



April 11, 2008
HPO-D2008-65 PROD
07-0835-1, -2, -3

JON S. CORZINE
Governor

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Natural and Historic Resources, Historic Preservation Office
PO Box 404, Trenton, NJ 08625
TEL: (609) 292-2023 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

LISA P. JACKSON
Commissioner

Barbara Folk
Directorate of Public Works
ATTN: IMNE-MON-PW
167 Riverside Avenue
Fort Monmouth, NJ 07703

Dear Ms. Folk

In accordance with 36 CFR Part 800: Protection of Historic Properties, as published with amendments in the Federal Register on 6 July 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

**Monmouth County, Eatontown Borough, Eatontown, Oceanport & Tinton Falls
Fort Monmouth
Defense Base Closure and Realignment
U.S. Department of the Army**

The comments which follow are based, in part, on the following reports:

Integrated Cultural Resource Management Plan for Fort Monmouth 2007-2010, January 2007, (2007 ICRMP) prepared by Versar under contract to VEETech, P.C.

Phase I Archaeological Survey of Fort Monmouth, Monmouth County, New Jersey, November 2007 (draft) prepared by VERSAR, for Mobile District, U.S. Army Corps of Engineers.

Identification of Historic Properties

Architecture

Architectural resources at Fort Monmouth include the Fort Monmouth Historic District, the Charles Wood Area/Sun Eagles Country Club Historic District, and a number of individually eligible properties. I have discussed each below.

Fort Monmouth Historic District

I concur with the proposed revised boundary of the Fort Monmouth Historic District shown in Figure 5.3-1, the findings of *Table 5.2-3 Contributing Buildings within the Fort*

Monmouth Historic District and Table 5.2-4 Non-Contributing Buildings within the Fort Monmouth Historic District. I am not aware of any survey of the smaller objects: markers, monuments, and items such as cannon located within the Fort Monmouth Historic District, that were located within the District during its period of significance, and are therefore contributing elements of the District.

Charles Wood Area/Sun Eagles Country Club Historic District

As described in the 2007 ICRMP, the Charles Wood Area/Sun Eagles Country Club Historic District includes buildings/elements 2000, 2001, 2018, 2019, and 2020.

Individually Eligible Properties

The Hexagon, Building 2700 (including the Dymaxion Deployment Unit on the roof) and the related electrical substation, Building 2701, are eligible for listing on the National Register of Historic Places under Criteria A and C.

The 2007 ICRMP identifies Building 900 as dating to 1941. The report *Installation Cold War Inventory and Assessment, Fort Monmouth, Red Bank, Monmouth County, New Jersey* April 2003 by Panamerican Consultants, Inc. (Nolte et al.2003) gives the building a date of 1976. If the 1941 date of construction is accurate, Building 900 is eligible for listing on the National Register as a uniquely modified form of a standard plan, with external buttresses added to replace the interior structure, used to house antennas during the development of radar during WW II.

Properties which are 50 years of age but which have not been surveyed

The 2007 ICRMP includes *Table 5.3-1: NRHP Evaluated Buildings and structures at Fort Monmouth Requiring NJHPO Concurrence, and Table 5.3-2: Buildings and Structures at Fort Monmouth Requiring Evaluation.* Based on site visits by my staff, it is my opinion that with the exception of Building 900 (as stated above), the buildings and structures of Table 5.3-1 and 5.3-2 are not eligible for listing on the National Register of Historic Places.

Please note that most of the buildings listed Table 5.3-1 date from the World War II period and are not surveyed in Nolte et al 2003. Nolte et al 2003 covers properties constructed (or used for Cold War purposes) from 1946 to 1989. The photocopy of Nolte et al 2003 received by this office in 2007 does not meet guidelines for architectural survey. The only photographs included in the report are photocopies of contact prints of 35mm photography.

Table 5.2-2 NRHP-Eligible or Contributing Buildings and Structures at Fort Monmouth should be corrected. On September 8, 2004 in a letter to James Ott, Director of Public Works, Deputy State Historic Preservation Officer Dorothy Guzzo concurred that "the areas identified on the maps as Hemphill, Megill, and North Pinebrook are not eligible

for the National Register of Historic Places.” The buildings located in the “unnamed residential district” are not eligible for listing on the National Register.

Finally, the 2007 ICRMP indicates that the Army does not know the whereabouts of the three Dymaxion Deployment Units included in the list of contributing properties. The loss of three historic buildings is, by definition, an **adverse effect** on these eligible resources.

Archaeology

Native American site VSR-2, located in survey area MP-3 along Husky Brook, may be eligible for inclusion in the National Register of Historic Places. Yet unidentified archaeological sites eligible for National Register inclusion may underlie the golf course at the eastern end of the Camp Charles Wood area. In the absence of either additional testing or vehicles to ensure preservation in place, potential for future adverse effects in these two locations cannot be assessed.

HPO has reviewed the November 2007 draft survey report, *Phase I Archaeological Survey of Fort Monmouth, Monmouth County, New Jersey* prepared by VERSAR, for Mobile District, U.S. Army Corps of Engineers. Generally, the extensive disturbance to site deposits documented prior to and during testing provide justification for the limited number of archaeological tests. However, in two instances, either (more) archaeological testing or permanent deed restrictions will be necessary to ensure that future ground disturbing activities either do not occur or will be preceded by archaeological testing, and evaluation and treatment of historic properties. These include the existing golf course where no testing was undertaken and site VSR-2, located in survey area MP-3 along Husky Brook. At the time of HPO's November 29, 2007 site visit to Fort Monmouth it was noted that Monmouth County wishes to continue to use the golf course as a golf course. However, changes in course configuration and amenities, new irrigation, etc. which may be undertaken in the future for golf course maintenance and rehabilitation could result in impacts to archaeological properties.

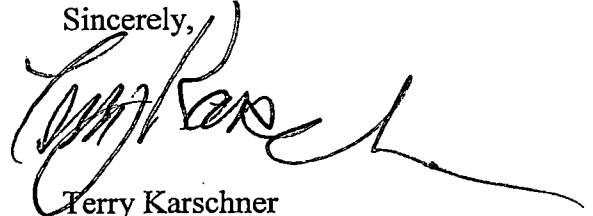
On the basis of the limited testing which was conducted within site VSR-2, HPO does not concur with the survey findings, that it has been demonstrated that the site is not eligible for inclusion in the National Register of Historic Places. Larger excavation units preceded by tighter interval shovel testing are necessary in order to adequately characterize the structure and nature of the Native American site which has been identified. The discovery of remains in a number of small tests indicates a substantial number of artifacts overall and a likely longer term use site or one that was recurrently occupied often. Regardless of the treatment option selected, it will be necessary to fill out an archaeological site form to obtain a SITS number from the New Jersey State Museum (a draft form may be downloaded from the HPO's web site, www.state.nj.us/dep/hpo).

In sum, as noted above, either additional archaeological testing or permanent deed restrictions will be necessary to ensure that future ground disturbance in these two

locations either does not occur or will be preceded by archaeological testing and evaluation and treatment of historic properties. Enclosed is a draft deed restriction for review and potential use for one or both locations, in the event this vehicle is selected to ensure protection of archaeological properties.

Thank you for providing this opportunity for review and Consultation. If you have any questions, please contact Dan Saunders (architecture) at (609) 633-2397 or Deborah Fimbel (archaeology) at (609) 984-6019.

Sincerely,



Terry Karschner
Acting Administrator and
Deputy State Historic
Preservation Officer

c. **Redacted - Privacy Act**
Redacted - Privacy Act
Joseph Murphy
Nancy Parrish
Redacted - Privacy Act
Ken Koschek
Rick Harrison
Redacted - Privacy Act
Redacted - Privacy Act

Prepared by: _____

(The following should be used only after legal review to ensure applicability under State law.)

DECLARATION OF CONSERVATION RESTRICTION/EASEMENT
(_____ Resource)

This Declaration of Deed Restriction is made this _____ day of _____,
20____, by _____, whose address is _____,
_____ Borough/Township, County of _____,
State of New Jersey, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the Declarant is the owner of certain real property located in the
Borough/Township of _____, _____ County, New Jersey, designated
as Lot _____, Block _____ on the Official Tax Map of the *Borough/*
Township of _____, County Clerk or Recorder's Deed Book Number _____, Page Number
_____, (hereinafter "the property"), and

WHEREAS, the disposal is conditioned upon Declarant's recording of an approved
conservation restriction precluding development and/or disturbance of the _____
Resource Preservation Area as set forth on the plan(s) attached hereto as Attachment A, prepared
by _____ and dated _____ last revised _____, (the "Plans"), and as described in
Attachment B (metes and bounds description), and attached hereto and incorporated herein (the
"_____ Resource Preservation Area"); and

Comment [MSOffice1]:

WHEREAS, Declarant desires and intends in accordance with the permit, to prohibit
regulated activities in, on, and under the _____ Resource Preservation Area
pursuant to the covenants, conditions, and restrictions set forth herein; and

NOW THEREFORE, in consideration of the facts recited above and the terms,
conditions and restrictions contained herein, Declarant hereby agrees that _____
Resource Preservation Area is made and declared to be subject in perpetuity to the following
covenants and restrictions:

1. Declarant shall not undertake or perform any regulated activities, including without
limitation, the following activities, within the _____ Resource Preservation
Area without the prior written approval of the _____:
 - a. Construction or placing of buildings, roads, signs, billboards or any other
structures on, in or above the ground;
 - b. Dumping or placing of soil or other substance or material, or dumping or placing
of trash, waste or unsightly or offensive materials;

- c. Removal or destruction of existing or planted tree cover, shrubs or other vegetation;
 - d. Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other mineral substance;
 - e. Surface use or disturbance of the ground, except for purposes that do not inhibit or impair land and water areas from remaining in their natural condition;
 - f. Activities detrimental to historic resources, drainage, flood control, water conservation, erosion control or soil conservation, or fish and wildlife habitat preservation; and/or
 - g. Other acts or uses, or disturbances detrimental to the continuation of the land and water areas in their natural state.
2. The Declarant shall preserve and maintain the _____ Resource Preservation Area in accordance with the recommended approaches in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation including the Standards and Guidelines for Preservation, Planning, Identification, Evaluation, Documentation, and Rehabilitation and with all applicable State and local statutes and regulations.
3. Should one or more human burials be discovered on the property, Declarant shall comply with the guidance provided by the New Jersey State Museum Archaeologist and with all applicable State and local statutes and regulations.
4. The covenants and restrictions set forth herein shall run with the land and be binding in perpetuity upon the Declarant, its successors, and assigns, and all parties or any part thereof. The Declarant shall give notice of this deed restriction to all holders of any easements in the _____ Resource Preservation Area within thirty (30) days of recording by the County Clerk.
5. It is the purpose of the Declaration to assure that the _____ Resource Preservation Area will be maintained as such and to prevent any disturbance or development of the property contrary to the terms set forth herein. To carry out this purpose, the following rights are granted to the Department, specifically _____, by this declaration:
 - a. To enter upon the property in a reasonable manner and at reasonable times so as to assure compliance with the provisions of said restrictions; and
 - b. To enjoin any activity on, or use of, the property that is inconsistent with the purpose of these conservation restrictions; and
7. The Declarant intends that enforcement of the terms and provisions of the deed restriction shall be at the discretion of the State of New Jersey. Any forbearance on behalf of the State of New Jersey to exercise its rights hereunder in the event of any breach hereof by the Declarant, its successors or assigns, shall not be deemed or construed to be a waiver of the State's rights granted hereunder in the event of any subsequent breach. This shall be true regardless of the number of breaches of the

restriction, condition or covenant that occur, or the length of time it remains unenforced.

8. The Declarant reserves to itself, its successors or assigns, all rights as to owners of the property, including the right to engage in all uses of the property; including the right to engage in all uses of the property not inconsistent with the purpose of these restrictions and the right to the property in accordance with N.J.A.C. 7:7E-3.36, or N.J.A.C. 7:7A-4.3(b), or N.J.A.C. 7:7A-7.2(b), as applicable.
9. This instrument conveys no additional right of access by the general public to any portion of the property; however, if human gravesites have been identified within the _____ Preservation Area, reasonable times for visitation by bona fide family members of the deceased present in the gravesites **must (or may)** be permitted.
10. The Declarant agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the _____ Resource Preservation Area. The Declarant shall be responsible for acts of its own negligence.
11. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor in interest.
12. The Declarant agrees that the terms, conditions, restrictions, and purposes of this instrument will be inserted in any subsequent deed, lease, sub-lease or other legal instrument by which the Declarant divests itself of any interest in the property.
13. In the event that Declarant makes a showing that a de minimis modification of the restricted area can be justified, the _____ may approve the modification under the following conditions and with the following documentation:
 - a. The modification results in an increased level of protection of the regulated resource; or
 - b. The modification results in equivalent areas of resources protected; and
 - c. The modification does not compromise the original protected resource; and
14. If the _____ approves the modification, the Declarant shall cause the following documents to be prepared and submitted to the _____, for review and approval:
 - d. A revised Plan and metes and bounds description for the area to be preserved under the modified Conservation Restriction/Easement (hereinafter the "Modification Documents"; and
 - e. An Amended Conservation Restriction/Easement that reflects the modifications to the original Conservation Restriction/Easement, the justification for the modification, and that also includes the deed book and page of the title deed for the property or properties set forth in the Modification Documents.

15. The Declarant shall record the documents listed in paragraph 15, above, in the same manner and place as the original Conservation Restriction/Easement was recorded.

16. If any provision of this Declaration or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Declaration and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

TO HAVE AND TO HOLD unto the _____, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this Declaration shall not only be binding upon the Declarant but also upon its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the property.

IN WITNESS WHEREOF, the Declarant has set its hand and seal on the day and year first above written and directs that this instrument be recorded in the Office of the _____ County Clerk.

Attest:

STATE OF:
COUNTY OF:

Be it remembered that on this ____ day of _____, 20__, before me, the subscriber, a Notary Public of New Jersey, personally appeared: _____, and he thereupon acknowledged that he signed the foregoing instrument (*in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation*), and that said instrument is the voluntary act of deed of said person (*or corporation, made by virtue of authority from its Board of Directors*).

A Notary Public of _____

My Commission Expires: _____

Attachments required: Metes and bounds (legal description)
Plan (site plan showing restricted area)