaware Nation has not submitted a comment on the Draft EIS, and likely only wish to be consulted if changes occur. No other tribes have responded or expressed interest.
 - **Caroline/NSF** clarifies the Delaware Nation sent a letter to NSF.
- **Kristen/NSF** explains adverse effects specific to transferring to non-federal entity, safe-abandonment, and demolition.
- **Kristen/NSF** explains the measures of avoidance, which encourages any new operators or non-federal owners to use as many of the resources as possible.
- **CP** suggests including the 20m in the "Whereas" clause addressing individually eligible resources.
- **Karen/GBO** requests clear guidelines on how GBO is supposed to keep using historic properties. For example, what is an adverse effect from modifications to contributing resources, or demolition of noncontributing resources.
 - **Lori/Jacobs** and **Susan/SHPO** agree that a focused review process should be defined for how these resources will be cared for moving forward.
 - **Karen/GBO** points out the amount of time that has lapsed since the 2014 studies were conducted. She stressed the need to look at the present condition of resources when developing a preservation/maintenance plan. For example, weather, deterioration, etc.

- **Charlene/ACHP** asks to add a section addressing a process for handling effects on historic properties as a result of emergencies and natural disasters. She suggests making it a standalone provision among the “boilerplate” provisions explaining what the process will be and how it should work with the SHPO to streamline the review process.
- **Susan/SHPO** states that a separate consultation could occur now, outside of this current environmental review.
- **Mike/GBO** asks why the Reber and two other contributing (but not individually eligible) instruments were mentioned in the Draft PA in one stipulation.
 - **Kristen/NSF** states the resources were grouped because they are stand-alone display instruments.
 - **NPS** requests that the Reber be listed in the Draft PA as a stand-alone stipulation because it is an NHL, even if it is repetitive language for the other resources, due to potential for future confusion as to why they are discussed together. All agree.
 - **Kristen/NSF** suggests that the Reber should have a condition report every two years to monitor its condition, in response to comment received from SHPO.
 - **Mike/GBO** adds that the GBO uses a post-card image from 1970s to match the appropriate paint.
 - **Bob/Pocahontas Landmarks Commission** notes Grote Reber was here and the Reber was used here, and points to the control building that existed and is shown in the photo used in the presentation (Slide #8).
- **Karen/GBO** adds that the Calibration Horn (Little Big Horn) is a contributing resource, too. She follows up with additional information about the Replica Antenna, which is maintained and used once per year by amateur radio enthusiasts as an education tool and is functional.
 - **Frank/GBO** follows up that the Little Big Horn should be maintained.
 - **Ellie/CP** adds that the Little Big Horn was used in some of the earliest absolute flux measurements (brightest) of radio astronomy.
 - **Karen/GBO** confirms that Little Big Horn shouldn’t be moved but it should be made more readily available for public access (i.e., add a path, etc.). The hillside is part of its structure. The angle of the hillside provided the necessary angle to observe the absolute center of the galaxy.
- **All agree to make Section 1.A.4.b. a standalone provision applying to any situation in which there are historic properties that are not repurposed for further scientific use by NSF.**
- **NPS** asks, not as a requirement but just as a consideration, for HAER documentation to be included for the Reber.
 - **Caroline/NSF** and **Charlene/ACHP** discuss the need for a consideration of HAER recordation or language that clarifies appropriate mitigation documentation and future potential changes (Potentially to be added into Section I.B.1).
- **Charlene/ACHP** and **Susan/SHPO** asks for additional language around modification (Section I.A.3.) that can occur without additional consultation, provided that there are no adverse effects on contributing resources. They ask for additional language to detail out exempt actions.

- **Karen/GBO** uses an example of the interferometer needing an upgrade. For example, she asks whether consultation is still required if the replacement of the surface is carried out with a similar type of material.
- **Charlene/ACHP** points to the Secretary of the Interior's Treatment of Historic Properties
- **Susan/SHPO** further discusses replacement in kind.
- **Lori/Jacobs** asks for **Karen/GBO** to create a list of the types of modifications GBO needs to do that may not be considered an adverse effect. Lori/Jacobs suggests that the list be added as an attachment to the PA.
- **Caroline/NSF** suggests that, if the list holds up the finalization of the PA, this approach can be continued outside of this environmental review/Section 106 process.
- **Kristen/NSF** introduces the intent to Mothball, which means operations may resume in the future. Also, **Kristen/NSF** asks about the potential to repurpose significant equipment and artifacts.
 - **Ben/SHPO** asks that a two-year monitoring reporting be put into place
 - **Karen/GBO** asks about what it means to mothball historically significant resources and artifacts.
 - **Lori/Jacobs** and **Kristen/NSF** clarify that this discussion requires additional clarification and may not be appropriate for inclusion in the Section.

Kristen/NSF introduces Section I.B.2.

- **Charlene/ACHP** requests further oral histories to be completed.
- **Susan/SHPO** states the need to include language around who is making the determination of reasonable documentation. **Susan/SHPO** goes on to speak to the potential to do more than what is in a National Register nomination. For example, she suggests an innovative approach that focuses on the living history of GBO staff and the people here.
- **Karen/GBO** states that Grote Reber saved everything, but it was mailed around the world.
- **Charlene/ACHP** and **Susan/SHPO** agree that the appropriate format for telling the story remains an open question.
- **Suzanne Stewart/Pocahontas Times** states that the Newspaper has an archive covering all 146 years of its operation for use in any potential research efforts.
- **Bob/Pocahontas Landmarks Commission** adds that the Commission has additional information to support such a project, also.
- **Susan/SHPO** wants to take an action item to work toward gathering recent histories.
- **Caroline/NSF** suggests that NSF develop an outline of a report and then consult with the SHPO on the contents of that outline.
- **Deanna White/CP** has a concern related to Section I.A.1 or I.B.2, which is specific to additional information regarding why resources were determined appropriate for demolition when they are significant. For example, what happens if a new operator comes in and views the alternatives as options for demolition.
 - **Charlene/ACHP** echoes concern by asking for further emphasis to be placed on coordination with SHPO.

- **Caroline/NSF** clarifies there is no intention to demolish but there is a practical reality of needing to plan for worst case scenarios. She suggests that a way to address this is to use a similar approach to what was used in the Arecibo PA: develop a management plan with a future collaborator(s) that addresses preservation strategies and includes training and SHPO consultation. Language will be included to encourage the preservation of historic properties. **Charlene/ACHP** agrees with that suggestion.
- **Mike/GBO** points out and asks for clarification on a statement in Part C regarding an every sixth-month reporting stipulation
 - **All** agree it should be deleted.
- **Karen/GBO** and **Charlene/ACHP** discuss what happens if a new federal owner takes possession of the property. For example, can the PA be adopted by the new owner?
 - **Caroline/NSF** explains that the PA may be used as appropriate to the new owner's mission, either incorporated in whole or in part and at the discretion of the new owner. The PA will reflect NSF's encouragement of a new partner to use the document. However, NSF may not enter legally binding agreements on behalf of any unknown or future partner.

Kristen/NSF concludes the meeting and asks that any further comments for a revised Draft PA be sent to NSF. A revised copy of the Draft PA will be provided to CPs and agencies.

Next Steps

- NSF to provide a copy of the 2006 report. The 2012 report is already provided on the main NSF-AST web site.
- Following the close of comments on the Draft PA, a revised copy of the Draft PA will be provided to interested CPs and agencies.