PROGRAMMATIC AGREEMENT AMONG THE NATIONAL PARK SERVICE, AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE NATIONAL MARITIME HERITAGE GRANT PROGRAM

WHEREAS, the **National Park Service** (NPS) proposes to administer the **National Maritime Heritage Grant** (NMHG) Program pursuant to **Section 4 of the National Maritime Heritage Act of 1994 (16 USC 5403)**, and

WHEREAS, the NPS has determined that the implementation of this program may affect properties included in or eligible for the National Register of Historic Places (National Register) and has consulted with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO) pursuant to the regulations 36 CFR Part 800, implementing Sections 106 and 110(f) of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f; and

WHEREAS, funds for this program are made available through the sale and scrapping of obsolete vessels in the National Defense Reserve Fleet (NRDF) pursuant to Section 6 of the National Maritime Heritage Act and do not involve the NPS during the sale or scrapping process; and;

WHEREAS, certain of the activities that will be funded in the Education project categories may be activities that do not have the potential to cause effects on historic properties pursuant to §800.3(a)(1); and

WHEREAS, a Memorandum of Agreement between the NPS and Maritime Administration (MARAD) establishes the mechanism by which NRDF proceeds may be transferred to the NPS from MARAD, which has been invited to sign this Programmatic Agreement (PA) as a concurring party; and

WHEREAS, NPS is developing this PA in accordance with 36 CFR §800.14(b) to establish a process for considering effects on historic properties in the administration of the Maritime Heritage Grant Program; and

WHEREAS, nothing in this PA negates the requirements of other cultural resource laws, including state laws that protect historic properties, such as archeological resources and human remains; and

WHEREAS, NPS has consulted with the National Conference of State Historic Preservation Officers (NCSHPO) regarding the role of individual State Historic Preservation Officers (SHPOs) in the historic preservation review of the Maritime Heritage Grant Program activities and the assessment of effects in accordance with 36 CFR Part 800, and has invited NCSHPO to be a signatory to the PA; and

WHEREAS, the NPS has determined that the implementation of this program may affect properties on or off tribal lands that are included in or eligible for the National Register and properties to which Indian tribes or Native Hawaiian Organizations (NHOs) may attach religious and cultural significance, and has established a process for these consulting parties and Tribal Historic Preservation Officers (THPOs) to become a signatory to agreements negotiated in accordance with Stipulations II and V.B of this PA or for projects on tribal lands, and will consult with these Indian tribes, THPOs, or NHOs as appropriate; and

WHEREAS, NPS has consulted with Indian tribes and NHOs regarding the terms of this PA through teleconferences and written notifications held during the drafting of this PA; and

WHEREAS, NPS notified the ACHP regarding the administration of the NMHG Program and the ACHP has participated in the Section 106 consultation process to develop the PA in accordance with Appendix A of 36 CFR Part 800 and 36 CFR §800.14(b); and

WHEREAS, the NPS has consulted with the MARAD, National Oceanic and Atmospheric Administration (NOAA), Naval History and Heritage Command (NHHC), and United States Coast Guard (USCG), regarding the potential effects of this program and has invited them to sign this PA as concurring parties,

NOW, THEREFORE, the NPS, the NCSHPO, and the ACHP agree that the NMHG Program shall be implemented in accordance with the following stipulations in order to take into account the effect of this program on historic properties.

STIPULATIONS

NPS, in coordination with grant Applicants, will ensure that the following measures outlined in these stipulations are carried out in the implementation of the NMHG Program.

I. ROLES AND RESPONSIBILITIES OF THE NPS IN DEVELOPMENT AND REVIEW OF GRANT APPLICATIONS

A. Informing Grant Applicants of NPS' Section 106 Responsibilities. The NPS will ensure that Applicants for the NMHG Program are made aware of the following:

1. That funded activities classed in the NMHG Program may have the potential to adversely affect historic properties as defined in the Criteria of Adverse Effect at 36 CFR §800.5 (a)(1).

2. That the recipients of such grant funds are authorized to initiate the Section 106 process to assist the NPS in complying with the requirements of Section 106, and NPS will be legally responsible for all findings and determinations charged to NPS in accordance with 36 CFR §800.2(c)(4).

3. That a NMHG grant application will be developed in consultation with the NPS and, as appropriate, the SHPO/THPO of the respective State or U.S. Territory in which the activity will occur before the application is submitted at www.grants.gov, to ensure that all funded grant activities are carried out in accordance with a defined plan, are consistent with various applicable historic preservation standards and guidelines prescribed by the Secretary of the Interior, and take into account any potential adverse effects to historic properties set forth in 36 CFR §800.5(a) and the *Grants Program Requirements and Conditions* section of the *Maritime Heritage Grant Application Guidelines and Grant Manual.*

B. Identification of Historic Properties. The NPS will provide guidance to all grant Applicants describing how the Applicant will assist the NPS in taking into account the effects of the proposed activity on historic properties, through consultation with the SHPO/THPO, Indian Tribes, and NHOs, as appropriate, and other consulting parties to 1) determine and document the area of potential effects (APE), as defined in 36 CFR §800.16(d); 2) identify and evaluate historic property(ies) located in the APE in accordance with 36 CFR §800.4 of the ACHP's regulations; 3) assess the effect and/or adverse effect of the proposed activity taking into consideration direct, indirect, and cumulative effects to historic properties; and 4) resolve adverse effects by seeking ways to avoid, reduce, or mitigate such adverse effects. In preparing this information, the Applicant will adhere to the following:

1. A section of the *Grant Application Guidelines and Grant Manual* discussing Section 106 review will direct Applicants to the ACHP's *Section 106 Applicant Toolkit* and *Protecting Historic Properties: A Citizen's Guide to Section 106 Review.*

2. The National Maritime Heritage Grant Application Form, informing Applicants that preservation and education projects may not begin prior to compliance with Section 106.

3. The NMHP website will provide links to relevant guidance from the NPS, to include: the National Register of Historic Places; National Register Bulletins; Preservation Briefs; the

Secretary of the Interior's Standards for the Treatment of Historic Properties; Standards for Archeology and Historic Preservation; and *Secretary of the Interior's Standards for Historic Vessel Preservation Projects.* The website will also provide links to the ACHP's *Section 106 Applicant Toolkit* and *Protecting Historic Properties: A Citizen's Guide to Section 106 Review.*

4. The NMHP website will provide a link to the NCSHPO's list of SHPOs, and NMHP staff also will direct Applicants to SHPOs as necessary.

5. In the event that the SHPO/THPO is an applicant for a NMHG grant, NPS will assume the responsibility for completing the Section 106 review of the proposed project. If procedural issues are encountered, NPS will consult with the ACHP to coordinate and complete compliance with Section 106.

C. Technical Guidance. Upon request, the NPS shall, in a timely manner, provide technical guidance and/or assistance to the Applicant, SHPO/THPO, Indian tribe, or NHOs on the following issues in the development of the grant application or during the funded activity:

1. Questions about National Register of Historic Places eligibility.

2. Interpretation of the relevant *Secretary of Interior's Standards and Guidelines*.

3. Suggestions regarding procurement of expert technical services.

D. Notification of award. The NPS shall notify each SHPO, THPO, affected Indian tribe, and NHOs of any grants awarded for projects to take place within their respective state. The notification shall reference any provisions recommended by the Maritime Heritage Grants Review Committee (Committee) and approved by the Secretary of the Interior as a condition of receiving the award.

E. Timing of Section 106. The Applicant and SHPO/THPO or NPS and the SHPO will consult during the application process. However, completion of the application process will not fully complete the requirements of Section 106, requiring further compliance with Section 106 per the conditions set forth in the NMHG grant before NPS awards each grant.

II. TRIBAL AND NATIVE HAWAIIAN ORGANIZATION CONSULTATION

A. After grant applications are received via www.grants.gov, the NPS shall ensure that Indian Tribes and NHOs that may attach cultural or religious significance to properties affected by the proposed undertaking are notified and invite these Indian Tribes and NHOs to consult on the

proposed activities. In addition, the NPS shall conduct government-to-government consultation with Indian Tribes that express an interest in a grant project, based upon their unique cultural, religious, and ancestral ties.

B. The NPS shall develop protocols with Indian Tribes, individually or collectively, located within the States or for those with ancestral ties to the affected areas, to facilitate tribal consultation regarding the potential effect(s) of NMHG application activities on properties to which Indian Tribes may attach religious and cultural significance. Once formally adopted by the NPS, a copy of the tribal consultation protocols shall be forwarded by the NPS to the ACHP for its records and a copy to NCSHPO for distribution to the SHPOs.

C. SHPOs may be involved in the consultations described in II.A, if the Indian Tribes agree that such an arrangement is appropriate, and notifies the NPS accordingly. Existing agreements regarding review and consultation between Indian Tribes or NHOs and individual SHPOs shall remain in force, provided both parties agree to continue this method for NMHG grant activities.

III. PUBLIC OUTREACH AND COORDINATION

A. For the purposes of this PA, the NPS has engaged the public in Section 106 consultation through the following methods: an NPS press release issued on June 23, 2014; NPS announcements about the program posted on the NMHP website and the Park History Program Facebook account; NPS notification and information it sent to all SHPOs, THPOs, Indian tribes, and NHOs about the program in July 2014, which encouraged each to publicize the program; NPS teleconference calls open to Indian tribes and NHOs on August 18, 19, 20, and 21 for the purpose of discussing this Agreement. In addition, NPS NMHG staff members conducted a session about the program at the National Maritime Heritage Conference in Norfolk, VA, on September 20, 2014.

B. As subsequent grant cycles are made available, the NPS will engage the public with similar methods, as appropriate and feasible, to the methods described in III.A.

IV. CONSULTATION REGARDING ASSESSMENT OF EFFECTS

A. The consultation process. The Applicant will consult with the SHPO of the respective state or territory, or the THPO of the respective tribal lands, as appropriate, during the application process for the NMHG grant. The SHPO or THPO, as appropriate, will provide written comments to the Applicant regarding whether the proposed funded activity adheres to the applicable standards and guidelines of the Secretary of Interior, or will result in adverse effects historic properties per 36 CFR§ 800.5.

1. The Applicant, in consultation with the SHPO/THPO, and *prior* to submission of the application package per the requirements of the NMHG Application Guidelines and Grant manual, will verify that the appropriate standards and guidelines that apply to the proposed funding activity referenced in Stipulation I.B.2 have been met.

2. For any subject for which the SHPO/THPO advises the Applicant that it does not have staff expertise, the Applicant will request technical assistance and guidance from the NPS.

3. If the SHPO/THPO agrees with the Applicant that the proposed funding activity *will not adversely affect* any historic property, the Applicant will note this in question 8 of the National Maritime Heritage Grant Application Form, and the SHPO/THPO will document this in Part 3 of the *Application Comment Form* (Appendix A) that the SHPO/THPO submits to the NMHP as part of its review process within the review period. The SHPO/THPO may also submit comments explaining the finding of no adverse effect or no historic properties affected, if so desired.

4. If the Applicant and SHPO/THPO agree that the funding activity may result in an adverse effect, the Applicant will note this in question 8 of the National Maritime Heritage Grant Application Form, and Section 106 consultation will be carried out in accordance with Stipulation V.B of this Agreement.

B. Treatment of Archeological Sites. When a proposed grant involves "Data Collection and Preservation of Archeological Sites," as discussed on pages 10-11 of the Maritime Heritage Grants Application Guidelines and Grant Manual 2014, the Applicant must obtain from the SHPO an affirmative response to question 2 of Part 3 of the *Application Comment Form* in order to support a finding that historic properties *will not be adversely affected* in accordance with 36 CFR §800.5(b). If the SHPO/THPO agrees that the project activity will not adversely affect archeological sites that are listed in or eligible for listing in the National Register, the requirements of Section 106 are met, subject to any SHPO/THPO conditions.

C. State Laws. The Applicant will be advised by the SHPO of additional requirements of any state laws governing the protection of historic properties, including archeological resources and human remains, so that the Applicant may comply with the state laws as appropriate. Compliance with Section 106 and applicable state laws will be coordinated, as appropriate.

V. CONCLUDING SECTION 106 REVIEWs

A. In consultation with the SHPO/THPO, the Applicant will assess the effect of the proposed funding activity on historic properties.

1. If the Applicant obtains the concurrence of the SHPO, THPO, Indian tribes or NHOs that there are no historic properties affected, or that the proposed funding activity will have no adverse effect on historic properties, the Applicant will notify the NPS as referenced in Stipulation IV.A.3 of this Agreement.
    a. If there is an objection to a finding of no historic properties affected or no adverse effect, or an adverse effect is found to occur, the Applicant and the SHPO will proceed according to the process described in Stipulation V.B of this Agreement.

2. If the Applicant, NPS, SHPO, THPO, and Indian tribes or NHOs reach an agreement that there will be an adverse effect, and reach agreement regarding how to resolve, avoid, minimize, or mitigate adverse effects, the agreed upon provisions will be documented as referenced in stipulation V.B of this Agreement.

3. Should the SHPO and the Applicant disagree about whether the effect on the historic property is adverse or not adverse, or be unable to reach agreement about how to resolve the adverse effect(s), the Applicant will provide to NPS a summary of the disagreement with the grant application. The NPS will then consider the potential effects of the activity and will seek ways to resolve the disagreement before forwarding application materials to the Committee. Details of any such process will be forwarded to the Committee with the rest of the application materials, and this consideration will be noted in the Committee's recommendations to the Secretary of the Interior. Following the Committee's recommendations to the Secretary, NPS will notify the ACHP of the NPS determination of adverse effect pursuant to 36 CFR §800.6(a)(1), and consult with the appropriate SHPO/THPO, NCSHPO, and the ACHP if it is participating and other consulting parties to resolve adverse effects.

4. Should the SHPO and the Applicant disagree about the applicability or interpretation of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, the Applicant shall refer the matter to the NPS for resolution. If there is still disagreement about the applicability of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, NPS shall provide its final opinion to the Applicant.

B. Adverse Effects on Historic Properties. In the event that NPS determines that an Adverse Effect upon an historic property will occur, as defined in 36 CFR §800.5 (a)(1) and (2), NPS shall notify the ACHP of the effect and initiate consultation consistent with the regulations, including Indian Tribes and other consulting parties as appropriate, and develop a MOA pursuant to 36 CFR §800.6.

1. If the Applicant receives concurrence from the SHPO that an Adverse Effect will occur, the Applicant will notify the NPS in question 8 of the National Maritime Heritage Grant Application. The SHPO will document this in Part 3 of the *Application Comment Form*, and may also inform the NPS with comments conveyed by phone, e-mail, or letter.

2. Within 15 days of receiving the NPS Adverse Effect notification, the ACHP will determine whether or not it will participate in consultation

3. If the Applicant, NPS, SHPO, THPO, Indian tribes, or NHOs reach an agreement regarding how to resolve adverse effects and avoid, minimize, or mitigate adverse effects, the agreed upon provisions will be documented using the Standard MOA form in Appendix B of this Agreement. The MOA will be included with an Action Plan and, if necessary, a separate Project Budget. The Action Plan and the MOA will be made a condition of any grant awarded by the NMHG Program. A copy of the MOA will be submitted to the ACHP for its records when the grant is awarded.

4. If the NPS and the ACHP, if participating in consultation, agree to the terms of the MOA, they shall sign the final MOA once it is received from the SHPO/THPO. If applicable, the Applicant shall sign the MOA as an invited signatory before it is submitted to the NPS. The NPS shall execute the MOA and submit a copy of the fully executed MOA to the ACHP, SHPO/THPO and other signatories for their records.

5. In order to avoid delays in the implementation of NMHG grants, consultation to resolve adverse effects involving the NPS and the ACHP will be limited to a period of 60 days from notification of the ACHP, after which an MOA will be executed or the ACHP will provide comments or recommendations to the Associate Director for Cultural Resources, Stewardship and Science Programs of the NPS for consideration.

C. Adverse effects on National Historic Landmarks (NHLs). Should, in the SHPO's/THPO's opinion, a proposed project have an adverse effect on a National Historic Landmark (NHL) property, the SHPO shall immediately notify the NPS, which will then comply with Section 110(f) of NHPA and 36 CFR §800.10, and notify the Secretary of the Interior (Secretary) and notify the ACHP of the adverse effect on the NHL. NPS will invite the appropriate NPS regional office managing NHLs to participate in the consultation to seek ways to avoid, minimize, or mitigate such effects and request the ACHP to participate in the consultation to seek ways to avoid, minimize, or mitigate such effects. NPS will work with the Applicant to avoid adverse effects and will to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to the NHL.

VI. POST-REVIEW DISCOVERIES

A. Pursuant to 36 CFR §800.13, if historic properties are discovered or unanticipated effects on historic properties are found after the NPS's approval of the NMHG Program award and following the initiation of construction activities, the NPS shall require the Applicant to implement any post review discovery plan included in the grant conditions developed pursuant to this PA. If no such plan is included as a condition of a NMHG approval by NPS, the Applicant shall take reasonable efforts to avoid or minimize adverse effects to any discovered historic properties; determine reasonable actions that it can take to resolve any adverse effects, and notify NPS, the SHPO/THPO and any Indian tribe or NHO that might attach religious and cultural significance to the affected properties within seven (7) calendar days of the discovery.

1. The notification to the SHPO/THPO, or Indian tribe or NHO shall describe the NPS's assessment of the National Register eligibility of the property and propose actions to resolve the adverse effects. The SHPO/THPO and Indian tribe(s) or NHOs that have been notified shall respond to NPS following receipt of the notification of the discovery within 7 calendar days of this notification. NPS shall take into account any recommendations provided by the SHPO/THPO, Indian tribe(s) or NHOs regarding National Register eligibility and the proposed actions, and then require the Applicant to carry out the appropriate treatment. NPS shall provide the SHPO/THPO and Indian tribes or NHOs, and the ACHP a report of the actions when they are complete.

2. The NPS, in consultation with the SHPO/THPO, may assume a newly-discovered property to be eligible for the National Register for purposes of Section 106, and shall specify the National Register criteria used to assume the property's eligibility.

VII. EMERGENCY SITUATIONS

A. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and the terms of this PA.

B. In the event the NPS and the Applicant agree that an emergency undertaking that involves an NMHG grant is an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, the NPS will comply with 36 CFR §800.12, and shall:

1. Notify the appropriate SHPO/THPO and any Indian tribe or NHO that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and afford them an opportunity to comment within seven (7) calendar days of notification. If the NPS determines that circumstances do not permit seven days for comment, the agency official shall notify the SHPO/THPO and the Indian tribe or NHO and invite

comments within the time available. The NPS shall take into account any comments received in reaching a decision on how to proceed with the emergency undertaking.

2. These emergency procedures apply only to undertakings that must be implemented within 30 calendar days after the disaster or emergency has been formally declared by the appropriate authority. The NPS may request an extension of the period of applicability from the SHPO/THPO prior to the expiration of the 30 calendar days.

3. The NPS shall notify the ACHP of disaster and emergency situations related to a NMHG Program grant and the action that has been proposed or taken under Stipulations VI.A and VI.B.

VIII. MONITORING AND REPORTING

Commencing November 30, 2015, and on each subsequent year following the execution of this PA until the NMHG Program expires, or is not authorized by Congress, or is terminated, the NPS shall provide all signatories to this PA a summary report detailing work undertaken pursuant to the terms of this PA. The report shall include any scheduling or funding changes proposed, any implementation problems encountered, and any disputes and objections received to the NMHG Program activity's effects on historic properties, or in NPS's efforts to carry out the terms of this PA. The NPS shall provide the ACHP and NCSHPO with a copy of this report for its records and for distribution to the SHPOs. Failure by NPS to provide such summary report on an annual basis may be considered noncompliance with the terms of this PA pursuant to Stipulation XI, below.

IX. DISPUTE RESOLUTION

A. Should any signatory to this PA, or affected Indian Tribe(s), object to any plans, specifications, actions, or reports required under the terms of this PA, the signatories shall consult the NPS to seek resolution. If any signatory or Indian Tribe determines that the dispute cannot be resolved, the NPS as the Federal agency will request ACHP staff recommendations and assistance regarding procedural and substantive issues. The ACHP will provide its recommendations to the NPS within 15 days of receipt of adequate documentation. The NPS will take these recommendations into account in reaching a final decision concerning the dispute, and notify the signatories of the PA of the final outcome.

B. Any ACHP staff recommendations will pertain only to the subject of the dispute. The responsibility of the signatories to implement all other actions pursuant to the terms of this PA that are not subject to the dispute shall remain unchanged.

X. AMENDMENTS

If any signatory to this PA, including any invited signatory, determines that the terms of the PA will not or cannot be carried out or that an amendment to the terms of the PA must be made, that party shall immediately consult with the other parties to develop an amendment. The ACHP shall participate in consultation to amend the PA unless it provides written notification to NPS that it declines to participate. This may include extension of the PA for up to five (5) years from the original termination date. The amendment will be effective on the date a copy is signed by all of the signatories and filed with the ACHP. If the signatories cannot agree to appropriate terms to amend the PA, any signatory may terminate the agreement in accordance with Stipulation XI, below.

XI. TERMINATION

If the PA is not amended following the consultation set out in Stipulation X, it may be terminated by any signatory. The ACHP may be asked by any signatory to the PA to review the terms of the agreement and its implementation by the NPS prior to seeking a termination of the PA. If the ACHP determines that the terms of the PA are not being carried out, the PA will be terminated. If the PA is terminated for any reason, the agency official shall comply with subpart B of 36 CFR Part 800 with regard to individual undertakings of the NMHG Program covered by the terms of this PA.

XII. DURATION.

This agreement will terminate ten (10) years from the date of its execution. Prior to such time, the NPS may consult with the other signatories to reconsider or update the terms of the agreement and revise or amend in accordance with Stipulation X, above, including extension of the duration of the agreement. Should the PA expire prior to an extension, NPS will be required to negotiate a new PA for the administration of the NMHG program.

EXECUTION of this Programmatic Agreement by NPS, and NCSHPO, and the ACHP, and implementation of its terms shall be evidence that NPS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

National Park Service

_____ Date
Stephanie Toothman, Associate Director, Cultural Resources, Partnerships, and Science

National Conference of State Historic Preservation Officers

_____ Date
Elizabeth Hughes, President

Advisory Council on Historic Preservation

_____ Date 11/24/14
John M. Fowler, Executive Director

CONCURRING PARTIES:

Maritime Administration

_____ Date

Name and Title

CONCURRING PARTIES:

National Oceanic and Atmospheric Administration

_____ Date

Name and Title

CONCURRING PARTIES:

Naval History and Heritage Command

_____ Date
James Kuhn, Acting Director

CONCURRING PARTIES:

United States Coast Guard

_____ Date

Name and Title

LIST OF APPENDICES:

Appendix A – Application Comment Form
Appendix B – Standard MOA Form
Appendix C -- Grants Responsibility Chart and Fact Information Sheet

Appendix A Application Comment Form

GRANT APPLICATION COMMENT FORM

Application Data

Applicant:

State: **Project Number:**

Project Title:

Project Type: Education ☐ Preservation ☐ **Amount Requested (federal funds only): $**

Project Category:

Education Project Categories

☐ Maritime Heritage Collections
☐ Maritime Heritage Area Programs
☐ Maritime Field Programs
☐ Maritime History Programs
☐ Preservation of Maritime Skills
☐ Facilities Improvements
☐ Maritime Resource Replicas

Preservation Project Categories

☐ Preservation
☐ Rehabilitation
☐ Reconstruction
☐ Restoration

INSTRUCTIONS—Please use this form to comment on all applications. See the Grant Manual and Application Guidelines for assistance. In addition to this form, SHPOs may attach narrative comments if desired. Please submit completed forms and additional narrative comments to the National Maritime Heritage Program no later than 30 days after receipt of the grant applications in order to have them incorporated into the Maritime Grants Review Committee's review process.

Part 1. Using the rating scale below, please assess the quality of the proposal and indicate the applicant's success in meeting each of the criteria. For each criterion please circle the appropriate rating. Additionally, please indicate the total number of points awarded.

Below Average =1 **Average=2** **Above Average=3** **Very Good=4** **Excellent=5**

Criterion 1. The project objectives are clearly described. **Rating** _____

Criterion 2. The project objectives are consistent with the goals of the National Maritime Heritage Grants Program **Rating** _____

Criterion 3. The objectives address important aspects of maritime history, technology, or culture that are significant to the maritime heritage of the United States. **Rating** _____

Criterion 4. The budget is reasonable to accomplish the project objectives. **Rating** _____

Criterion 5. The project objectives can be accomplished in a realistic and timely manner. **Rating** _____

Criterion 6. Key project personnel are appropriate for achieving the project objectives. **Rating** _____

Total Points (Maximum of 30) _____

Part 2. Please indicate the applicant's past success in carrying out federally-assisted projects in your state.

Has the applicant received federal assistance through your office in the past? YES ☐ NO ☐ NOT SURE ☐

If YES, please rate the applicant's success in carrying out the previous federally assisted projects through the SHPO.

Below Average ☐ Average ☐ Above Average ☐ Very Good ☐ Excellent ☐

Part 3. Please answer questions 1-3 to indicate whether or not supporting documentation for the proposed project is consistent with applicable preservation requirements and standards. Answer questions 4-5 to indicate whether the SHPO believes the proposed project will adversely affect a historic property.

1. Does the Predevelopment Documentation submitted meet the requirements specified in the Application Guidelines and Grants Manual? YES ☐ NO ☐ N/A ☐

2. Is the Research Design for any archeological investigation consistent with the Secretary of the Interior's Standards for Archeological Documentation (44 FR 44734-37)? YES ☐ NO ☐ N/A ☐

3. Is the Conservation Plan for any recovered artifacts consistent with professional standards? YES ☐ NO ☐ N/A ☐

4. In the opinion of the SHPO, will this project adversely affect historic properties (as defined in Section 301(5) of the NHPA) by diminishing the integrity of the property? YES ☐ NO ☐ N/A ☐

5. If the answer to question 4 is YES, has the SHPO notified the NPS, formally or informally? YES ☐ NO ☐ N/A ☐

Date the notification took place: Click here to enter a date.
Method of notification: Phone ☐ E-mail ☐ Letter ☐

6. If the answer to question 4 is NO, was documentation provided to the applicant to be submitted with the grant application materials? YES ☐ NO ☐ N/A ☐

Part 4. Please check one of the following to indicate whether the project is strongly recommended, recommended, or not recommended for further funding consideration by the Maritime Heritage Grants Review Committee. For projects not recommended, please check the appropriate box indication the reason why; additional comments may be attached if desired.

Strongly Recommended ☐ Recommended ☐ Not Recommended ☐

Reason why the project is not recommended:

☐ The application does not effectively demonstrate one or more of the criteria.

☐ The predevelopment documentation, archeological research design, and/or conservation plan for a preservation project does not effectively illustrate/support the proposed activities.

☐ Other/additional reasons. Please explain on additional pages.

Appendix B – Standard MOA Form

MEMORANDUM OF AGREEMENT

BETWEEN National Park Service

AND THE

[insert name of State or Tribe] ["STATE" or "TRIBAL"] HISTORIC PRESERVATION OFFICER

REGARDING THE [insert project name and location]

WHEREAS the **[National Park Service] (NPS)** plans to **provide funding** to the **[insert project name]** (undertaking) pursuant to the **National Maritime Heritage Grant Program,** authorized under **Section 4 of the National Maritime Heritage Act of 1994 (16 USC 5401)**; and

WHEREAS the undertaking consists of **[insert a brief explanation of the undertaking]**; and

WHEREAS, NPS has defined the undertaking's area of potential effect (APE) as **[insert written description and/or "described in Attachment XXX"]**; and

WHEREAS, NPS has determined that the undertaking may have an adverse effect on **[insert name of historic property(ies)]**, which **["is" or "are"] ["listed in" or "eligible for listing in"]** the National Register of Historic Places, and has consulted with the **[insert name of State or Tribe] ["State" or "Tribal"]** Historic Preservation Officer (**["SHPO" or "THPO"]**) pursuant to 36 CFR Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, NPS has consulted with the **[insert name of Tribe(s)]**, for which **[insert name of historic property(ies)] ["has" or "have"]** religious and cultural significance, and has invited the Tribe**[s]** to sign this Memorandum of Agreement (MOA) as a an invited signatory **[Insert this whereas clause if appropriate]**; and

WHEREAS, NPS has consulted with **[insert names of other consulting parties, if any]** regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a **["invited signatory(ies)" or "concurring party(ies)"];** and

WHEREAS, in accordance with 36 CFR §800.6(a)(1), **NPS** has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR §800.6(a)(1)(iii); and

NOW, THEREFORE, NPS and the **["SHPO" or "THPO"]** 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.

STIPULATIONS

NPS shall ensure that the following measures are carried out:

[I.-III. (Or whatever number of stipulations is necessary) Insert negotiated measures to avoid, minimize, or mitigate the adverse effects on historic properties.]

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years **[or specify other appropriate time period]** from the date of its execution. Prior to such time, **NPS** may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

V. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, the **NPS** shall implement the discovery plan included as attachment **[insert number of attachment]** of this MOA. **[Insert this stipulation if there is an indication that historic properties are likely to be discovered during implementation of the undertaking.]**

VI. MONITORING AND REPORTING

Each **[insert a specific time period]** following the execution of this MOA until it expires or is terminated, **NPS** shall provide all parties to this MOA **["and the ACHP" if desired]** a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling

changes proposed, any problems encountered, and any disputes and objections received in **NPS**'s efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should any signatory * or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, **NPS** shall consult with such party to resolve the objection. If **NPS** determines that such objection cannot be resolved, **NPS** will:

A. Forward all documentation relevant to the dispute, including the **NPS**'s proposed resolution, to the ACHP. The ACHP shall provide **NPS** with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, **NPS** shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. **NPS** will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, **NPS** may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, **NPS** shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. **NPS**'s responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

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

IX. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, **NPS** must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. **NPS** shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the **NPS** and **["S" or "T"]**HPO and implementation of its terms evidence that **NPS** has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.**

SIGNATORIES:

[National Park Service]

_____ Date
[insert agency official name and title]

[insert name of State or Tribe] ["State" or "Tribal"] Historic Preservation Officer

_____ Date
[insert name and title]

INVITED SIGNATORIES:

[insert invited signatory name]

_____ Date
[insert name and title]

CONCURRING PARTIES:

[insert name of concurring party]

_____ Date

[insert name and title]

Notes:

** This document assumes that the term "signatory" has been defined in the agreement to include both signatories and invited signatories.*

*** Remember that the agency must submit a copy of the executed MOA, along with the documentation specified in 36 CFR §800.11(f), to the ACHP prior to approving the undertaking in order to meet the requirements of section 106. 36 CFR §800.6(b)(1)(iv).*

Appendix C – Grants Responsibility Chart and Fact Information Sheet

Overview of Grants Process

Event	*NPS Responsibility*	*SHPO/THPO Responsibility*
PUBLICIZE THE PROGRAM	NPS oversees publicity and promotion. Provides sample announcement to SHPOs/THPOs.	SHPOs/THPOs may participate in publicizing the program as desired.
DISTRIBUTE APPLICATIONS/ADVISE APPLICANTS	NPS posts application materials on www.grants.gov and provides links and guidance on program website.	SHPOs/THPOs advise applicants in completing application and provide information about grant conditions, requirements, and administration.
RECEIVE APPLICATIONS	All applications are submitted at www.grants.gov, where NPS will receive them.	
SCREEN APPLICATIONS	NPS screens all applications for completeness and forwards to SHPOs/THPOs for comment.	
COMMENT ON APPLICATIONS AND 106 REVIEW		SHPOs/THPOs comment on applications using the *Application Comments Form* and assist with Section 106 review according to the Programmatic Agreement established for the program.
REVIEW APPLICATIONS	NPS forwards applications and SHPO/THPO comments to Maritime Grants Review Committee, which makes final recommendations to the Secretary of Interior.	
APPROVE AWARDS	NPS forwards Committee recommendations to the Secretary for final approval of awards.	
NOTIFY APPLICANTS	NPS notifies SHPOs/THPOs of funding decisions first. Second, NPS notifies unsuccessful applicants.	SHPOs/THPOs contact successful applicants according to their own notification procedures.
ISSUE GRANT AGREEMENTS	NPS issues direct grants to SHPOs/THPOs for each project in their state that receives an award.	SHPOs/THPOs issue subgrant agreements to each organization in their state that receives an award.
REPORTING		SHPOs/THPOs notify NPS of substantial changes in budget estimates or project scope and submit final reports for each project grant or subgrant.

Appendix C (cont.) Grant Responsibility Chart and Fact Information Sheet

SHPO/THPO Responsibilities Fact Sheet

1. Provide Technical Assistance to Applicants

Discuss project proposals with applicants. To allow SHPOs/THPOs the opportunity to view grant proposals they could be responsible for administering later, applicants will be directed to contact the SHPO/THPO to discuss their proposals prior to submitting completed applications at www.grants.gov. SHPOs/THPOs will advise applicants on grant program conditions, requirements, and administration and inform them of any requirements specified by the state. Contact NPS with issues or questions that cannot be resolved.

2. Comment on Applications

After applications have been submitted at www.grants.gov and screened for completeness by the NPS, SHPOs/THPOs may comment on applications prior to their review by the Review Committee. The Application Comment Form is provided to assist with this task.

3. Assist with Section 106 Compliance

The Section 106 process is carried out in accordance with the Programmatic Agreement established for this grants program.

4. Manage Direct Grants and Execute Subgrants

SHPOs and THPOs receive a direct grant for each project in their state or on tribal lands, as applicable that is awarded funding. SHPOs/THPOs issue subgrant agreements to the organizations in their state or on tribal lands that receive awards.

SHPOs/THPOs are responsible for administering direct grants and subgrants in accordance with the standards specified in 43 CFR 12 and the *Maritime Heritage Grants Application Guidelines and Grants Manual.* SHPOs/THPOs must ensure that every subgrant agreement includes provisions for compliance with these standards as well as any provisions required by the state.

5. Project Reporting

Progress reports are NOT required for the Maritime Heritage Grants Program. However, SHPOs/THPOs are encouraged to monitor projects and must request NPS approval for any substantial changes in budget estimates or project scope.

Final project reports are required for each project supported by the Maritime Heritage Grants Program.