

**LOCAL MANAGEMENT PROCEDURE**  
**AMONG**  
**THE US NAVY,<sup>1</sup> THE [INSERT STATE NAME] STATE HISTORIC PRESERVATION**  
**OFFICER, [AND, AS APPLICABLE THE, NATIONAL PARK SERVICE]**  
**REGARDING OPERATIONS, MAINTENANCE, AND OPTIMIZATION PROJECTS AT**  
**[FACILITY NAME], [CITY, OR COUNTY], [STATE]**

**WHEREAS**, the US Navy (Navy), the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) executed a National Programmatic Agreement (NPA) to establish a standardized, national process to address effects of Undertakings to improve, operate, and maintain the Navy’s public shipyards and support facilities through the development of local management procedures (LMP) to be implemented at the installation level; and

**WHEREAS**, the Navy has obligated itself through the NPA to the development of a national context and thematic study documenting the history of shipbuilding and ship maintenance in the United States and the development of an interpretive exhibition of shipyard history to become a permanent display at the National Museum of the United States Navy or other appropriate institution to mitigate visual effects at all shipyards and support facilities and the Navy is not obligated to mitigate for visual adverse effects of Undertakings at [FACILITY NAME]; and

**WHEREAS**, [use clause only if a National Historic Landmark is located in the APE] the Navy Commanding Officer (Navy) shall utilize procedures in this LMP, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to the [NHL NAME] National Historic Landmark (NHL) that may be directly and adversely affected by an Undertaking; and

**NOW, THEREFORE**, the Navy, SHPO, [and, as applicable, the National Park Service (NPS)] agree that Undertakings shall be implemented in accordance with the following procedures in order to take into account the effect of Undertakings on historic properties, consistent with the NPA.

**PROCEDURES**

**I. ROLES AND RESPONSIBILITIES**

- A. The Navy shall ensure that the Navy fulfills the requirements of this LMP.
- B. Designated Navy Cultural Resources Manager
  - 1. This LMP shall be managed and implemented by subject matter experts (SME) qualified in history, archaeology, architectural history, and or historic architecture, as applicable to the resources, consistent with the professional qualifications standards of the Secretary of the Interior Professional Qualifications Standards set forth at 36 CFR 61 (SME Federal Register 48: 44738-44739.)
  - 2. Navy SMEs with responsibilities for this LMP shall be designated in writing as the Cultural Resources Manager (CRM) by the Commanding Officer prior to the

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<sup>1</sup> The Navy will designate the appropriate Commanding Officer within Commander Navy Installations Command

49 execution of the LMP. Notification of any changes in CR SMEs will be provided  
50 to the LMP Signatories and concurring parties within seven calendar days.  
51

52 C. SHPO

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54 D. NPS

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56 E. Concurring Parties (*to be determined during LMP consultation*)  
57

## 58 **II. APPLICABILITY**

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60 A. The LMP shall apply to all Undertakings at [INSTALLATION NAME] and those  
61 Undertakings located outside the shipyard boundaries that directly support  
62 [INSTALLATION NAME] operational readiness requirements.  
63

64 B. A map delineating the current geographic boundaries of [INSTALLATION NAME]  
65 shipyard is included in Appendix XX. If Navy operational mission requires modifications  
66 to the [INSTALLATION NAME] boundaries, the Navy shall distribute an updated map  
67 to the Signatories and Concurring Parties to the LMP; no formal amendment will be  
68 required.  
69

70 C. For the purposes of this LMP, Undertakings outside shipyard boundaries that directly  
71 support shipyard operations shall be defined as those with the primary purpose of  
72 providing essential support to operations at a public shipyard and that would not be  
73 executed if not for Fleet operational and readiness requirements at [INSTALLATION  
74 NAME].  
75

76  
77 D. Consultation on this LMP will include a review of any existing NHPA program  
78 alternatives as applicable to [INSTALLATION NAME] to ensure that all parties are clear  
79 how the NPA will apply as implemented through the LMP.  
80

## 81 **III. AREA DEVELOPMENT PLANS**

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83 A. When the Navy develops long-range plans for [INSTALLATION NAME] in an Area  
84 Development Plan (ADP), the Navy shall provide the signatories and concurring parties  
85 to the LMP with information about the long-range master plan for the shipyard  
86 operations and improvement, subject to security and acquisition sensitivity limitations.  
87 [INSTALLATION NAME] shall consider all comments provided by SHPO and parties  
88 to the LMP, prior to selecting a long-range plan alternative.  
89

90 B. The Navy will update the long-range plan as needed, and will notify, solicit and consider  
91 comments from SHPO and concurring parties prior to finalizing major changes to the  
92 preferred COA for the [INSTALLATION NAME]. The Navy shall notify SHPO and  
93 concurring parties via a memorandum for record outlining how previous comments were  
94 considered and incorporated into the final ADP.  
95

## 96 **IV. COORDINATION WITH NATIONAL ENVIRONMENTAL POLICY ACT REVIEWS**

97  
98 To ensure that potential effects to historic properties are fully considered in project planning and  
99 development, the Navy shall coordinate with LMP Signatories and Concurring Parties during the

100 National Environmental Policy Act (NEPA) process, during public scoping, development and  
101 analysis of alternatives, and opportunities to review and comment on draft documents, consistent  
102 with 36 CFR § 800.8.  
103

104 **V. STREAMLINED REVIEW PROCESS**  
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106 A. The Navy shall strive to provide early notification to SHPO, NPS, and the parties to the  
107 LMP with information projected and programmed Undertakings.  
108

109 1. The [INSTALLATION NAME] LMP Annual Report will provide notification of  
110 planned Undertakings and a forecast of long-range plans.  
111

112 2. If [INSTALLATION NAME] requires the introduction of Undertakings that was  
113 not identified on the “Projected Programmed Undertakings list,” the Navy shall  
114 notify the parties to the LMP of the emergent project within X days and continue  
115 to review the Undertaking consistent with this Streamlined Review Process.  
116

117 B. In consultation with SHPO and the concurring parties to this LMP, the Navy [will have]  
118 developed a list of projects requiring no further review, because they have no potential to  
119 affect historic properties.  
120

121 1. If the Navy determines that the proposed project is listed in the [Appendix XX],  
122 the Navy shall document this determination for inclusion in the Annual Report,  
123 and shall have no further obligations under this Stipulation.  
124

125 2. If the Navy determines the proposed project is an undertaking not listed in the  
126 [Appendix XX], the Navy shall continue with the Streamlined Review Process.  
127

128 C. Define the APE and Identify Historic Properties  
129

130 1. The Navy shall determine and document the project Area of Potential Effects  
131 (APE) for specific Undertakings, appropriate to the scope and scale of the  
132 Undertakings, and considering direct, indirect, and cumulative effects to historic  
133 properties.  
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135 2. The Navy shall determine whether historic properties are present in the project  
136 APE, taking into account existing surveys and known inventories.  
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138 3. If the Navy identifies no historic properties within the project APE, the Navy  
139 shall document this determination as “No Historic Properties Affected” for those  
140 Undertakings for inclusion in the Annual Report, the Navy has no further  
141 obligations under this Stipulation.  
142

143 4. If the Navy identifies a historic property that may be adversely affected within  
144 the project APE, the Navy shall continue the Streamlined Review Process.  
145

146 D. Evaluate Effects of the Undertaking  
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148 The Navy shall assess the effects of the proposed Undertakings on historic properties,  
149 including direct, indirect, and cumulative effects, using the criteria of adverse effects (36  
150 CFR § 800.5(a)(1)) and will make one of the following determinations:

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1. “No Historic Properties Affected”: if the Navy determines that historic properties present in the project APE will not be affected by the Undertakings, the Navy shall document this determination for those Undertakings for inclusions in the Annual Report, and the Navy has no further obligations under this Stipulation.
  2. “No Adverse Effect to Historic Properties”: if the Navy determines that historic properties present in the project APE will not be adversely affected by the Undertakings, the Navy shall document this determination for those Undertakings for inclusions in the Annual Report, and the Navy has no further obligations under this Stipulation.
  3. “Adverse Effect to Historic Properties”: if the Navy determines that historic properties present in the project APE will be adversely affected by the Undertakings, the Navy shall proceed to Stipulation V (E).
- E. Resolution of Adverse Effects
1. For those Undertakings with a finding of “Adverse Effect to Historic Properties” the Navy shall provide SHPO with a Mitigation Document, consistent with the Mitigation Document template [INSERT APPENDIX] including, but not limited to, the following:
    - a. Description of the Undertaking;
    - b. APE map showing the location of the project and of any identified historic properties, to include depth of any planned excavations;
    - c. Description of the historic properties affected;
    - d. Proposed or conceptual project plans;
    - e. Finding of effect;
    - f. Alternatives and modifications to the Undertaking the Navy has considered to avoid, minimize or mitigate adverse effects, consistent with 36 CFR § 800.6(a) [and additional considerations consistent with § 800.10 when NHLs are involved];
    - g. Proposed measures to avoid, minimize, and/or mitigate adverse effects.
  2. Mitigation Document
    - a. SHPO shall provide a response to the Navy Mitigation Document within 30 calendar days of receipt.
    - b. If SHPO concurs with the proposed measures to avoid, minimize, and/or mitigate adverse effects, SHPO shall sign the Mitigation Document.
    - c. If SHPO requires additional information, SHPO shall make the request within 14 days of receipt of the Mitigation Document. Requests for

202 additional information will temporarily pause the 30-day review period,  
203 which will resume rather than restart the review period when SHPO  
204 receives the requested information.

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206 c. If SHPO does not concur with the proposed measures to avoid,  
207 minimize, and/or mitigate, the Navy shall consult with SHPO with the  
208 goal of reaching agreement for up to 30 calendar days, or other time  
209 period as agreed to between SHPO and the Navy.

210  
211 (1) If at the end of the 30 calendar days, or other time agreed to,  
212 SHPO concurs with modifications to the measures to avoid,  
213 minimize, and/or mitigate, the Navy shall submit a revised  
214 Mitigation Document for signature by SHPO.

215  
216 (2) If at the end of the 30 calendar days, or agreed to specified time,  
217 SHPO does not concur with the proposed measures to avoid,  
218 minimize, and/or mitigate, the Navy shall notify the ACHP in  
219 accordance with Stipulation X.A.1.

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221 d. If an NHL is a subject of the Mitigation Document, the Navy shall  
222 provide the ACHP and the National Park Service NHL Program Manager  
223 with the Mitigation Document and additional information as requested,  
224 within the 30-day review period.

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226 **VI. TRAINING IN ADMINISTRATION OF LOCAL MANAGEMENT PROCEDURES**

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228 A. Qualified Navy SMEs shall conduct training in the administration of this LMP, to include  
229 orientation for new employees and annual refresher training for personnel with  
230 responsibilities related to Undertakings.

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232 B. Qualified Navy SMEs may request SHPO to attend and assist in the annual training.

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234 **VII. EMERGENCIES**

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236 A. Should an emergency present an imminent threat to public health or safety, or creates a  
237 hazardous condition, the Navy shall as promptly as practicable notify SHPO and the  
238 ACHP of the condition which has initiated the situation and the measures taken to  
239 respond to the emergency or hazardous condition. Should SHPO or the ACHP desire to  
240 provide technical assistance to the Navy, they shall submit comments within seven (7)  
241 calendar days from notification, if the nature of the emergency or hazardous condition  
242 allows for such coordination.

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244 B. Immediate rescue and salvage operations conducted to preserve life or property are  
245 exempt from these and all other provisions of this LMP.

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248 **VIII. POST-REVIEW DISCOVERIES & PROJECT MODIFICATIONS**

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250 A. Post-Review Discoveries

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- 252 1. The Navy CRM shall assess resources discovered during project implementation  
253 to determine whether historic properties are present, and shall notify SHPO of the  
254 discovery within two working days.  
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- 256 2. Navy CRM notification shall include an assessment of how such properties may  
257 be affected.  
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- 259 3. If the Navy CRM determines that the project will not adversely affect the  
260 discovered historic property, the Navy can proceed with the undertaking, and the  
261 discovery and finding of effect will be summarized in the following annual  
262 report.  
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- 264 4. If discovered historic properties will be adversely affected, the Navy CRM shall  
265 provide a plan to SHPO with proposed measures to avoid, minimize, and mitigate  
266 the effects.  
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- 268 5. SHPO shall review and respond to Navy documentation of discoveries and plans  
269 for treatment within two working days.  
270
- 271 6. The Navy shall take into account SHPO recommendations regarding the  
272 discoveries and plans for treatment, and then carry out appropriate actions..  
273
- 274 7. The Navy shall provide the SHPO a report of the actions when they are  
275 completed.  
276

277 **B. Project Modifications**  
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- 279 1. Should a change in conditions or requirements necessitate a modification to a  
280 previously reviewed project, the Navy CRM shall evaluate if the proposed  
281 modification may change the determination of effect or affect additional historic  
282 properties.  
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- 284 2. If the proposed modification will not change the determination of effect and will  
285 not affect additional historic properties, the Navy shall document the change in  
286 the annual report.  
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- 288 3. If the proposed modification will change the determination of effect or will affect  
289 additional historic properties, the Navy shall provide written notification of the  
290 proposed change and supporting documentation, including proposed mitigation,  
291 to SHPO and consulting parties, as appropriate, for review. The SHPO and  
292 consulting parties shall have five calendar days from notification to review and  
293 comment. If after five days the Navy has received no comments, the Navy shall  
294 assume concurrence. If SHPO objects, the Navy will consult consistent with  
295 Stipulation X of this NPA.  
296

297 **IX. PLANNING AND REPORTING**  
298

- 299 **A.** To the maximum extent practicable within project requirements, the Navy shall provide  
300 the Signatories and concurring parties to the LMP with a summary of Undertakings

301 planned for the upcoming fiscal year(s), to include the Navy's preliminary assessment of  
302 effects to historic properties and potential plans for mitigation of adverse effects.  
303

304 B. Annually, following the execution of this LMP, the Navy shall provide SHPO, [NPS as  
305 applicable], and concurring parties with a report summarizing actions reviewed under the  
306 LMP, to include a list of those projects not requiring further review, as well as projects  
307 with findings of no historic properties affected, no adverse effect, and adverse effect.  
308

309 C. For a maximum of 30 calendar days, the Navy shall consult with SHPO, [NPS, as  
310 applicable], and concurring parties on the contents of the annual report, and the Navy  
311 shall take into account all comments prior to finalizing the report.  
312

313 1. During this 30-day review period, signatories and concurring parties to the LMP  
314 may submit a written request for additional information about the report and the Navy  
315 shall provide that information within 15 calendar days of receipt.  
316

317 D. Following distribution of the final annual report, the Navy shall host an annual meeting  
318 with Signatories and concurring parties to review implementation of the LMP.  
319

## 320 X. DISPUTE RESOLUTION

321  
322 A. Should SHPO or a concurring party to this LMP object at any time to any actions  
323 proposed or the manner in which the terms of the LMP are implemented, the Navy shall  
324 consult with such party to resolve the dispute within 10 calendar days of receiving the  
325 objection. If the Navy determines that such dispute cannot be resolved within 30 calendar  
326 days of receiving the objection, the Navy shall:  
327

328 1. Forward all documentation relevant to the dispute, including the Navy's  
329 proposed resolution to the ACHP. The ACHP shall provide the Navy with its  
330 advice on resolution of the dispute within 30 calendar days of receiving adequate  
331 documentation. Prior to reaching a final decision on the dispute, the Navy shall  
332 prepare a written response that takes into account any timely advice or comments  
333 regarding the dispute from the ACHP, SHPO, and concurring parties, and  
334 provide them with a copy of this written response. The Navy shall then proceed  
335 according to its final decision.  
336

337 2. If the ACHP does not provide its advice regarding the dispute within the 30  
338 calendar daytime period, the Navy may make a final decision on the dispute and  
339 proceed accordingly. Prior to reaching such a final decision, the Navy shall  
340 prepare a written response that takes into account any timely comments regarding  
341 the dispute from SHPO and concurring parties to the PA, and provide them and  
342 the ACHP with a copy of such written response.  
343

344 B. The Navy's responsibility to carry out all other actions subject to the terms of this LMP  
345 that are not subject of the dispute remain unchanged.  
346

347 C. Should a member of the public raise a timely and substantive objection pertaining to the  
348 manner in which the terms of this LMP are carried out, at any time during its  
349 implementation, the Navy shall take the objection into account. When the Navy responds  
350 to an objection, it shall notify the signatories and concurring parties of the objection and

351 the manner in which the objection was considered. The Navy may request the assistance  
352 of a signatory or concurring party to resolve such an objection.

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354 **XI. AMENDMENT**

355  
356 This LMP may be amended when such an amendment is agreed to in writing by all signatories. The  
357 amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

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359 **XII. TERMINATION**

360  
361 A. If any signatory to this LMP determines that its terms will not or cannot be carried out,  
362 that party shall immediately consult with the other signatories to attempt to develop an  
363 amendment. If within 30 calendar days (or another time period agreed to by all  
364 signatories) an amendment cannot be reached, any signatory may terminate the LMP  
365 upon written notification to the other signatories.

366  
367 B. Upon termination of the LMP, the Navy shall ensure that individual Undertakings are  
368 reviewed in accordance with 36 CFR §§ 800.3 through 800.7.

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370 **XIII. ANTI-DEFICIENCY ACT**

371  
372 The Navy's obligations under this LMP are subject to the availability of appropriated funds, and the  
373 stipulations of this LMP are subject to the provisions of the Anti-Deficiency Act. The Navy shall make  
374 reasonable and good faith efforts to secure the necessary funds to implement this LMP in its entirety. If  
375 compliance with the Anti-Deficiency Act alters or impairs the Navy's ability to implement the  
376 stipulations of this LMP, the Navy shall consult in accordance with the amendment and terminations  
377 procedures of this LMP.

378  
379 **XIV. DURATION**

380  
381 This LMP shall become effective upon execution by all Signatories and shall remain in effect for as long  
382 as the NPA remains in effect, unless this LMP is terminated prior to that in accordance with Stipulation  
383 XII.

384  
385 **Execution** of this LMP by the Navy and SHPO and implementation of its terms evidence that the Navy  
386 has taken into account the effects of these Undertakings on historic properties and afforded the ACHP an  
387 opportunity to comment.

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389 This LMP may be executed in counterparts, each of which shall constitute an original, and all of which  
390 shall constitute one and the same agreement.

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**LOCAL MANAGEMENT PROCEDURE  
AMONG  
THE COMMANDING OFFICER, COMMANDER NAVY INSTALLATIONS COMMAND,  
THE [INSERT STATE NAME] STATE HISTORIC PRESERVATION OFFICER,  
AND [AS APPLICABLE THE NATIONAL PARK SERVICE]  
REGARDING OPERATIONS, MAINTENANCE, AND OPTIMIZATION PROJECTS AT  
[FACILITY NAME], [INSTALLATION, CITY, OR COUNTY NAME], [STATE ALPHA CODE]**

**SIGNATORY:**

**CNIC COMMANDING OFFICER**

By: \_\_\_\_\_  
[INSERT CNIC CO NAME]  
[INSERT CNIC INSTALLATION/FACILITY NAME]

Date: \_\_\_\_\_

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**LOCAL MANAGEMENT PROCEDURE  
AMONG  
THE COMMANDING OFFICER, COMMANDER NAVY INSTALLATIONS COMMAND,  
THE [INSERT STATE NAME] STATE HISTORIC PRESERVATION OFFICER,  
AND [AS APPLICABLE THE NATIONAL PARK SERVICE]  
REGARDING OPERATIONS, MAINTENANCE, AND OPTIMIZATION PROJECTS AT  
[FACILITY NAME], [INSTALLATION, CITY, OR COUNTY NAME], [STATE ALPHA CODE]**

**SIGNATORY:**

**[INSERT STATE NAME] STATE HISTORIC PRESERVATION OFFICE**

By: \_\_\_\_\_  
[INSERT NAME]  
[INSERT TITLE]

Date: \_\_\_\_\_

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**LOCAL MANAGEMENT PROCEDURE  
AMONG  
THE COMMANDING OFFICER, COMMANDER NAVY INSTALLATIONS COMMAND,  
THE [INSERT STATE NAME] STATE HISTORIC PRESERVATION OFFICER,  
AND [AS APPLICABLE THE NATIONAL PARK SERVICE]  
REGARDING OPERATIONS, MAINTENANCE, AND OPTIMIZATION PROJECTS AT  
[FACILITY NAME], [INSTALLATION, CITY, OR COUNTY NAME], [STATE ALPHA CODE]**

[Use this page as appropriate for those electing to sign as concurring parties]

**CONCURRING PARTY:**  
[INSERT CONCURRING PARTY NAME]

By: \_\_\_\_\_  
[INSERT NAME]  
[INSERT TITLE]

Date: \_\_\_\_\_

- 457 Appendix: Map of [INSTALLATION NAME]
- 458 Appendix: Types of Projects Excluded From Further Review by SHPO
- 459 Appendix: Mitigation Document Template
- 460 Appendix: Standard Mitigation Measures