

**Navy Shipyard Infrastructure Optimization Program
Nationwide Programmatic Agreement
Conference Call/Online Consultation Meeting #6
Meeting Summary
1400-1537 hrs EST
November 19, 2020**

PARTICIPANTS:

ACHP: Katharine Kerr, Reid Nelson
NCSHPO: Erik Hein
NPS: Elaine Jackson-Retondo, Christopher Johnson, Melia Lane-Kamahele
HI SHPO: Alan Downer, Julia Flauaus, Stephanie Hacker, Tanya Gumapac-McGuire
ME SHPO: Kirk Mohny, Megan Rideout
VA SHPO: Marc Holma
WA SHPO: No representation
City of Bremerton: Garrett Jackson
Friends of the Portsmouth Naval Shipyard Museum: Gary Bahena
Friends of the Norfolk Naval Shipyard Museum: Steve Poole
Historic Hawai'i Foundation: Kiersten Faulkner
Passamaquoddy Tribe of Maine: Donald Soctomah
Portsmouth Naval Shipyard Historical Foundation: Ken Goldman
Portsmouth Naval Shipyard Museum: Diane Cripps
Strawbery Banke Museum: Elizabeth Farish
Washington Trust for Historic Preservation: Chris Moore
Navy Cultural Resource Team: William (Bill) Manley (CNIC/NAVFAC HQ CR)
Amanda Bennett (PSNS)
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Deb Loomis (NAVSEA)
Erika deBroekert (NAVFAC Pacific)
Karen Desilets (NAVFAC Pacific)
Katherine Childs (NAVFAC MIDLANT)
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Kerry Vautrot (PNSY)
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Penne Sandbeck (NNSY)
Peter Michaud (NAVFAC PWD ME)
Scott Keyes (NAVFAC HQ)
Sherry Anderson (NAVFAC Pacific)
Tamara Conkle (NAVFAC HQ)
William Rogers (CNIC)
Zac Altenburger (NAVFAC HI)
Navy PMS-555: Bob Clarke, Fuzz Harrison
AECOM: Scott Seibel, Chester Cunanan

LOGIN PERIOD

1400-1415

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

Slides 2 & 3: How to use MS Teams

1400-1401

How to use MS Teams



- 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.

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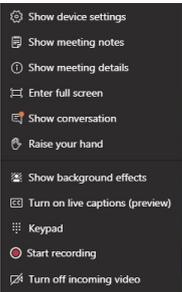
How to use MS Teams



If you click on , you will get the following options:



- From Left to Right:
 - Video/No Video
 - Mute/Unmute
 - Share Screen
 - Additional Options
 - Raise Hand
 - Chat
 - View Participants
 - Hang Up



- 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

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

Slide 4: Consultation Information

1401-1402

Consultation Information

The Navy's info website <https://navalshipyards-nhpa.com/> 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.

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Participants were directed to the consultation information available on the website for future reference. The Navy's Shipyard Infrastructure Optimization Program (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.

Slide 5: Meeting #6 Topics and Goals

1402-1402

Meeting #6 Topics and Goals

Review consultation to date, Navy's need for a program alternative, and the case for an NPA

Review process flow and accountability of NPA and LMP from development through implementation.

Review the Revised Draft NPA

5

The meeting began with a review of the topics and goals. The primary goals are to:

- a) Review the consultation process to date.
- b) Review of why the Navy believes a Nationwide Programmatic Agreement (NPA) is the appropriate approach for the Shipyard Infrastructure Optimization Program (SIOP).
- c) Demonstrate the responsiveness between the NPA and the Local Management Procedures (LMP).
- d) Review the revised draft NPA.

Slide 6: SIOP NPA Consultation

1402-1404

SIOP NPA Consultation





- May 1, 2020 – Initiation of Consultation
- June 11, 2020 – Consultation Meeting #1 – Introduction of the NPA/LMP alternative
- July 16, 2020 – Consultation Meeting #2 – Discussion of SIOP requirements and the NPA/LMP
- August 12, 2020 – Consultation Meeting #3 – Discussion of NPA consultation planning
- September 24, 2020 – Preliminary Draft NPA
- October 29, 2020 – Discussion of NPA applicability

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The Navy provided an overview of the consultation meetings to date. These meetings were preceded by consultation with the Advisory Council for Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO).

Slide 7: The Shipyard Challenge

1404-1406

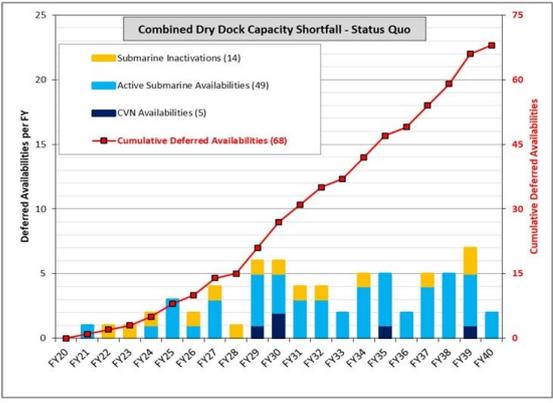
The Shipyard Challenge





- The Navy's shipyards perform a vital role in national defense by maintaining nuclear submarines and aircraft carriers for the fleet.
- As currently configured, the shipyards require systemic improvements to facilities, utilities, dry docks, equipment, and information technology infrastructure.
- Shortfalls in nuclear vessel support capabilities at the Navy's shipyards compromise Naval Fleet readiness.
- SIOP is the Navy's plan to comprehensively improve ship maintenance effectiveness.

Combined Dry Dock Capacity Shortfall - Status Quo



Fiscal Year	Submarine Inactivations (14)	Active Submarine Availabilities (49)	CVN Availabilities (5)	Cumulative Deferred Availabilities (68)
FY20	0	0	0	0
FY21	0	1	0	1
FY22	0	1	0	2
FY23	0	1	0	3
FY24	0	1	0	4
FY25	0	1	0	5
FY26	0	1	0	6
FY27	0	1	0	7
FY28	0	1	0	8
FY29	0	1	0	9
FY30	1	1	0	11
FY31	1	1	0	13
FY32	1	1	0	15
FY33	1	1	0	17
FY34	1	1	0	19
FY35	1	1	0	21
FY36	1	1	0	23
FY37	1	1	0	25
FY38	1	1	0	27
FY39	1	1	0	29
FY40	1	1	0	31

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The Navy's ability to carry out vital maintenance on aircraft carriers and submarines at shipyards has fallen far short of the mission demand. Originally configured to build ships, the Navy's shipyards today maintain complex nuclear vessels. Structural changes are necessary. 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 will 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. A critical requirement for SIOP is to continue shipyard operations as facility changes are implemented.

Slide 8: A Nationwide PA Strengthens SIOP

1406-1408

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.

Formal assessments by the Government Accountability Office (GAO) have documented the need to modify shipyard infrastructure. SIOP is the Navy's business-based shipyard infrastructure program to improve ship maintenance production based on industrial engineering metrics. The GAO audits identify the problems and constraints that the SIOP NPA helps to address. The GAO documents are available on the website: <https://navalshipyards-nhpa.com/documents.html>.

The Navy recognizes that shipyards are historically significant sites subject to compliance with the National Historic Preservation Act (NHPA). SIOP integrates environmental considerations throughout the modernization process. The NPA supports consultation on potential effects to the significant individual historic properties, historic districts and National Historic Landmarks present at the shipyards.

Slide 9: The NPA Components

1408-1409

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, 4 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, NHCs, 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

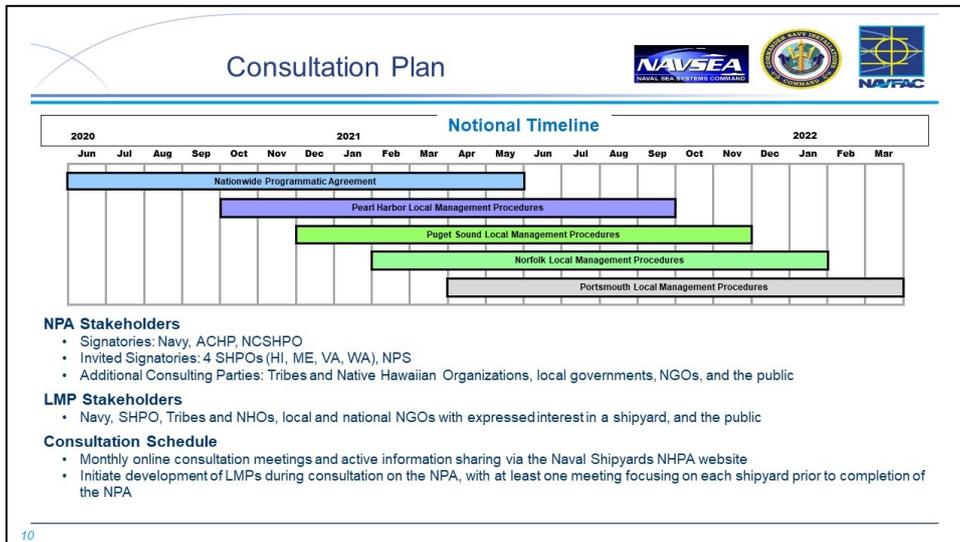
Future IMFs

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

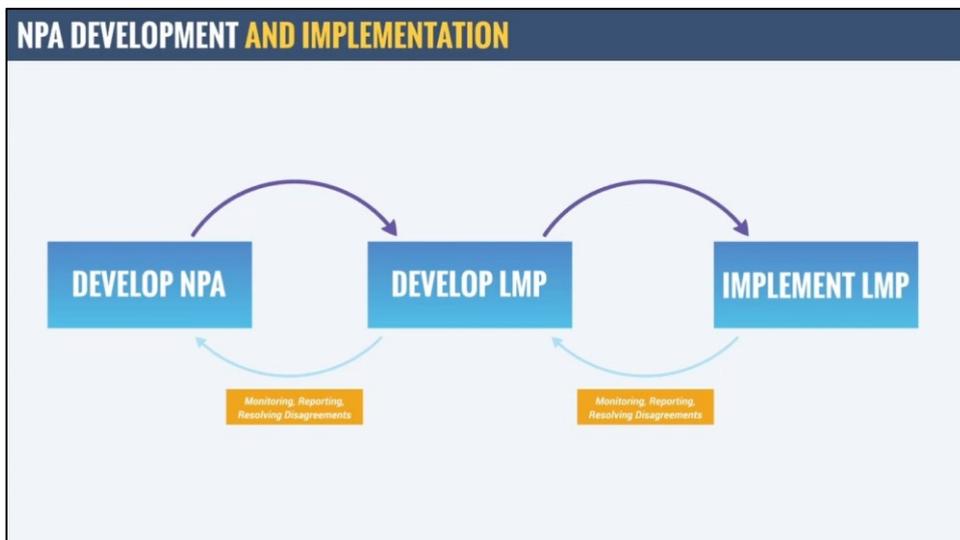
The SIOP NPA defines procedures at the national level and creates templates for local procedures and protocol to include the stakeholder involvement required for project approval; it complies with Sections 106 of the NHPA. The Navy's NPA focuses on developing adequate and finite review periods for consultation on facility actions with the potential to affect historic properties.

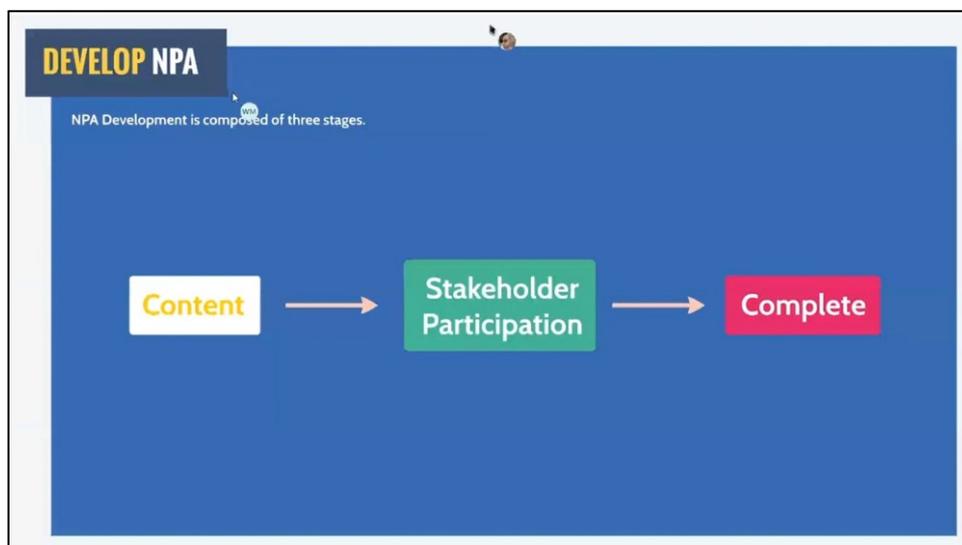
Slide 10: Consultation Plan

1409-1411



Consultation began in early May 2020 with the goal to complete the NPA by May 2021. This timeline is important because shipyard planning is underway, and projects such as the Pearl Harbor dry dock and waterfront production facility are in the initial phases of development. The Navy plans to continue holding virtual meetings to facilitate completion of the NPA, which will include consideration of conditions at each of the shipyards to develop a template for Local Management Procedures (LMP) for local implementation of the NPA.





The dynamic flowchart provides a graphic overview of NPA implementation in regard to LMP development and implementation. The link to this flowchart is available at: <https://prezi.com/view/80yT8alUkAgVez31a8hw/>.¹ This interconnectivity was covered at length during NPA Meeting #5 and reviewed in Meeting #6. The process flow chart illustrates the dynamic relationships between the NPA, creation of the LMP and LMP implementation to support decision-making. Each part of the three inter-related processes (i.e. NPA, LMP, LMP implementation) is organized to address content, stakeholder participation, and requirements for completion. The NPA establishes the framework which the LMPs implement in consultation with local stakeholders.

The discussion reviewed the November 19, 2020 edition of draft NPA previously distributed on September 17, 2020 draft.

The current revisions provide more clarity about what the Navy anticipates will be SIOP Undertakings, SIOP requirements relative to maintenance performance gaps, and Area Development Plans (ADP). The NPA will support NHPA consideration of Navy decisions to improve shipyard functionality while allowing the Navy to meet its NHPA requirements through identification, assessment, evaluation, stakeholder participation, measures to avoid, minimize, and mitigate in consultation with SHPO and other stakeholders. Finite review periods for SIOP Undertakings are essential to project schedules required to modernize the shipyard while continuing mission operations.

Question: Mr. Holma, VASPO

1423-1425

How does the Navy define “performance gaps?”

- **Navy response:** We define performance gaps as deferred maintenance operation. SIOP will address factors such as dry docks that do not meet size, stability, and survivability requirements to maintain a modern Navy fleet, as well as factors such as inadequate utilities infrastructure, and distance and travel times between key facilities.

¹ Note to users: Firefox or Chrome is the preferred browser to access this link. A VPN internet connection may also result in a failure to access the linked content, especially if not using Firefox or Chrome. If clicking the link does not access content, please use Firefox or Chrome browser and/or use a regular internet connection.

Question: Dr. Downer, HISHPO

1426-1429

About the GAO reports, are they published?

- **Navy response:** These can be emailed, and they are posted on the NPA SIOP website under the documents section: <https://navalshipyards-nhpa.com/documents.html>. These reports are part of Congress’s direction to the Navy, and the Navy’s reports to Congress.

Document Section: STIPULATIONS

1434-1519

The Stipulations outline how the NPA will be implemented.

I. APPLICABILITY

1435-1453

DRAFT SIOP NPA – 19 NOVEMBER 2020	
81	STIPULATIONS
82	
83	I. APPLICABILITY
84	
85	A. This NPA applies to mission-critical SIOP Undertakings addressing shipyard capacity and
86	capability, to include new construction and alteration of dry docks and related facilities,
87	upgrades to utilities infrastructure, and dredging to support vessel movement.
88	B. In addition to Naval Shipyards at Norfolk VA, Pearl Harbor HI, Kittery ME, and Bremerton
89	WA, SIOP Undertakings may be required for support locations in additional states.
90	C. The Navy shall identify in advance all SIOP Undertakings to which the Navy proposes to
91	apply this NPA, consistent with the Local Management Procedures (LMP) defined herein.
92	D. The Navy shall consult with SHPO, NPS, and local stakeholders as appropriate to develop
93	LMP for each shipyard and any additional Navy facilities that support depot and
94	intermediate ship maintenance at additional locations.
95	1) The Navy shall ensure that advance notification and consultation with appropriate
96	SHPO(s), consulting parties, and the public to prior to application of the NPA to any
97	additional locations of SIOP Undertakings, consistent with the terms of this NPA.
98	
99	E. Consistent with the terms of this NPA, each LMP shall identify existing NHPA agreements
100	and consultations, to include explanation of how the Navy proposes to ensure
101	transparency and planning for NHPA compliance.

The Navy SIOP program is specific to shipyard modernization at the four shipyards in Norfolk, VA, Pearl Harbor, HI, Kittery, ME, and Bremerton, WA. There may be a need to expand these actions to other Navy maintenance locations. Within the LMP, the Navy will be clear about what activities are subject to the NPA and how they are implemented through the LMP. The Navy does not intend for NPA to supersede any existing agreements; rather, the NPA requires that LMPs include summaries of existing agreements and the Navy’s plan for aligning the NPA.

Discussion

Question: Dr. Jackson-Retondo, NPS

1439-1440

Please confirm: Are you saying that we will not know which projects fall under the NPA until an LMP is developed?

- **Navy response:** We know that some projects, dry dock projects like the Pearl Harbor dry dock and waterfront production facility currently in early development are required. As ADPs are completed, the Navy will have more complete plans for projects needed over the longer term. The LMP will implement the NPA for dry dock and closely related projects known now, as well as projects identified later, through the ADPs.

Question: Ms. Faulkner, Historic Hawai'i Foundation

1441-1448

Do you have or can you provide a notional timeline for the Pearl Harbor DD project, which takes the NPA/LMP notional timeline and adds the NEPA and project development timelines? The NPA/LPA timelines shows the Pearl Harbor LPA completed around Oct. 2021, after which it would be applied to the DD action, which would result in a decision sometime after that. However, the NEPA timeline has a Draft EIS being released in Summer 2021. How are those actions being reconciled?

- **Navy response:** [Shared thumbnail of Slide 10: Consultation Plan.] The timeline shows the goal of having the NPA complete by May 2021. The development of the Pearl Harbor LMP continues through 2021, so that by the time the Pearl Harbor Dry Dock Draft EIS is complete, the LMP can support review of alternatives presented in the EIS. The final EIS is planned Spring 2022. The Navy plans to implement the NPA through the Pearl Harbor LMP consult and formally agree to measures to avoid, minimize, and mitigate adverse effects arising from the preferred alternative.

Question: Dr. Jackson-Retondo, NPS

1450-1453

Will the parties consulting on the LMP also have an opportunity to consult on the ADP or will development of the ADPs be an internal process?

- **Navy response:** The Navy plans to provide LMP stakeholders with information about the results of industrial re-engineering and critical factors for optimization in the draft ADP, which will include at least three courses of action (COA) for facilities projects to meet the mission demand. Among several key criteria for selection of a COA, consultation with stakeholders identified in the LMP will be one. Once the Navy decision maker selects the final COA, all projects coming out of the ADP will be subject to the NPA's LMP review process, especially as they are ripe for analysis.

II. ROLES AND RESPONSIBILITIES AND III. PROFESSIONAL STANDARDS AND TRAINING 1453-1455

103	II.	ROLES AND RESPONSIBILITIES
104		
105	III.	PROFESSIONAL STANDARDS AND TRAINING
106		

The Roles and Responsibilities stipulations will identify the Commander Navy Installations Command (CNIC) as the Navy decision maker for the NPA. At the shipyard level, Navy decision makers are CNIC installation commanding officers (CO). Professionally qualified Navy subject matter experts (SME) will be responsible for supporting the CO by providing expert reviews, analyses, and documentation to comply with the NPA and its implementation in the LMP.

The Professional Standards and Reporting stipulation will call out Secretary of the Interior's (SOI) Professional Qualifications Standards and a requirement for qualification appropriate to the resource(s) being addressed. The stipulation will also require periodic training on the NPA and individual LMP for responsible professionals and staff.

IV. LOCAL MANAGEMENT PROCEDURES (LMP)

1454-1514

The LMPs are intended to serve to implement the NPA in close coordination with local stakeholders. An LMP would not be an authority separate from the NPA; rather the LMP would adapt NPA requirements to resources and stakeholders at each shipyard. As presented, the draft NPA section lists content in bullet versus paragraph form; the Navy will develop complete language in consultation as development proceeds, in order to clearly describe requirements for the LMPs. The sections of the LMP are:

1. Preamble/Intro
2. Stakeholders
3. SIOP requirements for the Shipyard
4. Existing NHPA agreements
5. Personnel
6. Consultation
7. Shipyard Project Review
8. Standard Mitigation Measures
9. Reporting and Review
10. LMP Completion

V. DISPUTE RESOLUTION

1514-1517

175	V.	DISPUTE RESOLUTION
176	A.	The parties to the NPA will make every effort to reach agreement. When disagreements
177		cannot be resolved, the objecting party shall provide the Signatories to this NPA with
178		written notification of the objection and any supporting documentation.
179		
180	B.	Within 10 calendar days of receipt, the Navy shall hold a conference among Signatories to
181		review the objection.
182		
183	C.	The Signatories shall consult to resolve the objection for up to 30 calendar days.
184		
185	D.	When the Signatories agree on measures to resolve the objection, the Navy shall prepare a
186		summary of the objection and resolution agreement, to include any specific commitments
187		for future action.
188		
189	E.	If the Signatories are unable to reach agreement within 30 calendar days, the Navy shall
190		prepare a summary of the dispute resolution process and a Navy decision on resolution.
191		

The Dispute Resolution section defines how parties to the NPA will identify the problem, engage in consultation to reach agreement, and define agreement terms. Critically, if the Signatories are unable to agree on resolution, the Navy shall prepare a summary of the dispute resolution process and document its decision on resolution.

Discussion

Question (Dr. Downer, HISHPO)

1516-1517

**Would the objecting party be a consulting party or just one of the signatories on the agreement?
Who can be an objecting party?**

- **Navy response:** The signatory is the objecting party in this instance given their authoritative position. If a local consulting party has an objection it can raised it with their local signatory party (i.e. SHPO) and/or their Navy CRM point of contact/installation. Signatory parties have legally binding responsibilities regarding the implementation of the agreement.

VI. REPORTING 1517-1518

192	VI.	REPORTING
193	A.	The Navy shall document the administration and implementation of this NPA in an annual report to the Signatories.
194		
195		
196	B.	The Navy shall host a meeting of the Signatories to review the conduct and effectiveness of this NPA.
197		
198		
199	C.	The Navy shall provide all parties to the NPA make available to the public a summary report on the outcomes of the annual review with the Signatories.
200		
201		

The reporting requirement is a major benefit of this NPA. Synergy among the strategies and successes at the individual shipyards will be possible through annual review of implemented activities at each location.

VII-XI. 1518-1519

202	VII.	AMENDMENT
203		
204	VIII.	ANTI-DEFICIENCY ACT
205		
206	IX.	DURATION
207		
208	X.	TERMINATION
209		
210	XI.	EXECUTION
211	A.	This NPA shall be effective when signed by the Navy, ACHP, and NCSHPO.

Section VII, Amendment, Section VIII, Anti-Deficiency Act, Section IX, Duration, Section X, Termination, and Section XI, Execution are still being drafted.

Next Steps/Closing 1519-1537

Navy encourages participants to review and share comments. It is important for the Navy to receive confirmation on the approach taken to date in order to refine and/or address problems. Participants were reminded that there is an ongoing opportunity to comment. Participants were directed to email Bill Manley (william.manley@navy.mil) as required if documents cannot be found on the website.

Discussion:

Question (Ms. Kerr, ACHP) 1521-1521
When will we receive a copy of the November draft of the NPA? It hasn't hit the ACHP server yet.

- **Navy response:** This document should have been received prior to the meeting. It will also be posted on the website as well as the comment matrix to track feedback on the drafts.

Question (Dr. Downer, HISHPO) 1521-1524
What do you see in terms of the timeline for completing this NPA? In your view, are we getting close to where we need to make hard decisions on language? In similar regard to the LMP, it was my understanding we were going to begin reviewing the LMPs in this meeting.

- **Navy response:** We are at a stage where we want to receive feedback on language while we fill in content gaps. Our goal is to execute the NPA by Spring 2021. A monthly meeting will continue until then so we can collect comments and continue looking at further developed documents. The Navy will take the draft outline covered herein and begin to develop the Pearl

Harbor LMP. Today's meeting entailed covering what will be in the LMPs. Participants should expect a draft of the Pearl Harbor LMP in January 2021.

Question (Dr. Jackson-Retondo, NPS)

1525-1528

It seems like parties consulting on the LMPs do not have an avenue for dispute resolution. Can you confirm?

- **Navy response:** Under the Consultation Section of the LMP, there is a provision to address objections. There will be opportunity to discuss, record, and resolve disputes. This would be a standard operating procedure (SOP) within the LMP. If necessary, the NPA-level signatories are resources for dispute resolution.

What is the deadline for comments on the draft NPA?

- **Navy response:** Please submit comments by Monday, December 7, 2020. This will not be the last opportunity to submit comments, as the Navy will continue drafting and sharing the document for comment.

Question (Ms. Faulkner, Historic Hawaii Foundation)

1528-1532

What are the proposed duration periods for 1) NPA; 2) LMP; 3) Project agreements? Are they concurrent or will they have different terms?

- **Navy response:** The Navy intends for the NPA to remain effective the full duration of the SIO program, approximately 20 years. LMPs would be subject to annual review/update also over the lifespan of the project. The same would hold true for commitments made through implementation of the LMP to avoid, minimize, and mitigate adverse effects. The Navy will commit to engaging the parties to the NPA and LMP stakeholders in additional consultation to address any unforeseen circumstances.

So, the project agreements are perpetual?

- **Navy response:** Yes. If the Navy makes a commitment, it will stand unless there is an exception where it would need to be revisited. If it were to become necessary, the Navy will engage the parties in consultation to develop alternative solutions.

Comment (Mr. Hein, NCSHPO)

1532-1535

Then there should be a periodic agreement review/termination clause.

- **Navy question:** *Is this referring to the LMP, the resolution of effects document, or both?*
- **NCSHPO comment:** Perhaps both. The idea of perpetual agreements is not something states are usually comfortable with; there should be some mechanism for periodic review and revision, as needed. It is definitely a revision of the LMP. The NPA should have a similar provision. A termination clause should be included in the NPA
- **Navy response:** Agree. We will add a termination clause to the NPA.

Meeting Adjourned at 1537.

True & Accurate Record

These notes are considered to be a true and accurate record of the discussions that occurred during the NAVFAC (NPA) meeting on the abovementioned date. If any discrepancies or inconsistencies are identified, please contact Scott Seibel (301) 944-3319 or by email at scott.seibel@aecom.com.