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
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6	WHEREAS, the U.S. Navy (Navy) has established the Shipyard Infrastructure Optimization Program
7	(SIOP) to plan and program critical improvements at its public shipyards and support facilities, pursuant
8	to Senate Report 115-130, accompanying S.1557, the Fiscal Year (FY) 2018 Military Construction,
9	Veterans Affairs, and Related Agencies Appropriations Bill, and Senate Report 115-125, accompanying
10	the FY 2018 National Defense Authorization Act; and
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12	WHEREAS, the Navy's public shipyards are essential components of national defense, and they must
13	fulfill critical roles in maintaining the readiness of the Navy's fleet of aircraft carriers and submarines;
14	and
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16	WHEREAS, to meet fleet readiness demands the Navy must address critical ship maintenance
17	performance gaps, and develop a public shipyard infrastructure strategy and plan to significantly
18	improve the U.S. Navy's capability to maintain its nuclear-powered vessels; and
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20	WHEREAS, addressing these deficiencies requires comprehensive engineering and systemic
21	improvement to meet the Navy's Fleet Readiness requirements (GAO-20-64: Naval Shipyards, Key
22	Actions Remain to Improve Infrastructure to Better Support Navy Operations (November 2019); GAO-
23	17-548: Naval Shipyards, Actions Needed to Improve Poor Conditions that Affect Operations (September
24	2017); GAO-20-588: Naval Shipyards: Actions Needed to Address the Main Factors Causing Maintenance
25	Delays for Aircraft Carriers and Submarines (August 2020); and
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27	WHEREAS, the Navy has established SIOP to lead and coordinate actions to address deficiencies and
28	increase overall shipyard productivity and capability through industrial re-engineering and strategic
29	actions; and
30 31	WHEREAS, Navy actions planned and implemented through SIOP (Undertakings) to will address
32	facilities, utilities, and equipment at the Navy's four public shipyards at Norfolk (Portsmouth, VA); Pearl
33	Harbor (Pearl Harbor, HI); Portsmouth (Kittery, ME); Puget Sound (Bremerton, WA); and
34	riarbor (realitriarbor, fill), rollismodili (kittery, ME), ruget bound (bremerton, WA), and
35	WHEREAS, Undertakings planned and implemented as part of SIOP may also involve Navy facilities that
36	perform depot and intermediate ship maintenance in additional states; and
37	perform depot and intermediate stilp maintenance in additional states, and
38	WHEREAS, SIOP Undertakings will include infrastructure optimization actions with the potential to affect
39	historic properties that may include demolition, new construction, and adaptive use; and
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41	WHEREAS, Undertakings introduced as part of SIOP may affect properties listed in or eligible for listing
42	in the National Register of Historic Places (National Register); and
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44	WHEREAS, the Navy recognizes the historic and cultural value of the public shipyards and the diversity
45	of historic properties that are located within and around the public shipyards, including but not limited
46	to: the Norfolk Naval Shipyard Historic District and Dry Dock 1 National Historic Landmark, Pearl Harbor
47	National Historic Landmark, the Portsmouth Naval Shipyard Historic District, and the Puget Sound Naval
48	Shipyard Historic District and Navy Yard Puget Sound National Historic Landmark; and

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WHEREAS, in order to meet requirements for SIOP Undertakings, including finite periods of review for the resolution of adverse effects, the Navy intends to programmatically fulfill its responsibilities under Section 106 of the National Historic Preservation Act through this Nationwide Programmatic Agreement (NPA) developed pursuant to 36 CFR 800.14 (b); and

WHEREAS, the Navy has notified the Advisory Council on Historic Preservation (ACHP) of its intention to address Section 106 responsibilities for these SIOP Undertakings through this NPA, pursuant to 36 CFR 800.14 (b), and the ACHP has chosen to participate in the development of this NPA; and

WHEREAS, the Navy has consulted with the National Conference of State Historic Preservation Officers (NCSHPO) of its intention to address its Section 106 responsibilities through this NPA, pursuant to 36 CFR Part 800.14, and the NCSHPO has chosen to participate; and

WHEREAS, the Navy has consulted with the National Park Service (NPS) regarding National Historic Landmarks at Norfolk (Portsmouth, VA); Pearl Harbor (Pearl Harbor, HI); and Puget Sound (Bremerton, WA); and has invited the NPS to participate in this NPA, and the NPS has chosen to participate; and

WHEREAS, the Navy has consulted with the State Historic Preservation Officers of Hawaii, Maine, Virginia, and Washington, and invited them to sign this NPA, and they have chosen to participate; and

WHEREAS, the Navy has consulted with the [PLACEHOLDER COMPLETE LIST OF NGOs, AGENCIES, TRIBES AND NHOS TO BE INSERTED]; and invited them to concur with this NPA; and

WHEREAS, the Navy shall document implementation of this NPA prior to making decisions or approving the expenditure of federal funds in a manner that would restrict the consideration of alternatives for Undertaking(s) with the potential to adversely affect historic properties; and

NOW, THEREFORE, the Navy, ACHP, and NCSHPO agree that SIOP Undertakings shall be implemented in accordance with the following stipulations in order to take into account the effect of SIOP undertakings on historic properties.

81			STIPULATIONS			
82 83	I.	ADDLIC	ADILITY			
84	1.	APPLICABILITY				
85 86 87		ca	is NPA applies to mission-critical SIOP Undertakings addressing shipyard capacity and pability, to include new construction and alteration of dry docks and related facilities, grades to utilities infrastructure, and dredging to support vessel movement.			
88 89			addition to Naval Shipyards at Norfolk VA, Pearl Harbor HI, Kittery ME, and Bremerton A, SIOP Undertakings may be required for support locations in additional states.			
90 91			ne Navy shall identify in advance all SIOP Undertakings to which the Navy proposes to ply this NPA, consistent with the Local Management Procedures (LMP) defined herein.			
92 93 94		LN	ie Navy shall consult with SHPO, NPS, and local stakeholders as appropriate to develop IP for each shipyard and any additional Navy facilities that support depot and termediate ship maintenance at additional locations.			
95 96 97 98		1	The Navy shall ensure that advance notification and consultation with appropriate SHPO(s), consulting parties, and the public to prior to application of the NPA to any additional locations of SIOP Undertakings, consistent with the terms of this NPA.			
99 100 101		an	onsistent with the terms of this NPA, each LMP shall identify existing NHPA agreements and consultations, to include explanation of how the Navy proposes to ensure ansparency and planning for NHPA compliance.			
102 103 104	l.	ROLES	AND RESPONSIBILITIES			
105 106	II.	PROFESSIONAL STANDARDS AND TRAINING				
107	III.	LOCAL	MANAGEMENT PROCEDURES (LMP)			
108 109 110		de	impliance with this NPA shall be documented through Local Management Procedures eveloped in consultation with SHPO, NPS, and other stakeholders, as applicable. Each ipyard LMP shall include the following:			
111		1) Preamble/Intro			
112		1	a. Concise recital of NPA as legal authority, applicability, and enforceability			
113			b. Summary of the shipyard's historic significance and continuing mission critical			
114			defense role(s)			
115			c. Overview/summary of historic properties present			
116						
117		2) Stakeholders			
118			a. Overview of consultation to identify and include consulting parties			
119			b. Public participation			
120			c. Listing of stakeholders with roles and responsibilities			
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122		3) SIOP requirements for the Shipyard			

123		a. Summary of known shortfalls in facilities affecting Shipyard performance
124		b. Summary of announced SIOP projects for the Shipyard (updated as information
125		is available, at least annually)
126		c. Status and summary of Shipyard Area Development Plans (ADP)
127		d. Should the Navy identify any additional Undertakings for which the Navy
128		intends to apply this NPA, the Navy shall notify LMP stakeholders in advance.
129	4)	Fuinting NUIDA agreements
130	4)	Existing NHPA agreements
131 132		a. Concise overview of consultation history for the Shipyard
133		b. Annotated outline of existing agreements
134		c. Explanation of how NPA will be implemented in relation to existing agreements and future shipyard facility decisions
135		and future shipyard facility decisions
136	5)	Personnel
137	٥,	a. Professional qualifications
138		b. Training
139		c. Navy Cultural Resources Manager (CRM) roles and responsibilities
140		c. Mary calculat hesocites manager (entity) roles and responsibilities
141	6)	Consultation
142	-,	a. Overview of review consultation requirements for the Shipyard
143		b. Review of consultation timelines for Navy decisions
144		c. SOPs for discoveries, emergencies, post-review discoveries, exemptions, and
145		objections
146		d. Stakeholder participation in ADP development and implementation
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148	7)	Shipyard Project Review
149		a. Qualified Navy CR SMEs shall review all proposed SIOP Undertakings to assess
150		their potential effects to historic properties.
151		b. When the Navy CR SME determines that a SIOP Undertaking will have no effect
152		on historic properties, the Navy will document and provide to the LMP
153		stakeholders the Areas of Potential Effect (APEs), historic properties present,
154		and finding of effect for review and comment.
155		c. When the Navy CR SME determines that a SIOP Undertaking may adversely
156		affect historic properties, the Navy will document and provide to the LMP
157		stakeholders the APE, historic properties present, finding of effect, and the
158		Navy's proposal(s) to avoid, minimize, and mitigate adverse effects for review
159		and comment.
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161	8)	Standard Mitigation Measures
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164	9)	Reporting and Review
165		a. Frequency –The Navy shall provide LMP stakeholders with annual reports
166		summarizing actions reviewed under the NPA.
167		b. The Navy shall host annual meetings with LMP stakeholders to review
168		implementation of the NPA at each Shipyard.
169	10\	IMP Completion
170	TO)	LMP Completion

171		a. LMPs will be complete and effective in implementing the NPA upon signatures
172		by the Navy Commanding Officer and SHPO.
173		b. The Navy will notify LMP stakeholders and offer them opportunities to concur.
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175	IV.	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.
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180		B. Within 10 calendar days of receipt, the Navy shall hold a conference among Signatories to
181		review the objection.
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183		C. The Signatories shall consult to resolve the objection for up to 30 calendar days.
184		D. When the Charles have a second and a shear his discussion deally and a
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		prepare a summary of the dispute resolution process and a wavy decision on resolution.
192	V.	REPORTING
193	٧.	A. The Navy shall document the administration and implementation of this NPA in an annual
194		report to the Signatories.
195		report to the dignatories.
196		B. The Navy shall host a meeting of the Signatories to review the conduct and effectiveness of
197		this NPA.
198		
199		C. The Navy shall provide all parties to the NPA make available to the public a summary report
200		on the outcomes of the annual review with the Signatories.
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202	VI.	AMENDMENT
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204	VII.	ANTI-DEFICIENCY ACT
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206	VIII.	DURATION
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208	IX.	TERMINATION
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210	Χ.	EXECUTION
211		A. This NPA shall be effective when signed by the Navy, ACHP, and NCSHPO.