

From: [Snyder, Amy](#)
To: ["Bucci, Thomas P \(Tom\) CIV USARMY IMCOM AEC \(US\)"](#)
Cc: ["Cherry, Robert N CIV USARMY IMCOM HQ \(US\)"](#)
Subject: RE: Endangered species and cultural affairs- Clarification Questions - Army Responses.
Date: Tuesday, January 12, 2016 2:51:00 PM

Mr. Bucci,

Thank you. You have answered by questions.

A

-----Original Message-----

From: Bucci, Thomas P (Tom) CIV USARMY IMCOM AEC (US) [<mailto:thomas.p.bucci.civ@mail.mil>]
Sent: Tuesday, January 12, 2016 9:09 AM
To: Snyder, Amy <Amy.Snyder@nrc.gov>
Cc: Cherry, Robert N CIV USARMY IMCOM HQ (US) <robert.n.cherry.civ@mail.mil>
Subject: [External_Sender] RE: Endangered species and cultural affairs- Clarification Questions - Army Responses.
Importance: High

Ms. Snyder,

Below, pasted underneath the questions you posed, are the Army's responses.

Please do not hesitate to contact me with any further questions, or for any clarifications to the responses below.

Very respectfully,

Tom

Thomas Bucci
NEPA Attorney for AEC West and Northeast Regions
Office of Counsel, Army Environmental Command
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Did we help? Can we improve? Let us know: <http://go.usa.gov/h9gm>

-----Original Message-----

From: Snyder, Amy [<mailto:Amy.Snyder@nrc.gov>]
Sent: Monday, January 04, 2016 11:42 AM
To: Cherry, Robert N CIV USARMY IMCOM HQ (US) <robert.n.cherry.civ@mail.mil>; Bucci, Thomas P (Tom) CIV USARMY IMCOM AEC (US) <thomas.p.bucci.civ@mail.mil>
Subject: [Non-DoD Source] RE: Endangered species and cultural affairs- Clarification Questions

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hi Mr. Bucci,

I have clarification questions regarding the Army's ICRMP for the installations with sites (Radiation Control Areas) where the Davy Crockett M101 spotting rounds were formerly tested:

For the Army's amendment application, it appears that

1. Pursuant to AR-200-4, the Army has obligations under the NHPA for the use and management of its ranges to include those ranges (sites or RCAs) that contain DU from testing of Davy Crockett M101 spotting rounds. Furthermore, it appears that each installation is required to have an Integrated Cultural Resource Management Plan (ICRMP) that includes all activities at that installation, including the use and management of its ranges.

Army Response: The above statement is essentially true. The requirements of the old Army Regulation (AR) 200-4 were, along with certain other Army environmental regulations, essentially moved into the existing AR 200-1, Environmental Protection and Enhancement [available here: http://www.apd.army.mil/pdffiles/r200_1.pdf], Chapter 6 of which contains detailed requirements to ensure the Army's compliance with the NHPA and other cultural resources statutes and regulations. Paragraph 6-4(a)(1) of AR 200-1 provides that installations will develop ICRMPs as a planning tool. The use of ICRMPs for all DoD components is mandated by Department of Defense Instruction (DoDI) 4715.16, Cultural Resources Management [available here: <http://www.dtic.mil/whs/directives/corres/pdf/471516p.pdf>].

2. Do all the following laws below apply to the Army installations with sites that contain DU from former testing of the Davy Crockett M101 spotting rounds:

Public Law 89-665 National Historic Preservation Act of 1966 (as amended)
Public Law 96-95 Archaeological Resources Protection Act of 1979
Public Law 101-601 Native American Graves Protection and Repatriation Act of 1990
32 CFR § 229 Protection of Archaeological Resources
36 CFR § 60 National Register of Historic Places
36 CFR § 67 The Secretary of the Interior's Standards for Rehabilitation
36 CFR § 68 The Secretary of the Interior's Standards for Preservation Projects
36 CFR § 79 Curation of Federally-owned Archaeological Resources
36 CFR § 800 Protection of Historic and Cultural Properties
43 CFR § 10 Native American Graves Protection and Repatriation Regulations
48 CFR § 44716 Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines.
Executive Order 11593 Protection and Enhancement of the Cultural Environment (1971) Executive Order 12555
Protection of Cultural Resources (1986)
Executive Order 13007 Indian Sacred Sites (1996)
Executive Order 13084 Consultation and Coordination with Indian Tribal Governments (1998) Executive Order
13287 Preserve America (2003)
Army Regulation 200-4 Cultural Resources Management
AAP Army Alternate Procedures to 36 CFR § 800.
DOD-AIANP Department of Defense American Indian and Alaska Native Policy

Army Response: As a general matter, yes, the statutes and regulations listed above do apply to all Army installations, including those with sites that contain, or are suspected to contain, DU from Davy Crockett spotting rounds.

3. Is the Advisory Council on Historic Preservation (ACHP) and applicable State SHPO concurring parties in the Army's management of historic properties under the NHPA.

Army Response: Yes. The Army fully complies with the NHPA implementing regulations, contained within 36 CFR 800, and consults both ACHP and the relevant state or states' SHPO(s) (as well as any interested tribes) when making decisions on management of cultural resources.

4. If there are any Endangered Species or historic properties (to include Tribal and cultural resources) they would be addressed in each installation's ICRMP?

Army Response: The management of historic properties would certainly be included in each installation's ICRMP. If there would or could be any impacts to threatened and/or endangered (T/E) species, these would be discussed in the NEPA analysis discussing the environmental impacts of the installation ICRMP (such a NEPA analysis for ICRMPs is generally required by 32 CFR 651.33). (Of course, impacts to T/E species from installation activities would also be discussed within the Endangered Species Management Components of the installations' Integrated Natural Resources Management Plans (INRMPs), as well as any relevant Biological Assessments, Evaluations, and/or Opinions, and in consultation with the relevant state natural resources authorities and the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.)

Please clarify.

Thank you

Amy

Amy Snyder, Senior Project Manager
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-----Original Message-----

From: Cherry, Robert N CIV USARMY IMCOM HQ (US) [Caution-<mailto:robert.n.cherry.civ@mail.mil>]

Sent: Wednesday, December 30, 2015 2:01 PM

To: Snyder, Amy <Amy.Snyder@nrc.gov>; Bucci, Thomas P (Tom) CIV USARMY IMCOM AEC (US) <thomas.p.bucci.civ@mail.mil>

Subject: [External_Sender] Endangered species and cultural affairs

Amy,

As we discussed a few minutes ago, I encourage you and your staff to directly contact Mr. Tom Bucci for assistance with information the Army already has about endangered species and cultural affairs at our Davy Crockett-affected installations. His contact information follows:

Thomas Bucci
NEPA Attorney for AEC West and Northeast Regions
Office of Counsel, Army Environmental Command
2450 Connell Road Building 2264, Room 102-004
Fort Sam Houston, TX 78234-7664
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thomas.p.bucci.civ@mail.mil

For example, he wrote to me earlier today, "Regarding the NRC's question (or questions) on Installation Cultural Resources Management Plans (ICRMPs), once you know what those questions are [redacted] of my office and I (along with AEC's cultural resource subject matter experts) can assist in formulating responses"

Please CC me when you correspond with Tom.

Thanks,
Bob

Bob Cherry
IMCOM Radiation Safety Staff Officer
210-466-0368
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