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

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55 **WHEREAS**, the Navy has notified the Advisory Council on Historic Preservation (ACHP) of its intention to
56 address Section 106 responsibilities for these SIOP Undertakings through this NPA, pursuant to 36 CFR
57 800.14 (b), and the ACHP has chosen to participate in the development of this NPA; and

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

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

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

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

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

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

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STIPULATIONS

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I. APPLICABILITY

- A. This NPA applies to mission-critical SIOP Undertakings addressing shipyard capacity and capability, to include new construction and alteration of dry docks and related facilities, upgrades to utilities infrastructure, and dredging to support vessel movement.
- B. In addition to Naval Shipyards at Norfolk VA, Pearl Harbor HI, Kittery ME, and Bremerton WA, SIOP Undertakings may be required for support locations in additional states.
- C. The Navy shall identify in advance all SIOP Undertakings to which the Navy proposes to apply this NPA, consistent with the Local Management Procedures (LMP) defined herein.
- D. The Navy shall consult with SHPO, NPS, and local stakeholders as appropriate to develop LMP for each shipyard and any additional Navy facilities that support depot and intermediate ship maintenance at additional locations.
 - 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.
- E. Consistent 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 transparency and planning for NHPA compliance.

I. ROLES AND RESPONSIBILITIES

II. PROFESSIONAL STANDARDS AND TRAINING

III. LOCAL MANAGEMENT PROCEDURES (LMP)

- A. Compliance with this NPA shall be documented through Local Management Procedures developed in consultation with SHPO, NPS, and other stakeholders, as applicable. Each Shipyard LMP shall include the following:
 - 1) Preamble/Intro
 - a. Concise recital of NPA as legal authority, applicability, and enforceability
 - b. Summary of the shipyard’s historic significance and continuing mission critical defense role(s)
 - c. Overview/summary of historic properties present
 - 2) Stakeholders
 - a. Overview of consultation to identify and include consulting parties
 - b. Public participation
 - c. Listing of stakeholders with roles and responsibilities
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 - 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.
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- 130 4) Existing NHPA agreements
131 a. Concise overview of consultation history for the Shipyard
132 b. Annotated outline of existing agreements
133 c. Explanation of how NPA will be implemented in relation to existing agreements
134 and future shipyard facility decisions
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- 136 5) Personnel
137 a. Professional qualifications
138 b. Training
139 c. Navy Cultural Resources Manager (CRM) roles and responsibilities
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- 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
162 a. ...
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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.
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- 170 10) 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.
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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.
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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.
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192 V. REPORTING

- 193 A. The Navy shall document the administration and implementation of this NPA in an annual
194 report to the Signatories.
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196 B. The Navy shall host a meeting of the Signatories to review the conduct and effectiveness of
197 this NPA.
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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 X. EXECUTION

- 211 A. This NPA shall be effective when signed by the Navy, ACHP, and NCSHPO.