

AMENDMENT TO
PROGRAMMATIC AGREEMENT
AMONG
THE NATIONAL PARK SERVICE, AMERICAN BATTLEFIELD PROTECTION PROGRAM
AND
THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE AMERICAN BATTLEFIELD PROTECTION PROGRAM'S
BATTLEFIELD PRESERVATION PLANNING GRANTS AND
BATTLEFIELD LAND ACQUISITION GRANTS
(AGREEMENT)

WHEREAS the Agreement was executed on September 27, 2016;

WHEREAS the National Park Service, in conformance with provisions for annual reporting in Article XIV.A.3 of this Agreement, has notified signatories of its inability to meet certain terms of this agreement and requested technical corrections to align terms with Federal regulations and Department of the Interior guidelines and procedures for Financial Assistance;

NOW THEREFORE, in accordance with Stipulation XV of the Agreement, the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, and the National Park Service agree to amend the Agreement as follows:

1. Amend Stipulation II.A.5 so it reads as follows:

The NPS ABPP will send letters to the SHPOs/THPOs during the annual application review period notifying the SHPOs/THPOs of PLANNING GRANT applications received for projects in their states. These letters will include notice of the PLANNING GRANT projects which qualify under a programmatic exclusion as defined herein and, as such, do not require Section 106 review as defined in Stipulation III.A.

2. Amend Stipulation II.A.6 so it reads as follows:

The NPS ABPP will report the status of the Section 106 Review process for a BLAG application in the NPS Awarding Officer's Selection Notification Letter to the Government Sponsor, copied to the Applicant and to the SHPO, following completion of NPS ABPP's merit review of the application.

3. Amend Stipulation II.B.6.a so it reads as follows:

In the case of the BLAG program, eligible applicants are state or local governments seeking to acquire a fee-simple or permanent preservation (easement) interest in eligible battlefield lands. A State or local government may apply to acquire an interest in an eligible site in partnership with a nonprofit organization with BLAG assistance; in such acquisitions, the nonprofit partner will function as the Applicant for Section 106 purposes and fulfill all delegated responsibilities.

a. The BLAG Applicant will provide to the NPS ABPP and to the Government Sponsor all information submitted to or received by and from the SHPO regarding Section 106 review at the time of transmission in order to facilitate NPS ABPP's early coordination of tribal consultations, as described in Stipulation IV.A.2 and Stipulation VI. The BLAG Applicant, or their designee who meets the Secretary of the Interior's Professional Qualifications, will carry out the requirements of 36 CFR §800.4 through §800.6 with the SHPO as defined herein. The BLAG Applicant will also provide the easement holder, in cases where the easement holder is not the SHPO, all information submitted to or received by and from the SHPO regarding Section 106 Review.

4. Amend Stipulation III.A.2.a so it reads as follows:

The NPS ABPP will send the application to the SHPO for review and comment. If the NPS ABPP and SHPO concur that the proposed work will be carried out (i) in a manner that meets the Secretary of Interior's Standards and any applicable state guidelines, (ii) by a professional that meets or exceeds the Secretary of the Interior's Professional Qualifications, and (iii) with an opportunity for SHPO review of grant product(s), then the NPS ABPP will conclude the Section 106 process by making a finding of No Adverse Effect or No Historic Properties Affected.

5. Amend Stipulation IV.A.2.a so it reads as follows:

The NPS ABPP, as soon as it is in receipt of sufficient preliminary information from the Applicant to define the undertaking and the scope of identification efforts, will initiate tribal consultation by requesting the comments of any Indian Tribe(s) that may attach religious and cultural significance to properties associated with or near the project.

6. Amend Stipulation VIII.B so it reads as follows:

The PLANNING GRANT Applicant shall provide final reports, treatment plans or other documentation to the SHPO/THPO and other Consulting Parties in format(s) specified in the grant agreement.

7. Amend Stipulation XIV.A.1 so it reads as follows:

The NPS ABPP shall provide the ACHP, NCSHPO, and any Tribal government that requests it, a copy of an annual report. This report will be made available by December 31 of each calendar year for the previous fiscal year ending September 30 and will be posted on the NPS ABPP web site. The report will include, but is not limited to:

1. A list of the PLANNING GRANTS and BLAGs awarded in each state and on Tribal lands, including the name of the Applicant, the exact amount of the award, and any changes made to the grant project's scope of work during the application review and award process. In the case of BLAGs, the list will also include the name of the Government Sponsor; the exact acreage acquired with NPS ABPP funding, and the drafting, review, and/or recordation status of the easement. or, if applicable, Preservation Letter of Agreement. The list of PLANNING GRANT projects will indicate which projects the NPS ABPP determined constituted categorical exclusions and under which conditions.

SIGNATORIES:

National Park Service:

_____ Date: _____
By: Joy Beasley
Associate Director, Cultural Resources, Partnerships, and Science

Advisory Council on Historic Preservation:

_____ Date: _____
By:
[Title]

National Conference of Historic Preservation Officers:

_____ Date: _____
By: Mark Wolfe
President

CONCUR:

American Battlefield Trust:

By: James Campi, Jr. Date: _____
Chief Policy and Communications Officer

South Carolina Institute of Archaeology and Anthropology:

By: Steven D. Smith
Director

Date: _____

Shenandoah Valley Battlefield Foundation:

By: Keven Walker
Chief Executive Officer

Date: _____