

**PROGRAMMATIC AGREEMENT AMONG  
THE COMMANDER NAVY REGION HAWAII,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
AND THE HAWAII STATE HISTORIC PRESERVATION OFFICER  
REGARDING UNDERTAKINGS ASSOCIATED WITH THE PEARL HARBOR  
NAVAL SHIPYARD AND INTERMEDIATE MAINTENANCE FACILITY  
FACILITIES MODERNIZATION PLAN**

WHEREAS, Commander Navy Region Hawaii's (CNRH) area of responsibility encompasses Joint Base Pearl Harbor-Hickam (JBPHH), which includes but is not limited to the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility (PHNSY&IMF); and

WHEREAS, to help CNRH manage its historic properties CNRH has prepared a planning document entitled O'ahu Integrated Cultural Resources Management Plan (ICRMP), which includes PHNSY&IMF. The ICRMP uses a cultural landscape approach to define and identify historic management zones and facilities eligible for the National Register of Historic Places; and

WHEREAS, to help guide the Navy in making future facilities and infrastructure investments in support of PHNSY&IMF mission operations, CNRH and PHNSY&IMF have prepared a long-range facilities planning document entitled Facilities Modernization Plan (hereafter referred to as "Modernization Plan"); and

WHEREAS, the Modernization Plan provides a mission-based facilities vision and establishes a framework for addressing mission changes and improved operations through functional consolidations, collocation, and reduction of overall footprint and excess facilities capacity; and

WHEREAS, the Modernization Plan may be supplemented/updated to accommodate future PHNSY&IMF needs; and

WHEREAS, the Modernization Plan describes a variety of activities including, but not limited to, harbor dredging, personnel relocation, new construction, rehabilitation, maintenance, repair, and demolition of buildings, structures, facilities, utilities and infrastructure within the Pearl Harbor Naval Complex; and

WHEREAS, CNRH has determined that the proposed activities described in the Modernization Plan, hereafter referred to collectively as the Undertaking, are subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations, 36 CFR part 800; and

WHEREAS, the projects described in the Modernization Plan will likely be developed under design-build contracts in accordance with Naval Facilities Engineering Command policy; and

WHEREAS, CNRH has established the area of potential effect (APE) for the Undertaking as the areas of Joint Base Pearl Harbor-Hickam (JBPHH) and Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility (PHNSY&IMF) shown in Appendix A; and

WHEREAS, CNRH has determined that the Undertaking may affect historic properties as defined by 36 CFR §800.16(l); including the Pearl Harbor National Historic Landmark (PHNHL); and

WHEREAS, CNRH has developed this Programmatic Agreement (PA) pursuant to 36 CFR §800.14(b)(1) and has consulted with the Hawaii State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), and the ACHP has elected to participate in this consultation; and

WHEREAS, CNRH has notified the Secretary of the Interior through the National Park Service (NPS) of this undertaking pursuant to 36 CFR §800.10(c) as a portion of the PHNHL is within the APE of this Undertaking, and the Secretary of the Interior has elected to participate in this consultation through the NPS; and

WHEREAS, CNRH has invited the Historic Hawaii Foundation (HHF), National Trust for Historic Preservation (NTHP), Office of Hawaiian Affairs (OHA), and Oahu Council of Hawaiian Civic Clubs to participate in the consultation, and the HHF and NTHP have elected to participate in this consultation; and

NOW, THEREFORE, CNRH, the ACHP, and SHPO agree that CNRH will carry out the Undertaking in accordance with the following stipulations to satisfy its responsibilities under Sections 106 and 110(f) of the NHPA.

### STIPULATIONS

The CNRH shall ensure that the following measures are carried out:

#### I. APPLICABILITY

- A. This PA applies to all projects described within the Modernization Plan, collectively referred to as “the Undertaking,” regardless of whether they are initiated or carried out by CNRH or by another command or lessee of the Navy.
- B. A copy of the Modernization Plan is included as Appendix B. The Modernization Plan may be updated to accommodate future PHNSY&IMF needs. The Consulting Parties will be afforded a 30-day review period to submit comments on proposed updates to the Modernization Plan. PHNSY&IMF will take into account all comments

received during the review period prior to finalizing the update. Updates of the Modernization Plan will be reported in accordance with Stipulation VI.B and will be included in Appendix B.

## II. OTHER AGREEMENTS

- A. CNRH has several other Programmatic Agreements (listed in Appendix C) with the SHPO and ACHP. These agreements may be used in conjunction with this PA when done in accordance with Stipulation V.
- B. If all of the Signatories agree in writing, Appendix C may be revised to include additional future agreements. Any such revision will be reported in accordance with Stipulation VIII.
- C. If any stipulation in this PA conflicts with or contradicts any stipulation in the agreement documents as listed in Appendix C, then the stipulations of this PA shall supersede the older agreement document when applied to the Undertaking.

## III. PROFESSIONAL STANDARDS

- A. Effect determinations for projects reviewed under Stipulation V will be carried out by or under the review, oversight or supervision of the following:
  - 1. For historic structures: a person or persons meeting the professional qualifications for Historical Architect or Architectural Historian found in the Secretary of the Interior's Historic Preservation Professional Qualifications Standards, Federal Register Vol. 62, No. 119, p.33719, 1997.
  - 2. For archaeological resources: a person or persons meeting the professional qualifications for Archeologist as found in the Secretary of the Interior's Historic Preservation Professional Qualifications Standards, Federal Register Vol. 62, No. 119, p.33712, 1997.

## IV. PRESERVATION CONSIDERATIONS

To minimize individual and cumulative effects of the Modernization Plan to the PHNHL, CNRH & PHNSY&IMF shall ensure that the following is carried out.

- A. General
  - 1. If economically and operationally practical, existing historic facilities will be retained and used. Concept studies, engineering

evaluations, economic analysis and/or other evaluations should be utilized to ensure that historic facilities are maintained and used as much as practical in consideration of mission needs and available funding. The preparation of such studies will show that CNRH has considered ways to avoid, minimize or mitigate adverse effects to historic properties.

2. In keeping with Stipulation IV.A.1 above, when relocating personnel from one facility to another PHNSY&IMF shall make it a priority to relocate personnel into existing historic facilities. Relocating personnel from a historic facility to a non-historic facility is discouraged. However, it is acknowledged that personnel relocation is also subject to cost considerations and operational and mission requirements.
3. CNRH will evaluate historic facilities in accordance with the future Historic Asset Management Process (HAMP) to determine the potential for reuse.
4. The level and type of analysis done as part of Stipulation IV.A.1 and IV.A.2 shall be determined by and be relevant to mission, operational and project needs.
5. For projects affecting historic structures the Architect-Engineer (AE) or Contractor's design team shall include a professional meeting the qualifications of a Historical Architect as cited in Stipulation III.
6. For projects affecting archaeological resources the AE or Contractor's design team shall include a professional meeting the qualifications of an archaeologist as cited in Stipulation III.

B. Adaptive Reuse of Historic Facilities

1. For projects involving the renovation of historic facilities (subject to operational and mission needs), the design shall follow the Secretary of the Interior's Standards for Rehabilitation. Considerations in design shall be given to retaining the facilities character defining features while still supporting PHNSY&IMF mission and operational requirements.

C. Construction of new Facilities

1. For projects involving new construction the design for the new facility shall be of compatible infill design. The Secretary of the Interior's Standards shall apply for redevelopment from the aspect

of compatible infill, treatment of cultural landscapes, and treatment of NHL districts subject to cost considerations and operational and mission requirements. Consideration shall be given to appropriate scale, massing, style, setting, landscaping, and compatibility with the existing and former structures and site features that formed the original NHL and current setting.

D. Facilities Transferred to CNRH or JBPHH

1. The Modernization Plan indicates that multiple PHNSY&IMF facilities will be turned over to CNRH control over the planning horizon of the Plan. CNRH will follow the procedures below once it has been notified by PHNSY&IMF that a facility is to be transferred. PHNSY&IMF shall notify JBPHH of its intent to transfer a facility and obtain CNRH approval.
  - a. CNRH shall notify the Signatories of which facilities have been transferred at the annual on site meeting described in Stipulation VI.
  - b. CNRH will evaluate the transferred facilities in accordance with the future Historic Asset Management Process (HAMP) to determine potential reuse for the facility.
  - c. CNRH will direct available but limited resources to maintain transferred historic properties as much as practical as dictated by mission requirements and the availability of funding.
  - d. CNRH will make a reasonable effort to place new tenants into transferred historic properties, and will give priority to occupying vacant historic facilities over vacant non-historic facilities subject to cost considerations, and operational and mission needs.

E. Specific Projects

1. MCON P-320 Submarine Production Support Facility. MILCON P-320 was reviewed under a separate consultation and is the subject of the Memorandum of Agreement (MOA) Among the Commander Navy Region Hawaii and the Hawaii State Historic Preservation Officer Regarding the MCON Project P-320, Submarine Production Support Facility for Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility, Pearl Harbor Naval Complex, Pearl Harbor, Hawaii.

2. MCON P-307 Production Services Support Facility. MCON P-307 is being reviewed under a separate consultation and is currently considered to have no adverse effect to historic properties.
3. MCON P-270 Drydock Waterfront Facility. MCON P-270 is being reviewed under a separate consultation and is currently considered to have no adverse effect to historic properties.
4. Storage Consolidation Fleet Industrial Supply Center (FISC) MILCON P-185. Prior to initiating consultation for P-185 CNRH shall:
  - a. Consider alternatives to accomplish the storage consolidation by using existing facilities and/or expansion of existing facilities rather than construction of a separate new facility in accordance with Stipulation IV.A.
  - b. Consider the adaptive reuse of Buildings 158, 159, and 164 for other functions or operations in accordance with Stipulation IV.A.

## V. PROJECT REVIEW

Projects described in the Modernization Plan (Appendix B) shall follow the procedures below for the purposes of National Historic Preservation Act Section 106 compliance.

### A. Projects Requiring No Further Review

1. If Navy personnel, as described in Stipulation III determine that an undertaking does not affect listed, contributing or National Register eligible properties, no further review under this PA or NHPA is required.
2. If Navy personnel, as described in Stipulation III determine that an undertaking is in accordance with one of the programmatic agreements listed in Appendix C, project review will follow the procedures and requirements of those documents.
3. All undertakings and determinations made under this stipulation will be documented and reported in accordance with Stipulation VI.

### B. Project Design Review – No Adverse Effect

1. If Navy personnel, as described in Stipulation III determine that an undertaking is not covered under Stipulation V.A and will affect but have no adverse effect on historic properties, CNRH will send the Signatories and Concurring Parties a consultation letter for a 30 calendar day review period. The review period starts upon receipt of letter. The letter will include a location map, project description, and design drawings (if available).
2. If within the 30 calendar day review period the Signatories and Concurring Parties concur with the no adverse effect determination the project will proceed.
  - a. Navy and Design Build Contractor personnel as described in Stipulation III shall monitor the project through design and construction to ensure that the no adverse effect determination is maintained.
  - b. If during the design or construction process personnel as described in Stipulation III determine that project work will have an adverse effect to historic properties then such personnel shall recommend ways to modify the project so that it will meet the Secretary of the Interior's Standards or avoid any adverse effects.
    - (i) If recommendations in accordance with the Secretary of the Interior's Standards are proposed CNRH may implement such recommendations.
    - (ii) If it is determined that the project will have an adverse effect to historic properties then CNRH will consult the Signatories in accordance with Stipulation V.C of this section.
  - c. A final set of drawings (digital or hardcopy) will be sent to any Signatory upon request.
3. If within the 30-day review period any Signatory or Concurring Party objects in writing to the no adverse effect determination CNRH will consult with the objecting party on ways to achieve a no adverse effect determination.
  - a. Objections shall be in writing and shall include the reasons for the objection and recommendations for actions that would resolve the objection.

- b. If the objection is resolved the project may proceed in accordance with Stipulation V.B.2.
    - c. If the objection cannot be resolved, the disagreement will be resolved per Stipulation X.
  4. If no response is received from the Signatories or Concurring Parties within the 30 day period, the parties shall be considered to be in agreement with the no adverse effect determination. The project will proceed in accordance with Stipulation V.B.2.
  5. Project requests for proposal (RFP) shall include appropriate language from Appendix D.
- C. Project Design Review – Adverse Effect
  1. If Navy personnel, as described in Stipulation III determine that an undertaking will have an adverse effect on historic properties, CNRH will send the Signatories and Concurring Parties a consultation letter for a 30 calendar day review period. The review period starts upon receipt of letter. The letter will include a location map, project description, alternatives considered, design drawings (if available), and proposed mitigation.
  2. If within the 30 day review period the Signatories and Concurring Parties concur in writing with the adverse effect determination and the proposed mitigation measures, CNRH shall request for funding and implement the mitigation measures. The status of project mitigation will be reported in accordance with Stipulation VI. The project may proceed in accordance with Stipulations V.C.6-9.
  3. If no response is received from the Signatories or Concurring Parties within the 30 day period, the parties shall be considered to be in agreement with the adverse effect determination and proposed mitigation measures. CNRH shall request for funding and implement the mitigation measures. The status of project mitigation will be reported in accordance with Stipulation VI. The project may proceed in accordance with Stipulations V.C.6-9.
  4. If within the 30 day review period the Signatories or Concurring Parties do not concur with the adverse effect determination the project will proceed in accordance with Stipulation V.B.
  5. If within the 30 day review period any of the Signatories do not concur with the proposed mitigation, request additional mitigation, or request that additional alternatives be considered, CNRH will

consult the parties to consider mitigation measures and project alternatives.

- a. If during consultation other alternatives are considered and the project scope is modified such that the parties agree the project will now have no adverse effect to historic resources, the project will proceed in accordance with Stipulation V.B.
  - b. If during consultation other alternatives are considered, but the project is still considered to have an adverse effect to historic resources, CNRH will consult the parties on appropriate mitigation measures.
    - (i) If mitigation measures are agreed upon, CNRH shall request for funding and implement such measures. Agreed upon mitigation measures will be documented by CNRH in meeting minutes and in a letter to the parties. Status of mitigation will be reported in accordance with Stipulation VI. The project may proceed in accordance with Stipulations V.C.6-9.
    - (ii) If mitigation measures cannot be agreed upon, the disagreement will be resolved in accordance with Stipulation X.
6. A meeting between the contractor, local Signatories and Concurring Parties and CNRH should occur before the design process begins so that initial comments may be addressed.
  7. The local parties shall be afforded the opportunity to participate in the project Functional Analysis Concept Development (FACD) meetings if applicable.
  8. Project requests for proposal (RFP) shall include appropriate language from Appendix D.
  9. The parties shall receive design drawings for a 15 calendar day comment period. The review period starts upon receipt of drawings.
    - a. CNRH shall consider all comments and incorporate them as appropriate. Conflicting comments from the parties shall be resolved by the parties that are in conflict. The parties

shall have 15 calendar days to resolve their comments and resubmit them to CNRH.

- b. Responses will be provided to the parties for all written comments submitted during the 15 calendar day period.
- c. The drawing increments will be at the same level as the Navy review (typically 35%, 65%, and 100%).
- d. If during any of the review periods one of the parties objects to an element of the design, CNRH shall consult with that party to resolve the objection. If the objection cannot be resolved, the disagreement will be resolved in accordance with Stipulation X. To avoid schedule delays and minimize redesign costs, objections should be limited to the subject of the current review. In good faith CNRH may proceed on design issues that have been agreed to during prior reviews (for example: purchase of long lead time items).

## VI. REPORTING REQUIREMENTS

- A. CNRH will convene an annual meeting or conference call among all Signatories and Concurring Parties to review implementation of the terms of this PA. The annual meeting may be done as part of the Annual CNRH Cultural Resources Management Review Conference. Signatories or Concurring Parties may request additional meetings or conference calls to address specific issues that may arise during the implementation of this PA.
- B. The annual meeting will contain briefings of actions taken, mitigation measures, and programmed, funded or anticipated future undertakings, and Modernization Plan updates. The Signatories and Concurring Parties should advise CNRH on the anticipated future undertakings with regard to determinations of effect, alternatives to be considered and possible mitigation measures.
- C. Undertakings approved under Stipulations V.A and VIII.A.2.b(i) will be documented in memo format. Documentation will include project name, brief description of the proposed action and provision of the applicable PA.

## VII. HABS/HAER DOCUMENTATION

- A. CNRH shall prepare Historic American Building Survey (HABS) / Historic American Engineering Record (HAER) reports or supplemental

reports, as determined appropriate through consultation with the parties, in accordance with the process described below. COMNAVREG Hawaii shall ensure the supplemental HABS/HAER reports will be carried out by or under the direction of an architectural historian or historical architect who meets the professional qualifications for Architectural Historian or Historical Architect under the Secretary of the Interior's Historic Preservation Professional Qualification Standards (Federal Register Vol. 62, No. 119, pp. 33713-33714, 33719, 1997). Digital copies of the supplemental HABS reports will be provided to any Consulting Party upon request.

1. CNRH shall recommend to the National Park Service (NPS) a level and format of HABS reports. CNRH will make this recommendation to the NPS HABS mitigation coordinator in the Pacific West Regional Office and the SHPO formally and in writing.
2. The NPS and SHPO will have 30 calendar days from the receipt of the recommendations to respond to CNRH. If NPS does not respond to CNRH within the 30 day period, CNRH may proceed to develop the HABS/HAER reports to the level and format of documentation stated in their original request. In the event additional review time is required, NPS will work with CNRH to determine a mutually agreed upon date, after which if a response is not received, CNRH may proceed to develop the HABS/HAER reports to the level and format of documentation stated in their original request.
3. CNRH shall submit the draft HABS reports to the NPS and SHPO for review/comment. NPS will have 90 calendar days from date of receipt to provide written comments to COMNAVREG Hawaii. If NPS does not respond in writing within the 90 day period CNRH may proceed to finalize the supplemental HABS/HAER reports; however CNRH acknowledges that documentation not prepared to HABS/HAER standards will be returned for revisions and that no final documentation may be submitted without a HABS/HAER number.

#### VIII. UNANTICIPATED DISCOVERIES

- A. If during the performance of the Undertaking, cultural resources which may be eligible for listing on the National Register are discovered or unanticipated effects to historic properties are found, then:

1. Any activity within the immediate area will be halted or reasonable measures to avoid or minimize impacts to the property will be undertaken.
  2. The appropriate personnel identified in Stipulation III will be notified. Upon notification the personnel will make a determination of eligibility of the cultural resource or make recommendations to avoid or minimize impacts to the historic property.
    - a. If the cultural resource does not meet National Register of Historic Places (NRHP) Criteria as set forth at 36 CFR Part 60.4, as amended, and is determined not eligible for the NRHP then work may resume.
    - b. If the cultural resource is determined eligible for the NRHP then personnel identified in Stipulation III may make recommendations to avoid or minimize impacts to the historic property.
      - (i) If recommendations will avoid adverse effects to historic properties CNRH may implement such recommendations. Determinations and recommendations made under this stipulation will be reported in accordance with Stipulation VI.
      - (ii) If adverse effects to historic properties cannot be avoided then CNRH will notify the SHPO and any appropriate Native Hawaiian organization via telephone, fax or email as soon as practical. The parties will develop actions that will take the effects of the undertaking into account. Consultation shall not exceed 15 calendar days unless mutually agreed upon. CNRH will provide the SHPO and any appropriate Native Hawaiian organization with written recommendations reflecting the consultation. If the parties do not object to the recommendations within the agreed time frame, CNRH may implement the recommendations. If there is a disagreement over treatment and it cannot be resolved, the disagreement will be resolved per Stipulation X.
- B. In the event Unexploded Ordnance (UXO) is discovered, an Explosive Ordnance Disposal (EOD) detail may take immediate actions to preserve

life and property, including disposal of the UXO, as they deem appropriate, without having to undergo Section 106 review.

#### IX. EMERGENCIES

- A. In the event that natural disasters, fires, sudden disruptions of utilities service, spill events or other emergency events occur, CNRH may take immediate actions to preserve life and property without having to undergo Section 106 review.
- B. CNRH will notify the SHPO by telephone or email of the emergency as soon as practical and will follow up with written documentation if any historic properties were discovered or disturbed during the emergency events. Consultation with the SHPO will be conducted as soon as practical based on the emergency circumstances.

#### X. RESOLVING OBJECTIONS

- A. Should any Signatory to this PA object in writing regarding any actions carried out or proposed with respect to the implementation of this PA, CNRH shall consult with the objecting party. All other Signatories and Concurring Parties should be notified in writing that one of Signatories is objecting to a specific action in this PA. The notification shall include the reasons for the objection and possible solutions. The objecting party shall do the notifications.
- B. CNRH shall consider the reasons for the objection and evaluate the solutions suggested by the objecting party.
- C. If the objection is resolved during consultation the project may proceed in accordance with Stipulation V.
- D. If during consultation, CNRH determines that the objection cannot be resolved and that further consultation will not be productive, it shall forward all documentation relevant to the objection to the ACHP, including the agency's proposed response to the objection.
- E. Within 30 calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
  - 1. Advise CNRH that it concurs with CNRH's proposed response, whereupon CNRH may make a final decision and proceed accordingly; or
  - 2. Provide CNRH with recommendations on the proposed response. CNRH shall take into account such recommendations before

making a final decision on the matter and proceeding accordingly;  
or

3. Notify CNRH that the objection will be referred to the ACHP membership for formal comment per 36 CFR §800.7(c). The resulting formal comment shall be taken into account by CNRH in accordance with 36 CFR §800.7(c).
- F. Should the ACHP not exercise one of the above options within 30 calendar days after receipt of all pertinent documentation, CNRH may make a final decision on the objection and proceed accordingly.
- G. Once a final decision has been reached CNRH shall provide all Signatories with a written response documenting the decision.
- H. CNRH shall take into account the ACHP's recommendation or comment provided in accordance with this stipulation with reference only to the subject objection. CNRH's responsibility to carry out all actions under this PA that are not the subject of the objection shall remain unchanged.

#### XI. AMENDMENT

- A. Any Signatory may propose that this PA be amended, whereupon the Signatories and Concurring Parties will consult to consider such amendment. The amendment process starts when a Signatory notifies the other Signatories and Concurring Parties of this PA that it wishes to amend this agreement. A written notice must be sent to all Signatories and Concurring Parties by the party that wishes to amend the PA. The requests will include the proposed amendments and the reasons for proposing them.
- B. No amendment shall take effect until it has been agreed upon by all Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

#### XII. TERMINATION

- A. Any Signatory may propose to terminate this PA. The termination process starts when a Signatory notifies the other Signatories and Concurring Parties of this PA that it wishes to terminate this agreement. A written notice must be sent to all Signatories by the party that wishes to terminate the PA at least 60 calendar days prior to termination. The written notice must explain in detail the reasons for the proposed termination. The Signatories and Concurring Parties will consult during the 60 day period to seek agreement on amendments or other actions that would avoid termination. If the Signatory proposing the termination does not withdraw

the proposal by the end of the 60 day period and a longer period of arbitration is not agreed to by the Signatories involved, then the PA will be terminated.

- B. In the event of termination, the Signatory proposing termination will send a written notice to all Signatories and Concurring Parties that the PA has been terminated. After which CNRH will comply with 36 CFR Part 800 for individual Undertakings.
- C. In the event of termination, for projects unrelated to the reasons for termination and previously reviewed in accordance with Stipulation V, if all mitigation has been contracted for or completed (if applicable), that project may still proceed even if this agreement has been terminated.

### XIII. ANTI-DEFICIENCY ACT

- A. The Anti-Deficiency Act, 31 USC § 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.
- B. CNRH will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs CNRH's ability to implement the stipulations of this PA, CNRH will consult with the SHPO and the ACHP in accordance with the amendment and termination procedures outlined in Stipulations XI and XII, respectively.

### XIV. DURATION

- A. This PA shall become effective upon execution by all Signatories and shall remain in effect for a period of 10 years, unless the PA is terminated prior to that in accordance with Stipulation XI. If all Signatories and Concurring Parties agree in writing the PA may be extended for additional 10 year periods.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement evidences that CNRH has afforded the SHPO, ACHP, and NPS an opportunity to comment on the Undertaking and its effects on historic properties in the APE and has taken into account, or have put measures into place that take into account the effects on historic properties.

SIGNATORIES:

COMMANDER, NAVY REGION HAWAII

By:  Date: 11/15/11

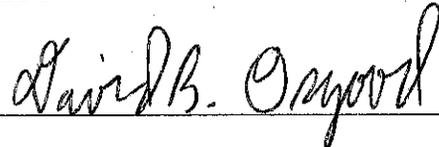
RDML Dixon R. Smith  
Commander, Navy Region Hawaii

COMPTROLLER, NAVY REGION HAWAII

By:  Date: 11/10/11

Lyle K. Tom  
Comptroller, Navy Region Hawaii

PEARL HARBOR NAVAL SHIPYARD & INTERMEDIATE MAINTENANCE FACILITY

By:  Date: 11/9/11

CAPT David B. Osgood  
Pearl Harbor Naval Shipyard & Intermediate Maintenance Facility

STATE HISTORIC PRESERVATION OFFICER

By:  Date: 12/14/11

Mr. William J. Aila Jr.  
State of Hawaii Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 6/6/13

Mr. John M. Fowler  
Executive Director

CONCURRING PARTIES:

HISTORIC HAWAII FOUNDATION

By: Kiersten Faulkner Date: 3.7.2013

Ms. Kiersten Faulkner  
Executive Director

NATIONAL PARK SERVICE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Mr. Jonathan Jarvis  
Director, Pacific West Region

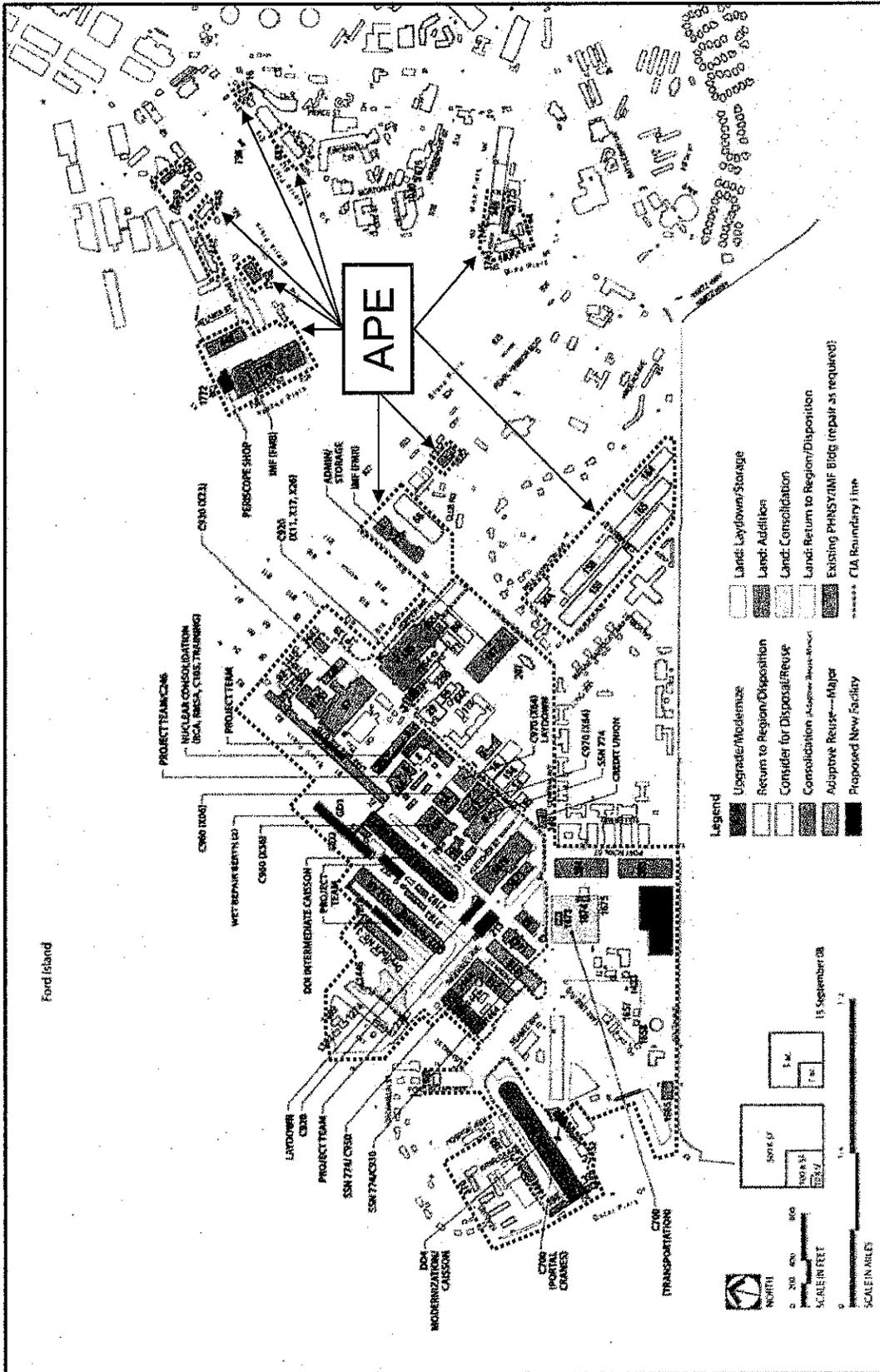
NATIONAL TRUST FOR HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

Mr. Paul Edmondson  
Vice President and General Counsel

MAR 12 2013

APPENDIX A  
AREA OF POTENTIAL EFFECTS (APE)



APPENDIX B  
PEARL HARBOR NAVAL SHIPYARD AND INTERMEDIATE MAINTENANCE  
FACILITY FACILITIES MODERNIZATION PLAN

APPENDIX C  
LIST OF PROGRAMMATIC AGREEMENTS

Programmatic Agreements

1. June 2003 Programmatic Agreement among the Commander Navy Region Hawaii, the Advisory Council on Historic Preservation and the Hawaii State Historic Preservation Officer regarding Navy undertakings in Hawaii.
2. March 2004 Programmatic Agreement between the Commander Navy Region Hawaii, and the Hawaii State Historic Preservation Officer regarding waterfront maintenance and improvements Pearl Harbor Naval Complex, Hawaii

APPENDIX D  
HISTORIC PRESERVATION CONSIDERATIONS TO BE INCLUDED IN PROJECT  
REQUESTS FOR PROPOSAL (RFP)

Historic Preservation Language for Project Requests for Proposal (RFP)

**Design Submittal Procedures**

The list of submittals shall include a package for “Historic Preservation and Planning” which will be for Government approval.

Historic Preservation and Planning:

Prepare presentation materials required to obtain concurrence from the Hawaii State Historic Preservation Officer (SHPO), National Park Service (NPS), and other parties (collectively referred to as Consulting Parties). The submission of the materials to the agencies will be accomplished by the Government. Consult with the NAVFAC Hawaii Historical Architect and prepare a submittal in accordance with the 36 CFR 800.11, DOCUMENT STANDARDS. The Contractor is responsible for preparing the submittal package, presenting the project in public meeting, if called upon by the Government; and to modify the submittal and contract documents to incorporate the comments of the Consulting Parties to obtain project concurrence.

**Project Program – Appropriate Design - Historical Considerations**

As a Federal Agency the Navy is required to follow the National Historic Preservation Act (NHPA) 1966 as amended. The NHPA requires Federal agencies to consider the effects of Federal undertakings on any district, building, structure, or object included or eligible for inclusion in the National Register of Historic Places (NRHP).

For Construction of new Facilities:

The proposed location of [insert project name] is within the boundaries of the Pearl Harbor National Historic Landmark (PHNHL) [if applicable]. It is also within the Shipyard historic management zone identified in the Oahu Integrated Cultural Resources Management Plan (ICRMP) [if applicable].

For Renovation of Historic Facilities:

Building [insert facility number] is located within the boundaries of the Pearl Harbor National Historic Landmark (PHNHL) [if applicable] and the Shipyard historic management zone identified in the Oahu Integrated Cultural Resources Management Plan (ICRMP) [if applicable]. Building [insert facility number] is also considered eligible for the NRHP.

All work on the aforementioned facility must be consulted on with the Hawaii State Historic Preservation Office (SHPO), National Park Service (NPS), and other parties (collectively referred to as Consulting Parties). Concurrence from the Consulting Parties must be received prior to any construction or site work. Commander Navy Region Hawaii (CNRH) is responsible for consulting with the Consulting Parties to obtain their concurrence.

The contractor will be required to provide design drawings, shop drawings, and/or technical information to CNRH, in both electronic and hard copy formats, to support the consultation with the Consulting Parties. The contractor shall also participate in meetings and/or site visits with the Consulting Parties so that comments and concerns may be addressed during the consultation process. A meeting between the contractor, Consulting Parties, and Navy should occur before the design process (early in planning) begins so that initial comments may be addressed. The Consulting Parties have a 30-day review period for all undertakings submitted to them pending submittal of adequate information.

**For Construction of new Facilities:**

The design for the new facility shall follow the Secretary of the Interior's Standards and Guidelines. Considerations in design shall be given to appropriate scale, size, massing, style, setting, materials, relationship of solids to voids, color, form, detailing, roof line, and landscaping within the context of the historic site and compatibility with the historic existing and former structures, site features and current neighborhood setting. The Secretary of the Interior's standards shall apply for redevelopment from the aspect of compatible infill, treatment of cultural landscapes, treatment of NHL districts and for appropriateness to the neighborhood setting.

**For Renovation of Historic Facilities:**

The design for the renovation shall follow the Secretary of the Interior's Standards and Guidelines. Considerations in design shall be given to retaining the buildings character-defining features while still supporting Navy mission and operational requirements.

To address appropriate design and compatibility issues the design team shall include a professional meeting the qualifications of a Historical Architect based on Professional Qualification Standards (Federal Register Vol. 62, No. 119, p. 33719, 1997). In the required submittals the contractor shall provide a "Basis of Design" statement explaining the rationale for their proposed design and its compatibility to the site. Also, the NAVFAC Hawaii Historical Architect shall be provided an opportunity to review, comment, and provide guidance to ensure the projects conformance to the Secretary of the Interior's Rehabilitation Standards.

**Project Program – Appropriate Design - Archaeological Considerations (if applicable)**

All Contractor personnel shall comply with applicable federally mandated cultural resource mitigation agreements and agreed upon standard operating procedures (SOP) related to post review discoveries and inadvertent finds during construction such as archaeological materials or human burials.

The Government shall utilize an independent archaeological services contractor, not subcontracted through construction contractor, to conduct required mitigations such as archaeological monitoring and/or emergency data recovery, and to investigate and advise on any inadvertent archaeological materials or human burial finds. The name and contact information for the archaeological services contractor will be announced at the pre-

construction conference, where the archaeological services contractor may give a presentation that explains the purpose and methodology for carrying out the archaeological mitigation and what to do if archaeological materials or human remains are inadvertently discovered during construction.

The construction Contractor shall coordinate scheduling of all subsurface and horizontal groundwork with the Government's independent archaeological services Contractor. Upon discovery, the construction Contractor shall carefully protect in-place and report immediately to the Contracting Officer any historical and archaeological items or human skeletal remains discovered in the course of work. The construction Contractor shall stop work in the immediate area of the discovery until directed by the Contracting Officer to resume work. The Government retains ownership and control over historical and archaeological resources.