

Prototype Agreement Process

| Requirements | ACHP Recommendations |
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| <p><u><i>Early Planning</i></u></p> | <p><u><i>Early Planning</i></u></p> <p>Agency should assess its program needs</p> <ul style="list-style-type: none"> • available funding for program implementation • nature of program • identify participants/stakeholders • environmental coordination strategy • structure of the program • desired duration of the agreement • desired efficiencies • value of prototype agreement to preservation partners and public <p>Agency should meet with the ACHP staff to determine if a prototype agreement is the appropriate program alternative to utilize considering the nature of the agency undertaking or program.</p> <p>In coordination with agency cultural resources staff members and organizational leadership, agency should determine the responsible staff members, tasks, and schedule.</p> |
| <p><u><i>Consultation</i></u></p> <p>Agency notifies NCSHPO, and relevant SHPOs, THPOs, Indian tribes, NHOs, and initiates consultation.</p> <p>Agency identifies other consulting parties, including intertribal organizations, preservation partners, local governments, and other interested parties. They may be engaged through:</p> <ul style="list-style-type: none"> • teleconferences • consultation meetings <p>Agency consults to create a draft prototype agreement. Agency conducts public outreach.</p> | <p><u><i>Consultation</i></u></p> <p>Agency should develop a consultation and public outreach strategy, in coordination with the ACHP and NCSHPO and NATHPO, as appropriate, to determine the approach and scope of consultation and public outreach as appropriate to the project or program.</p> <p>Agency should first develop a preliminary draft outline of the prototype agreement through consultation with the consulting parties in order to try to reach agreement on the overall desired direction of the agreement before delving into detailed drafting.</p> <p>Agency should provide opportunities for public review and comment on the draft documents.</p> |

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| <p><u>Designation</u></p> <p>The ACHP designates prototype agreement.</p> <p>Letter from the ACHP to agency, including purpose of designation and an explanation of how agencies are authorized to depart from the specifically approved text of the agreement while still being able to use such a changed agreement as a designated prototype agreement.</p> | <p><u>Designation</u></p> <p>Agency should coordinate with the ACHP to determine the appropriate scope of the outreach efforts. Agency conducts outreach to consulting parties and the public:</p> <ul style="list-style-type: none"> • publicize designation • notify internal groups/organization • notify consulting parties <p>ACHP may also notify SHPOs; THPOs; national, state, and local preservation partners; Indian tribes; and NHOs of the designation, as appropriate.</p> |
| <p><u>Implementation</u></p> <p>Agency develops subsequent agreements using the prototype agreement.</p> <p>Agency executes the subsequent agreements with the relevant SHPO/THPO.</p> <p>Agency files executed subsequent agreements with the ACHP.</p> | <p><u>Implementation</u></p> <p>Agency should provide adequate notice to all program participants and provide internal guidance on the use of the prototype agreement and the development of the subsequent agreements.</p> <p>The ACHP may provide assistance in development of subsequent agreements to agency participants and/or the SHPO/THPO, Indian tribes, NHOs, and other consulting parties, if needed.</p> <p>Agency and the ACHP monitor the implementation and use of the prototype agreement.</p> |