

Navy Shipyard Infrastructure Optimization Program
National Historic Preservation Act Program – Nationwide Programmatic Agreement
Microsoft Teams Conference Call/Online Consultation Meeting #4
Meeting Summary
1400-1624 hrs EST
September 24, 2020

PARTICIPANTS:

ACHP: Katharine Kerr, Reid Nelson, Tom McCulloch
HI SHPO: Alan Downer, Julia Flauaus, Stephanie Hacker, Susan Lebo, Tanya Gumapac-McGuire
ME SHPO: Kirk Mohney, Megan Rideout
NC SHPO: Erik Hein
NTHP: Betsy Merritt
NPS: Elaine Jackson-Retondo, Christopher Johnson, Melia Lane-Kamahele
VA SHPO: Marc Holma
WA SHPO: Allyson Brooks
The Archaeological Society of Virginia: Stephanie Jacobe, PhD
City of Bremerton: Garrett Jackson
Coastal Defense Study Group: Terry McGovern
Friends of the Portsmouth Naval Shipyard Museum: Gary Bahena
Friends of the Norfolk Naval Shipyard Museum: Steve Poole
Historic Hawai'i Foundation: Kiersten Faulkner
The Mariners' Museum: Howard Hoege
Pamunkey Indian Tribe: Terry Clouthier
Portsmouth Naval Shipyard Historical Foundation: Ken Goldman
Preservation Virginia: Sonja Ingram
Strawbery Banke Museum: Elizabeth Farish
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Navy Cultural Resource Team: William (Bill) Manley (CNIC/NAVFAC HQ CR)
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Fuzz Harrison (NAVFAC HQ)
Heather Robbins (NAVFAC MIDLANT)
Karen Desilets (NAVFAC Pacific)
Katherine Childs (NAVFAC MIDLANT)
Kerry Vautrot (PNSY)
James Furuhashi (NAVFAC HI, EV2)
Jeffrey Dodge (N CIV USN)
Jenney Dellert (PSNS)
Julie Henkel (OPNAV N45)
CDR Michael Hussey (OPNAV N4)
Nathan Stokes (NAVFAC HQ)
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Peter Michaud (NAVFAC MIDLANT)
Rose Johnson (NAVFAC HQ)
Scott Keyes (NAVFAC HQ)
Sherry Anderson (NAVFAC Pacific)
LT Zac Altenburger (NAVFAC HI, EV5)
Navy PMS-555: Bob Clarke, Jeff Cunningham

AECOM: Scott Seibel, Chester Cunanan, Kisa Hooks

Login & Roll Call

1400-1421

Attendance confirmed through online log-in and roll call by agency.

Slide 2-3: How to use MS Teams

1403-1407

The slide features a blue header bar with the title 'How to use MS Teams'. Below the header, there are three logos: NAVSEA, NAVFAC, and NAVFAC NAVSEA INTEGRATED COMMAND. The main content area contains a numbered list of instructions:

1. Please type your name and affiliation in the chat box.
2. Unmute your phone at any time by hovering over the icons in the center of the page to reveal the mute/unmute button.
3. We will pause for Q&A throughout the presentation and before ending today.
4. You can also type questions and comments in the chat box.
5. We will post a recording of this consultation session on the SIOP-NHPA website.

At the bottom left of the slide, there is a small number '2'.

The slide features a blue header bar with the title 'How to use MS Teams'. Below the header, there are three logos: NAVSEA, NAVFAC, and NAVFAC NAVSEA INTEGRATED COMMAND. The main content area shows a row of meeting controls (video camera, microphone, up/down arrows, ellipsis, etc.) followed by a context menu icon (three dots). A callout box points to this icon with the text: 'If you click on ..., you will get the following options:' followed by a list of options:

- Show device settings
- Show meeting notes
- Show meeting details
- Enter full screen
- Show conversation
- Raise your hand
- Show background effects
- Turn on live captions (preview)
- Keypad
- Start recording
- Turn off incoming video

At the bottom left of the slide, there is a small number '3'.

Participants were guided through MS Teams meeting functionality to aid in organization and clear communication.

Slide 4: Meeting #4 Topics and Goals

1408-1409

Meeting #4 Topics and Goals



1. Summarize briefly the Navy Shipyards and the Shipyard Infrastructure Optimization Program (SIOP) and the Nationwide Programmatic Agreement.

2. Present and discuss the preliminary draft NPA.

3. Introduce LMP consultation plans.

4

The meeting began with a review of the topics and goals to include a:

- a) Brief overview of the Shipyard Infrastructure Optimization Program (SIOP) Nationwide Programmatic Agreement (NPA) program;
- b) Discussion of the preliminary draft of the NPA shared with attendees prior to the meeting; and a
- c) Brief introduction to the Local Management Procedure (LMP) consultation plans.

Slide 5: Consultation Information

1421-1425

Consultation Information



The Navy's info website <https://navalshipyards-nhpacom/> provides consultation support information:

1. The Documents section provides copies of meeting notes and presentations.
2. The Programmatic Agreement section includes a list of all parties invited to consult.
3. The preliminary draft NPA will be posted there following this consultation meeting.

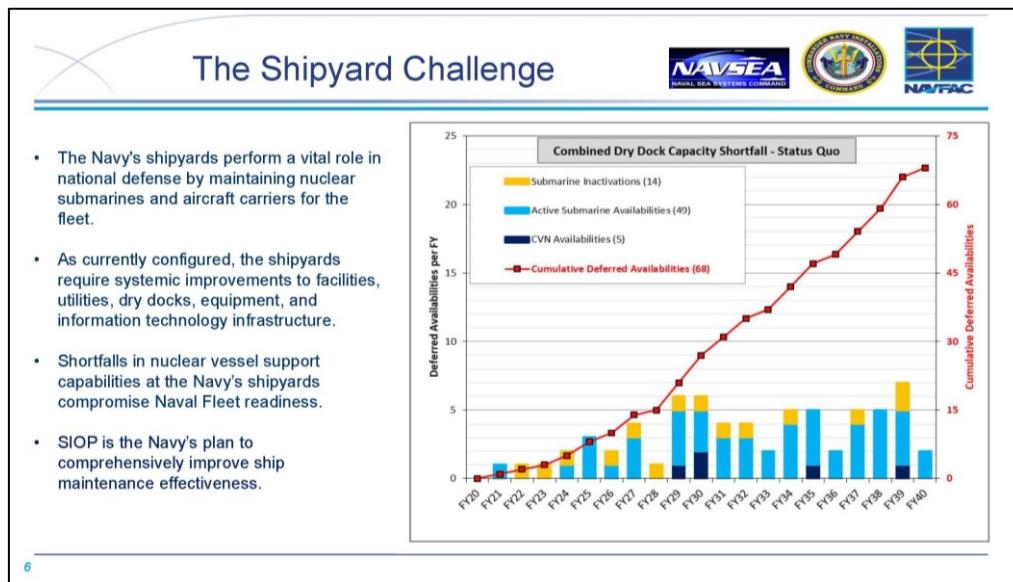
5

Participants were guided through a brief review of the consultation information available on the website for future reference. The Navy's SIOP NPA website is a key consulting party resource for participants. It will be where updates, documents, and meeting minutes are posted as the program develops.

Question: Mr. Bahena, Friends of the Portsmouth Naval Shipyard Museum 1427-1429
The website shows the Executive Summary, 2018 Report to Congress on Shipyard Infrastructure. Will you be posting the entire Report?

- **Navy response:** Only the Executive Summary has been cleared for public release. The main report contains controlled information that has not been cleared for public release; check back periodically for updates.

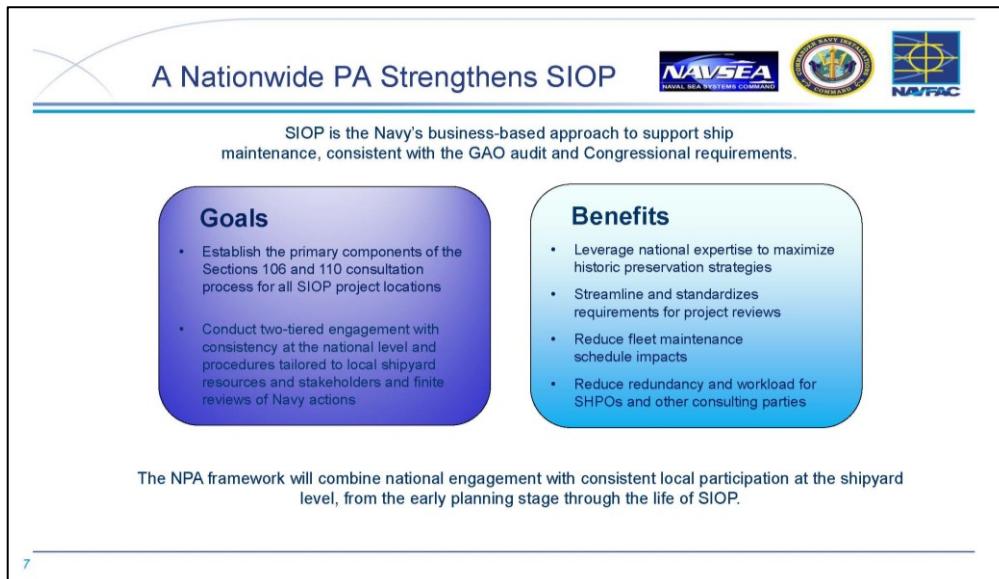
Slide 6: The Shipyard Challenge 1425-1426



The Navy's ability to conduct necessary and vital maintenance on ships, aircraft carriers and submarines is not keeping pace with the demand. Shipyards are crucial to national defense. Originally, they were configured to build ships, but now they are places where ships are maintained and modernized, which necessitates their optimization to meet current and future needs. SIOP is the Navy's program for addressing shipyard maintenance challenges primarily at the four shipyards: Pearl Harbor, Puget Sound, Portsmouth and Norfolk. The NPA is a program alternative to allow the Navy to have consistent, efficient, and more effective historic preservation (HP) planning as the shipyard programs are addressed over a 20-year span.

Slide 7: A Nationwide PA Strengthens SIOP

1426-1432



A Nationwide PA Strengthens SIOP

SIOP is the Navy's business-based approach to support ship maintenance, consistent with the GAO audit and Congressional requirements.

Goals

- Establish the primary components of the Sections 106 and 110 consultation process for all SIOP project locations
- Conduct two-tiered engagement with consistency at the national level and procedures tailored to local shipyard resources and stakeholders and finite reviews of Navy actions

Benefits

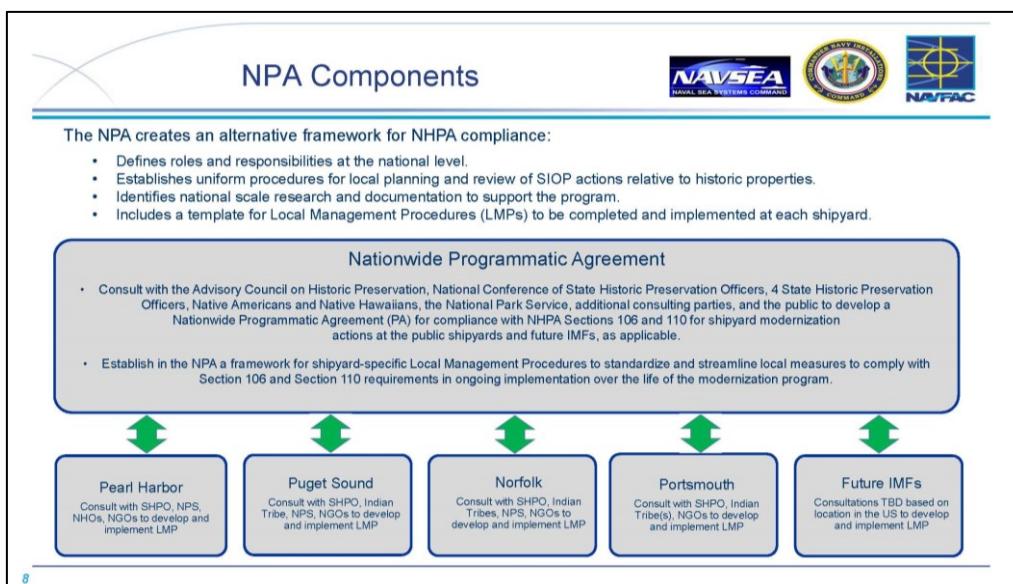
- Leverage national expertise to maximize historic preservation strategies
- Streamline and standardizes requirements for project reviews
- Reduce fleet maintenance schedule impacts
- Reduce redundancy and workload for SHPOs and other consulting parties

The NPA framework will combine national engagement with consistent local participation at the shipyard level, from the early planning stage through the life of SIOP.

Prior assessments done by the GAO and higher Navy commands showed that shipyard infrastructure was not meeting current nor forecasted needs. SIOP is the Navy's business-based infrastructure plan to properly support ship maintenance production based on industrial engineering metrics. The program integrates environmental considerations throughout the modernization process. The NPA, as a program alternative, allows for the consideration of historic resources because the shipyards have significant individual, districts and landmarked resources.

Slide 8: The NPA Components

1432-1445



NPA Components

The NPA creates an alternative framework for NHPA compliance:

- Defines roles and responsibilities at the national level.
- Establishes uniform procedures for local planning and review of SIOP actions relative to historic properties.
- Identifies national scale research and documentation to support the program.
- Includes a template for Local Management Procedures (LMPs) to be completed and implemented at each shipyard.

Nationwide Programmatic Agreement

- Consult with the Advisory Council on Historic Preservation, National Conference of State Historic Preservation Officers, Native Americans and Native Hawaiians, the National Park Service, additional consulting parties, and the public to develop a Nationwide Programmatic Agreement (PA) for compliance with NHPA Sections 106 and 110 for shipyard modernization actions at the public shipyards and future IMFs, as applicable.
- Establish in the NPA a framework for shipyard-specific Local Management Procedures to standardize and streamline local measures to comply with Section 106 and Section 110 requirements in ongoing implementation over the life of the modernization program.

Pearl Harbor
Consult with SHPO, NPS, NHOs, NGOs to develop and implement LMP

Puget Sound
Consult with SHPO, Indian Tribe, NPS, NGOs to develop and implement LMP

Norfolk
Consult with SHPO, Indian Tribes, NPS, NGOs to develop and implement LMP

Portsmouth
Consult with SHPO, Indian Tribe(s), NGOs to develop and implement LMP

Future IMFs
Consultations TBD based on location in the US to develop and implement LMP

The SIOP NPA defines procedures at the national level and creates templates for local procedures and protocol to include the stakeholder involvement required for project approval; it complies with Sections 106 and 110 of the National Historic Preservation Act (NHPA). Adequate but finite time review periods assist with reliable project. The SIOP NPA is consistent with most NPAs in regard to its:

- Roles and responsibilities
- Uniform procedures at the national and local levels

- c) Identification of national scale research and documentation projects to support the SIOP program and avoid mitigation

Discussion

1433-1445

Question: Ms. Jackson-Retondo, NPS

1433-1436

During the last call, I asked the question of whether the LMPs will result in agreement documents that tier from the NPA. At the time, the wasn't an answer. Do you know at this point?

- **Navy response:** This question still needs to be presented, discussed and decided as this process develops. The suggestion is to have LMPs, which are "live" documents, be the core document that meet the NPA requirements; they consider assessment of effects that certain projects would have on historic properties. The LMP would then become a resource that can be consulted as future projects arise.

Question: Ms. Faulkner, Historic Hawai'i Foundation

1436-1439

As shipyards are working on other Military Construction (MILCON) or major construction projects, how will they be integrated with the LMPs or the NPA?

- **Navy response:** For current and/or new projects that are underway prior to the execution of the NPA, the normal non-NPA Section 106 process would take place. Under the NPA, the LMP would assume this Section 106 process to arrive at the same substantive, legally binding conclusions.
 - **Question (Ms. Jackson-Retondo, NPS):** Would the LMP document have legal standing?
 - **Navy response:** Yes. The LMP would be an implementation of the NPA that has legally binding standards. The commitments made in the LMPs have the same legally binding status as any other Section 106 document.

Comment: Ms. Brooks, WA SHPO

1439-1442

I want to encourage the consideration of mitigation at the forefront of this process, because it is the Memoranda of Agreement (MOAs) that are often the longest parts to Section 106 negotiations. Having interesting and defined mitigation measures in advance if there are going to be adverse effects will speed up the process.

- **Navy response:** Creative mitigation devised at the national level will be helpful; there are a lot of examples. At the local level, there is some ability to forecast adverse effects, especially around the dry docks area. At that point the LMP would become a resource for future efforts in knowing what potential effects need to be considered in advance and adjust mitigation as needed.

Question: Mr. Holma, VA SHPO

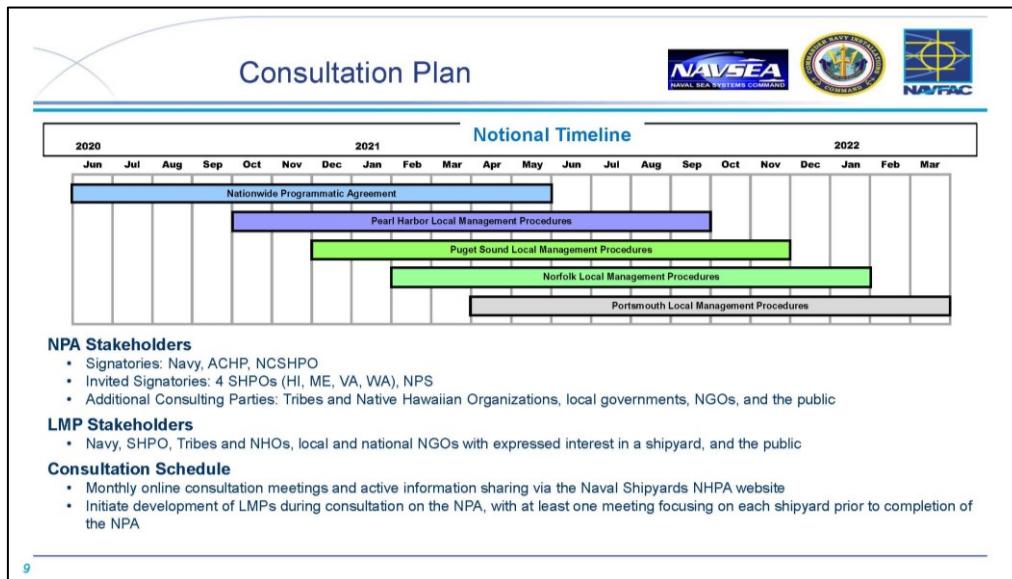
1442-1445

Question for ACHP--do these LMPs meet the "legally enforceable" requirement under Section 106?

- **ACHP response (Mr. Reid):** The approach we are considering is akin to a prototype PA. The NPA would presumably provide for program level mitigation, rules of engagement for developing LMPs which would be executed in a legally-binding, enforceable manner.
- **NCSHPO response (Mr. Hein):** Our preference is that the LMP will have some sort of execution process/signature so it would have legal standing. We agree with ACHP approach of a prototype PA.

Slide 9: Consultation Plan

1445-1449



Consultation began in early June 2020 with the goal to have the NPA completed by May 2021. We will continue to have monthly online meetings. Another goal is to have received participant comments on the draft NPA by the next consulting party meeting discussion in November.

Draft NPA - PREAMBLE

1449-1617

TITLE

1 NATIONWIDE PROGRAMMATIC AGREEMENT AMONG
2 THE U.S. NAVY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
3 AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
4 REGARDING THE SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM
5

Question: Mr. Holma, VA SHPO

1452-1456

Should the individual SHPOs be identified?

- Navy response:** Our experience is not to include signatories or invited signatories in the title of the PA. Signatory parties are specified later in the document. Can the ACHP comment to this question?
- ACHP response (Mr. Reid, Ms. Kerr):** This issue can be addressed further into development once the role of the signatory and invited signatories has been defined. It is not customary to have them in the title but that has no bearing on the authorities/responsibilities assigned to them in the document.
- VASHPO comment (Mr. Holma):** To clarify regarding the title and signatories, there was some misunderstanding. Upon receipt, I thought the PA/MOA was going to be specific to each installation and their perspective SHPO, not nationwide thus previous comment no longer applies.

Lines 6 through 14 1456-1507

6 **WHEREAS**, the U.S. Navy (Navy) is implementing the Shipyard Infrastructure Optimization Program
7 (SIOP) at its public shipyards, pursuant to Senate Report 115-130, accompanying S.1557, the Fiscal Year
8 (FY) 2018 Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill, and Senate
9 Report 115-125, accompanying the FY 2018 National Defense Authorization Act; and
10
11 **WHEREAS**, the Navy's public shipyards are essential elements of our national defense, and they must
12 fulfill critical roles in maintaining the readiness of the Navy's fleet of aircraft carriers and submarines;
13 and
14

Question: Ms. Kerr, ACHP

With SIOP, how are we going to define the actual specific activities that fall under SIOP or are generated because of SIOP? In regard to the Pearl Harbor dry dock project, is that because of SIOP or another program? Will any project happening at the shipyard fall under SIOP or is SIOP for a specific set of activities? How do we distinguish a general project from a SIOP project?

- **Navy response:** SIOP is a new construct that brings together key parts of the Navy to address the ship maintenance issue. Moving forward, most core functionality projects will fall under SIOP. LMPs will be a way the Navy can present specific SIOP projects since not all projects address core-functionality. As Area Development Plans (ADPs) develop, it will be easier to see how SIOP projects work into the larger master plan for each installation.
- **ACHP response (Ms. Kerr):** It is very important to understand and distinguish what falls under SIOP and what doesn't. This should be the first step of the LMP: determine if a project falls under SIOP or not. This is a parameter to define to facilitate the ACHP's consultation on this NPA.
- **NPS response (Ms. Jackson-Retondo):** For the dry dock at Pearl Harbor, the website mentions dry docks are part of SIOP, and the National Environmental Policy Act (NEPA) consultation asks for public comment regarding NHPA. Some guidance on how and where to consult is needed until SIOP is defined.
- **Navy response:** The current Pearl Harbor dry dock project highlights the need for an LMP. We can begin to look at HP considerations, alternatives and documentation now so that by the time the Environmental Impact Statement (EIS) is drafted next summer, the LMP for Pearl Harbor will already be in place.

Lines 15 through 25 1507-1515

15 **WHEREAS**, critical deficiencies in shipyard infrastructure require comprehensive engineering master
16 plans and systemic improvement to meet the Navy's Fleet Readiness requirements (GAO-20-64: Naval
17 Shipyards, Key Actions Remain to Improve Infrastructure to Better Support Navy Operations (November
18 2019); GAO-17-548: Naval Shipyards, Actions Needed to Improve Poor Conditions that Affect Operations
19 (September 2017); GAO-20-588: Naval Shipyards: Actions Needed to Address the Main Factors Causing
20 Maintenance Delays for Aircraft Carriers and Submarines (August 2020); and
21
22 **WHEREAS**, the SIOP mission is to increase overall shipyard productivity and capability through industrial
23 re-engineering and strategic investments in facilities, utilities, and equipment over a projected 20-year
24 program; and
25

Comment: Mr. Holma, VASHPO

I think it would be a good idea to specify some of the "critical deficiencies."

- **Navy response:** Adding additional clarification has the potential to make this WHEREAS clause cumbersome. Although another WHEREAS clause could be added for clarity. At the top level, the Navy is aware that the shipyards, nearly one hundred years old, were constructed to build sail ships and steam ships; the fleet has completely changed. The

shipyards aren't configured to best respond to current fleets. Is there value in citing specific critical deficiencies?

Chat box Comment (Mr. Holma, VA SHPO): It need not be a point by point listing of the all the deficiencies, but an overview of the problems as was just articulated.

Comment: Mr. Mohney, MA SHPO

I am concerned that without some parameters to what a SIOP undertaking is in the PA, there will be efforts made through the LMPs to relate every undertaking to SIOP.

- **Navy response:** Under the LMP, we will know if the activity is a SIOP project especially once the AMPs are complete. AMPs help distinguish SIOP and non-SIOP projects.

Comment: Mr. Bahena, Friends of the Portsmouth Naval Shipyard Museum

To clarify, no local work will be done until a local agreement is in place and stakeholders have had a chance to see what historic impact that it's going to have and weigh in on it.

- **Navy response:** That is correct – no local work that falls under this program would occur without this agreed upon process that includes local engagement.

Comment: Dr. Downer, HI SHPO

We do need to define the scope of the agreements, but we need to focus on the stipulations not the whereas clause, what will be done, etc.

- **Navy response:** The stipulations are discussed later.

Lines 26 through 31

1515-1531

26 WHEREAS, SIOP activities involving facilities, utilities, and equipment will include, but may not limited to
27 Undertakings such as demolition, adaptive use, new construction, dredging, and excavation, will be
28 identified and implemented through a series of planning and execution phases for the Navy's four public
29 shipyards at Norfolk (Portsmouth, VA); Pearl Harbor (Pearl Harbor, HI); Portsmouth (Kittery, ME); Puget
30 Sound (Bremerton, WA); and
31

Comment: Mr. Holma, VA SHPO

We should be calling them activities, not undertaking.

- **Navy response:** The activities mentioned (demolition, adaptive reuse, etc.) are undertakings. Others please weigh in on calling the things this NPA covers, undertakings vs. activities.
- **VA SHPO response (Mr. Holma):** Isn't SIOP the undertaking with all the projects under it fulfilling it as an undertaking? If this is not clear, there is a danger that SIOP becomes a catch-all PA for all of the shipyards.
- **Navy response:** It is clearer for the overall compliance effort if this PA sets up the process by which the undertakings at the shipyards will be addressed. Each undertaking would have the appropriate avoidance, minimization, or mitigation of any adverse effects. Because SIOP is yet defined, calling it an undertaking could be problematic. A purpose of this meeting is to discuss these ideas.
- **ACHP response (Ms. Kerr):** To reiterate the previous point – defining what constitutes a SIOP project/activity is important. Ill-defined activities may create problems. In relation to the VA SHPO's comment, yes. We have to understand what the Navy means when they say SIOP. As currently presented, SIOP is a Section 106 undertaking with specific activities.
- **Navy response:** It is understood that SIOP is not a catch-all project program; SIOP will have to clearly identify if a project falls under its jurisdiction. Then the Navy HP SMEs will proceed accordingly.
- **NPS response (Ms. Jackson-Retondo):** One of the issues is, if the definition of a SIOP project is unclear, then managing and identifying the applicable stipulations is a challenge.

- **Navy response:** True, the SIOP will categorize activities that are SIOP-related. The preamble sets the framework for the stipulations and mitigations.
- **Pamunkey Indian Tribe (Mr. Clouthier) response:** In reference to the definition for undertaking (36 CFR 800.16(y)), an undertaking is defined as a project, activity, or program funded in whole or in part under the direction and jurisdiction of a federal agency. SIOP is technically a program, which is an undertaking by a federal agency. It is the Navy's responsibility to determine if the activities proposed under the SIOP program have the potential to cause adverse effects in accordance with 36 CFR 800.3(a).
- **Navy response:** Whether program or undertaking, we have a responsibility to make sure SIOP activities are assessed in regard to their potential to cause adverse effects. This is an important topic that we'll continue to discuss.

Comment: Mr. Mohney, ME SHPO

For tone, I would like to suggest that in line 27 you say "rehabilitation, adaptive use, new construction, demolition..."

- **Navy response:** This revision can be incorporated.

Lines 32 through 34

1531-1538

32 **WHEREAS**, SIOP activities may involve Naval facilities that perform depot and intermediate ship maintenance at additional locations to be determined in the future; and
33
34

SIOP is organizing to address broad-based challenges at four public shipyards but there may be other locations where SIOP can be applied.

Question: Dr. Downer, HI SHPO

Is SIOP a planning process or is it a funding source?

- **Navy response:** It is a planning and implementation process. SIOP now is a program budget for restoration modernization projects that exclude regular sustainment facilities. Funding is through Congress via Department of Defense (DoD) and then Department of the Navy (DON) budget; it is a 20-year program with a \$20 billion prospective budget. There are constraints to what would be an approved SIOP project/activity; it has to be ship-maintenance focused. If SIOP-funded, it is a SIOP project. Do not confuse general military installation projects with those specific to shipyards. This funding element becomes a clear mechanism for what qualifies as a SIOP activity. More clarification will be provided throughout NPA development.

Lines 35 through 38

1538-1541

35 **WHEREAS**, SIOP Undertakings (as defined by 36 CFR 800.16(y)) may affect properties listed in or eligible
36 for listing in the National Register of Historic Places (National Register) pursuant to 36 CFR Part 60
37 (historic properties); and
38

Comment: Elaine Jackson-Retondo, NPS

A reference to the National Historic Landmarks (NHLs) should be added here.

- **Navy response:** NHLs can be added here but they are addressed later in the document.
Isn't the eligibility status of NHLs addressed in a different section of the regulations?
- **NPS response:** It's a different process and a different part of the regulations.

Question (Ms. Brooks, WA SHPO) Which regulations are you referring to, ACHP regulations or NPS eligibility regulations?

Navy response: I'm asking for clarification on 36 CFR Part 60. Does it cover regular historic resources and NHLs? We can revisit this.

Lines 39 through 74

1541-1544

39 **WHEREAS**, the effects to historic properties are undetermined at this time and will be identified during
40 the phased planning and execution of the Undertakings within the implementation of the SIOP program;
41 and
42
43 **WHEREAS**, the Navy recognizes the historic and cultural value of our public shipyards and the diversity
44 of historic properties that are located within and around the public shipyards, including but not limited
45 to: the Norfolk Naval Shipyard Historic District and Dry Dock 1 National Historic Landmark, Pearl Harbor
46 National Historic Landmark, the Portsmouth Naval Shipyard Historic District, and the Puget Sound Naval
47 Shipyard Historic District and Navy Yard Puget Sound National Historic Landmark; and
48
49 **WHEREAS**, in order to meet stringent requirements for planning and execution of SIOP, the Navy
50 intends to programmatically fulfill its responsibilities under Section 106 of the National Historic
51 Preservation Act through the development of this Proposed Draft Nationwide Programmatic Agreement
52 (NPA) pursuant to 36 CFR 800.14 (b); and
53
54 **WHEREAS**, the Navy has notified the Advisory Council on Historic Preservation (AHP) of its intention to
55 address its Section 106 responsibilities through this NPA, pursuant to 36 CFR 800.14, and the AHP has
56 chosen to participate in the development of this NPA; and
57
58 **WHEREAS**, the Navy has consulted with the National Conference of State Historic Preservation Officers
59 (NCSHPO) of its intention to address its Section 106 responsibilities through this NPA , pursuant to 36
60 CFR Part 800.14, and the NCSHPO has chosen to participate; and
61
62 **WHEREAS**, the Navy has consulted with the National Park Service (NPS) in order to fulfill Navy's
63 responsibilities under Section 110 of the National Historic Preservation Act for the National Historic
64 Landmarks at public shipyards at Norfolk (Portsmouth, VA); Pearl Harbor (Pearl Harbor, HI); and Puget
65 Sound (Bremerton, WA); and has invited the NPS to sign this NPA as an Invited Signatory, and the NPS
66 has chosen to participate; and
67
68 **WHEREAS**, the Navy has consulted with the State Historic Preservation Officers of Hawaii, Maine,
69 Virginia, and Washington, and invited them to sign this NPA as Invited Signatories, and they have chosen
70 to participate; and
71
72 **WHEREAS**, the Navy has consulted with the [PLACEHOLDER COMPLETE LIST OF NGOs, AGENCIES, TRIBES
73 AND NHOs TO BE INSERTED]; and invited them to concur with this NPA; and
74

Comment: Elaine Jackson-Retondo, NPS

For Line 40, define "planning and execution."

- **Navy response:** This will be addressed.

Comment: Marc Holma, VA SHPO

For Line 72-73, you may need to break out signatories vs. invited signatories for clarity. The process that brings other shipyards in under the PA should be outlined.

Comment: Elaine Jackson-Retondo, NPS

For Lines 62-66: NPS is not yet certain if it will be an invited signatory or concurring party.

Lines 75 through 77

1544-1544

75 **WHEREAS**, the Navy has notified the public and provided opportunities to comment on this NPA
76 [PLACEHOLDER FOR ADDITIONAL PUBLIC INVOLVEMENT INFO];
77

This section may need to be modified. NPAs do not typically include public involvement, although they may be published in the Federal Register.

Lines 78 through 89	1544-1548
<p>78 WHEREAS, the Navy shall implement this NPA through the development and execution of Local 79 Management Procedures (LMP) prior to making decisions or approving the expenditure of federal funds 80 in a manner that would restrict the consideration of alternatives for Undertaking(s), consistent with 36 81 CFR 800.1(c); and 82 83 NOW, THEREFORE, the Navy, ACHP, and NCSHPO agree that the implementation of SIOP shall be 84 administered in accordance with the following stipulations to satisfy the Navy's Section 106 and 110 85 responsibilities for all resulting Undertakings at Norfolk (Portsmouth, VA); Pearl Harbor (Pearl Harbor, HI); 86 Portsmouth (Kittery, ME); Puget Sound (Bremerton, WA); and additional naval vessel maintenance 87 locations as may be identified in the future, and effectively integrate historic preservation compliance 88 considerations into the planning and execution of SIOP. 89</p>	

These are key clauses that will be discussed at length further in upcoming meetings.

Comment: Ms. Jackson-Retondo, NPS

For Lines 83-88: NPS prefers the use of the standard WHEREAS clause provided by ACHP because Sections 106 and 110 cannot be blended.

- **ACHP response:** We agree with the NPS. Lines 83-88 are only for Section 106; Section 110 is a different part of the NHPA.
- **Navy response:** This will be revised.

Comment: Ms. Kerr, ACHP

For Lines 83-84: Using the recommended language, the clause would read "Now, Therefore, the Navy, ACHP, and NCSHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties."

Draft NPA – STIPULATIONS	1548-1617
I. APPLICABILITY	1548-1600
<p>92 I. APPLICABILITY 93 94 A. SIOP Undertakings involving facilities, utilities, and equipment for the public shipyards at 95 Norfolk (Portsmouth, VA); Pearl Harbor (Pearl Harbor, HI); Portsmouth (Kittery, ME); Puget 96 Sound (Bremerton, WA). 97 98 B. Applicability of this NPA to Naval facilities that perform depot and intermediate ship 99 maintenance at additional locations that are identified in the future shall be subject to 100 consultation consistent with this NPA. 101 i. Navy will ensure appropriate identification and notification of appropriate SHPOs, 102 consulting parties, and the public to develop a new LMP, or amend an existing LMP, 103 consistent with the terms of this NPA. 104 ii. Incorporation of additional locations shall not require amendment of the NPA. 105 106 C. Existing Section 106 Agreements and consultations at public shipyards and IMFs 107 i. The relationship of this NPA/LMP to any existing Section 106 agreement(s) shall be 108 identified in the LMP for each public shipyard and IMF. 109 ii. Treatment options are: 1) Continuation of existing Section 106 agreements until the 110 terms of the agreement documents are completed; or 2) termination or decision not 111 to continue with agreement document as executed and operate under this NPA. 112</p>	

"SIOP undertakings" is currently broadly defined. After today's discussion we may need add more clarification. There is a clear process and set of responsibilities for the NPA for the four identified shipyards and those that may be identified in the future. The term Intermediate Maintenance Facility (IMF) will be removed from this stipulation to avoid confusion that only IMFs may be added in the future. This stipulation also acknowledges how existing NPAs would be addressed in continuation or termination with the new SIOP NPA as the new agreement.

Comment/Question: Katharine Kerr, ACHP

For Lines 106-111: What are the existing agreements? This early planning process could provide an opportunity to see how processes are working between the installations now. Is that a possibility. This comparison may be helpful in preparation for this effort internally and with ACHP. Can a brief be prepared this comparison purpose? The intent is not to create a massive work effort, there should only be 4-8 existing NPAs per installation, if that. Having this discussion once versus four times is also more effective.

- **Navy response:** This idea is somewhat incorporated into the planning process that occurs over the next few months. This type of review is included in the early stage planning of the SIOP process.

II. ROLES AND RESPONSIBILITIES (Lines 113-114)

Section skipped due to time constraints.

Chat box Question: Kirk Mohney, ME SHPO

For Line 113: Will this section explain the roles and responsibilities in both the NPA and the LMPs, or will Stipulation IV have its own roles and responsibilities section?

- **Navy response:** Not answered due to time constraints.

III. PROFESSIONAL STANDARDS (Lines 115-116)

Section skipped due to time constraints.

IV. LOCAL MANAGEMENT PROCEDURES

1601-1615

117	IV.	LOCAL MANAGEMENT PROCEDURES (LMP) (Template to be Included in NPA)
118	A.	Definition/Objective
119	B.	Consultation Process to Execute LMP
120	C.	LMP Standards for Content, Documentation, Consultation, and Reporting [placeholder for limitations due to sensitive site information and operational security]
121	D.	Review and comment on SIOP projects and ADPs
122	E.	Measures to avoid, minimize, and mitigate adverse effects
123	F.	Schedule of completion of LMPs
124	G.	Resolution of objections
125		
126		

The LMPs will be a continued discussion as this meeting is running past schedule. Those able to stay online were encouraged to do so, and the discussion continued. This will be the most critical part of future discussion because the legally binding element of the SIOP is within the LMP. The LMP framework has to be legally sufficient and clear about what is expected. During the next meeting the Navy will present a more detailed example of an LMP to see how they would apply to each location. Specific to Section G. Resolution of Objections, it is followed by a stipulation specific to dispute resolution. The intent of both sections is to clearly define how best to address conflicts so as not create unnecessary delays and come to a smart compromise. Two levels of "troubleshooting" allow for resolution at the local or national level until a resolution is achieved.

Comment/Question: Ms. Kerr, ACHP

1559

For Line 117: ACHP is not looking to be involved at the LMP level in the event that we need to provide third-party, unbiased input.

- **Navy response:** This clarification is appreciated and understood.

Question: Dr. Downer, HI SHPO

Will the LMPs be reviewed by and/or subject to approval by SHPO/Navy Headquarters (HQ)? Or just between SHPO & Shipyard?

- **Navy response:** The CRM HQ team will be engaged in certain aspects of the LMPs to make sure they meet requirements. However, the daily consultation efforts fall to each installation and each is involved in consultation with their respective SHPO.

Comment: Mr. Mohney, ME SHPO

Section IV.B Consultation Process to Execute LMP: I recommend adding "develop and" before Execute.

- **Navy response:** This will be revised.

Comment: Mr. Mohney, ME SHPO

Section IV.E Measure to avoid, minimize, and mitigate adverse effects: In the next discussion, it would be helpful to learn more about the specific mitigation measures the Navy is thinking about as being appropriate at the nationwide level vs. the shipyard level.

- **Navy response:** At the template level, the types of mitigation suitable to each installation would be included (i.e. documentation, brochures). "Mitigation banking" is an option as a way to look outside the expected forms for ways to account for adverse effects.

Comment: Mr. Holma, VA SHPO

I believe the LMP section needs to include a line item to specifically address treatment of NHL properties in order to satisfy Navy's 800.10 and Section 110(f) responsibilities.

- **Navy response:** This will be revised.

Comment: Ms. Merritt, NTHP

Expressed support of comment to incorporate "mitigation banking" and looking at broader mitigation measures. It is a good idea to do that at the national level as an approach.

- **Navy response:** This sets the stage for creative and responsive mitigation measures that reduces the struggles on how to address adverse effects. Mitigation is often a "stumbling block" that can be worked through with more proactive coordination.

SECTIONS V-XI (Lines 127-139)

Sections skipped due to time constraints.

Next Steps/Closing Remarks

1617-1624

Question: Ms. Merritt, NTHP

What is the timeframe for written comments to this conference call?

- **Navy response:** Although an ongoing process, ideally comments to this preliminary draft should be received within the next 2-3 weeks so that by next meeting in October we have continued points to discuss.

Participants were directed to send comments to the project archive email:

CR_SIOP_Archive@ae.com

The meeting was closed after receiving no further comments.