



**PROGRAMMATIC AGREEMENT
AMONG THE OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT,
THE OREGON HISTORIC PRESERVATION OFFICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
REGARDING DISASTER RECOVERY ACTIVITIES IN OREGON**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides Community Development Block Grant-Disaster Recovery (CDGB-DR) funds to the State of Oregon for past and future disaster recovery activities, including \$422,286,000 approved in November 2021, in response to Oregon 2020 Wildfires (DR-4562), through notice FR-6303-N-01, made available through the Disaster Relief Supplemental Appropriations Act of 2022 for major disasters occurring in 2020 and 2021 (Public Law 117-43); and

WHEREAS, 24 CFR Part 58 provides statutory authority to State, tribal, and local governments to assume HUD’s environmental compliance responsibilities including obligations under Section 106 of the National Historic Preservation Act of 1966 (NHPA, 54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800; and

WHEREAS, the Oregon Housing and Community Services Department (OHCS) has assumed the role of Responsible Entity on behalf of HUD, and makes assistance, including CDBG-DR funds, available to communities, their citizens, State and Federally Recognized Tribes (Tribes) and other entities; and

WHEREAS, OHCS has determined that implementing the CDBG-DR funded series of programs will result in Undertakings, as defined by 36 CFR § 800.16(y), that may affect historic properties listed in or eligible for the National Register of Historic Places (NRHP), and OHCS has consulted with the Oregon State Historic Preservation Officer (SHPO) pursuant to Section 106 of the NHPA; and

WHEREAS, OHCS, in accordance with 36 CFR § 800.2(c)(2), consulted with the Federally Recognized Tribes listed below and in Appendix C-1 who may have sites of religious and

cultural significance in affected areas, and pursuant to 36 CFR § 800.2(c)(2)(ii)(E) OHCS consulted with these Tribes on the development of this agreement and invited them to participate as signatories:

- Burns Paiute Tribe;
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians;
- Confederated Tribes of the Grand Ronde;
- Confederated Tribes of the Umatilla Indian Reservation;
- Confederated Tribes of Warm Springs Reservation;
- Confederated Tribes of Siletz Indians;
- Coquille Indian Tribe;
- Cow Creek Band of Umpqua Tribes of Indians;
- Klamath Tribe;

WHEREAS, in accordance with § 800.2(c)(2)(ii)(A), the following Tribes assume the responsibility of the SHPO on their lands:

- Burns Paiute Tribe;
- Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians;
- Confederated Tribes of the Grand Ronde;
- Confederated Tribes of the Umatilla Indian Reservation;
- Confederated Tribes of Warm Springs Reservation;
- Coquille Indian Tribe;
- Cow Creek Band of Umpqua Tribes of Indians;

WHEREAS, OHCS acknowledges its continued responsibility to engage in meaningful consultation with Indian tribes as a state agency and coordination as an entity with delegated authority (e.g., Executive Order 13175, USC 470a(d)(6)(B), current citation 54 USC 302706, the November 5, 2009 Presidential Memorandum on Tribal Consultation, and 36 CFR 800.2(c)(2)) throughout the process of carrying out the stipulations of this agreement regardless whether an Indian tribe is or is not a signatory or consulting party to this agreement. This agreement does not alter, amend, repeal, interpret, or modify tribal sovereignty, treaty rights, or other rights of an Indian tribe. This agreement also does not alter the existing government-to-government relationship between the federal government and Indian tribes; and

WHEREAS, OHCS notified the public of disaster recovery programs including the State of Oregon Annual Action Plan 2023 (Appendix B-1) via posting information on its website, including the public comment period held from May 16, 2023, through June 14, 2023, and provided the public with opportunity to comment when environmental documents were prepared and circulated under the National Environmental Policy Act (NEPA); and

WHEREAS, OHCS, in accordance with 36 CFR § 800.2(c)(3), identified Oregon local governments (Appendix C-2), and in accordance with in accordance with 36 CFR § 800.2(c)(5), additional consulting parties (Appendix C-3) based on the location of an Undertaking within their jurisdiction or area of interest, respectively, and invited local governments and additional consulting parties in writing by letter to consult on development of this Agreement; and

NOW THEREFORE, OHCS, SHPO, and ACHP as signatories and participating Tribes as invited signatories agree that, upon execution of this PA, the disaster recovery Undertakings funded by the CDBG-DR program in Oregon shall be implemented in accordance with the following stipulations in order to take into account the effects of these Undertakings on historic properties.

STIPULATIONS

OHCS will ensure that the following stipulations are implemented.

I Applicability

- I.A** OHCS shall comply with the stipulations set forth in this PA for all undertakings that:
 - I.A.1 are assisted in whole or in part by revenues from the CDBG-DR programs listed in Appendix B, and
 - I.A.2 can result in changes in the character or use of any historic properties that are located in an undertaking's Area of Potential Effect (APE).
- I.B** The review process established by this PA shall be completed before OHCS' final approval of any application for assistance under these Programs, before a property is altered by either OHCS or a property owner, and before either OHCS or a property owner initiates construction or make an irrevocable commitment to construction that may affect a property forty-five (45) years old or older at the time of review.
- I.C** Any Undertaking not qualifying for review under the terms of this PA shall be reviewed in accordance with 36 CFR Part 800.

II Responsibilities

II.A OHCS

- II.A.1 OHCS will use federal, state, or contractor staff, in accordance with 36 CFR § 800.2(a)(3), whose qualifications meet the Secretary of the Interior's (SOI) Professional Qualifications Standards 1983 as set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983, as amended) to make determinations of NRHP eligibility and findings of effect.
- II.A.2 OHCS acknowledges that federally recognized Tribes (Appendix C-1) possess special expertise in assessing the NRHP eligibility of properties to which they attach religious and cultural significance. Tribal leaders and, as appropriate, their representatives shall decide who meets qualifications/standards as defined by their Tribes.
- II.A.3 OHCS shall consult with SHPO and the National Park Service (NPS) on all undertakings involving National Historic Landmarks (NHL) in accordance with 36 CFR § 800.11.
 - II.A.3.a If OHCS is informed or becomes aware that an NHL site has been damaged as the result of a specific declared Stafford Act major disaster or emergency, OHCS shall promptly notify the SHPO, participating Tribe(s), and the SOI's NHL Program Manager of the NPS Pacific West Regional Office (909 First Avenue, 5th Floor, Seattle, WA 98104-1060, Phone: 206-220-4133) and the HUD Federal Preservation Officer (FPO).
 - II.A.3.b OHCS will notify the Tribes in Appendix C-1 if the damaged NHL is a precontact site unless the Tribe(s) request otherwise.
- II.A.4 OHCS shall provide notification to consulting parties, including Grantees, that have a consultative role in the Section 106 process in accordance with 36 CFR § 800.2(c)(4).

- II.A.4.a This applies to all Undertakings with the exception of those exempt under HUD regulations (24 CFR § 58.34).

II.B SHPO

- II.B.1 When possible, SHPO shall expedite review and consultations subject to this Agreement and will provide comments and recommendations as early as feasible within the specified timeframes required by this Agreement.
- II.B.2 SHPO shall consult with OHCS if an Undertaking has been found to have the potential to cause adverse effects to a historic property to resolve the anticipated adverse effect(s) in accordance with 36 CFR § 800.6.
- II.B.3 SHPO shall consult with OHCS, as needed or requested by OHCS, to identify administrative refinements to improve the performance of this agreement under Section 106. Administrative refinements will be summarized in the Annual Report pursuant to Stipulation IX.C.5.

II.C ACHP

- II.C.1 OHCS invited ACHP to consult on the development of this PA.
- II.C.2 The ACHP will provide guidance and advisory information and will consult with OHCS and others, as appropriate, to resolve disputes or address public comments that may occur during the implementation of this Agreement.
The ACHP will provide information on preservation issues of concern, including consultation and policy guidance, within the declared disaster area.

II.D Consultation

- II.D.1 In accordance with 36 CFR § 800.2(a)(4), § 800.2(c)(2), § 800.2(c)(3), and § 800.2(c)(5), consulting parties include Tribes (Appendix C-1), representatives of local governments (Appendix C-2), and additional consulting parties (Appendix C-3).
- II.D.2 OHCS will notify consulting parties regarding Undertakings in their interest areas likely to affect known historic properties or known resources that are unevaluated but are likely to be eligible for inclusion in the NRHP.
- II.D.3 The preferred methods of notification will be by electronic mail or direct mailings.
- II.D.4 Consultation with the consulting parties will occur as early as possible in the planning process. OHCS will make every effort to arrange meetings with consulting parties as needed and provide additional project information in a timely manner.
- II.D.5 Tribal Parties
 - II.D.5.a OHCS shall invite affected Tribe(s) to participate in the initial scoping meeting within their geographic area of interest as set forth in Appendix C-1.
 - II.D.5.b As applicable to the conditions set forth in Appendix C-1, staff of participating Tribes will be available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation with Tribes has occurred, a written notice (via e-mail or regular mail) will be sent to the Tribes to confirm any decisions that were reached.

- II.D.5.c When advised of data sensitivity by the affected Tribes, OHCS shall ensure that its consultations with other consulting parties shall not include the dissemination of information that might risk harm to an American Indian site or property of religious or cultural significance or that might impede the use of such a site by the affected Tribes in accordance with Oregon Revised Statutes (ORS) 192.345.

III Project Activities Not Requiring SHPO Review

The following undertakings do not require review by SHPO or ACHP and no signatory is required by this PA to determine the NRHP eligibility of properties affected by these undertakings:

III.A Evaluate Scope of Work for Conformance with Programmatic Allowances

III.A.1 Apply First Tier Allowances

- III.A.1.a An OHCS Staff Generalist will review the scope of work to determine if it conforms to First Tier Allowances in Appendix A.

- III.A.1.b If an Undertaking is limited exclusively to the activities listed under First Allowances in Appendix A, OHCS may authorize the Undertaking to proceed without further review.

- III.A.1.c OHCS shall document all actions taken pursuant to Stipulation IX.A regarding Annual Reporting.

III.A.2 Apply Second Tier Allowances.

- III.A.2.a OHCS Staff must meet the following SOI Professional Qualifications Standards (48 FR 44738-39) in the appropriate discipline when determining if all activities associated with the scope of work conform to Second Tier allowances:

- III.A.2.a.i Archaeology for ground disturbance

- III.A.2.a.ii History, Architectural History, or Historical Architecture for buildings and structures.

- III.A.2.b OHCS SOI staff shall review appropriate historic resource inventories and data sets to confirm a property's NRHP historic status.

- III.A.2.c If OHCS SOI staff conclude an Undertaking is limited exclusively to the activities listed under First and Second Tier Allowances in Appendix A, OHCS may make a Section 106 finding of "no historic properties affected" consistent with 36 CFR § 800.4(d)(1) and may authorize the Undertaking to proceed without further review.

- III.A.2.d OHCS shall document all actions taken pursuant to Stipulation IX.A regarding Annual Reporting.

III.B Scope includes Ground Disturbing Activities and Site Work

- III.B.1 OHCS will notify Tribal representatives in their geographic areas of concern to learn if historic properties of religious and cultural significance would be affected.

- III.B.2 OHCS' SOI qualified archaeologist may conduct research, review state OARRA data, request a records search, perform additional site survey, and use professional judgement to propose alternatives or measures that avoid adverse effects, whether or not the affected property may be eligible for the NRHP, in a manner that ensures the

proposed activities substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

III.B.3 OHCS will notify Tribal representatives (Appendix C-1) in their counties of concern, to review the results of items 1 and 2 to ensure that no known historic properties of religious and cultural significance would be affected, or to seek alternatives to avoid adverse effects.

III.B.3.a To facilitate review by the Tribal representatives, an explanation why OHCS' review staff considers the activities conform to Second Tier Allowance I-Ground Disturbing Activities and Site Work will be included in the notification.

III.B.3.b If no objection is received from the notified Tribes(s) within 30 calendar days OHCS may authorize the activities to begin.

III.B.3.c If the notified Tribe(s) object within 30 days, the objection shall be resolved as set forth in Stipulation VII below.

III.C Modify Scope to Avoid Adverse Effects

III.C.1 If OHCS determines that the Undertaking does not conform to the Allowances, OHCS must recommend modifications, alternatives or measures that avoid adverse effects and ensure that the Undertaking conforms to the Allowances, whether or not the affected property may be eligible for the NRHP.

III.C.2 If the recommended changes are adopted, OHCS shall determine that the undertaking conforms to the Allowances in Appendix A, and the process reverts back to that under Stipulation III.A.1.

III.C.3 If the scope of work cannot be modified to conform with both First and Second Tier Allowances, the Undertaking must be reviewed by SHPO pursuant to Stipulation IV.

IV Project Activities Requiring SHPO Review

IV.A If the entire scope of work does not conform to the First and Second Tier Allowances in Appendix A and thus is considered a type of activity that has the potential to cause effects on historic properties and OHCS cannot identify alternatives that avoid adverse effects, OHCS is responsible for carrying out the Section 106 process described in 36 CFR § 800.

IV.A.1 OHCS' SOI Qualified Professional(s) shall carry out a **Standard Review**

IV.A.2 The **Standard Review** will follow the standard process described in 36 CFR § 800:

IV.A.2.a Establish Area of Potential Effect

IV.A.2.b Initiate Consultation

IV.A.2.c Identify and Evaluate Historic Properties using NRHP Criteria for Evaluation at 36 CFR § 63

IV.A.2.d Prepare a Finding of Effect analysis

IV.A.2.e Follow the documentation standards at 36 CFR § 800.11(d) or § 800.11(e)

IV.A.3 Submit a documentation package including the APE, Determination(s) of NRHP eligibility, Consultation comments, and Finding of Effect analysis to SHPO for review. SHPO shall have 30-days to respond pursuant to 36 CFR § 800.5(c)(1). If SHPO does not respond within 30-day period, OHCS may assume SHPO does not object to the finding and may authorize the Undertaking to proceed.

IV.A.4 If an adverse effect is found, OHCS shall consult further with SHPO and consulting parties to resolve the effect per Stipulation V below.

V Resolve Adverse Effects

V.A Standard Measures to Resolve Adverse Effects. If OHCS determines that the undertaking will result in adverse effects to historic properties, then measures must be implemented to avoid, minimize, and/or mitigate those effects.

- V.A.1 Due to the redundant nature of the undertakings funded through the CDBG-DR and the foreseeable nature of potential adverse effects, OHCS and SHPO have consulted to develop standard mitigation measures to address anticipated findings of adverse effects to historic properties (Appendix D—Standard Treatment Measures).
- V.A.2 Once OHCS has consulted with all consulting parties, SHPO has agreed upon the most appropriate measures to address adverse effects, and OHCS notifies ACHP, the measures shall be formalized in a Letter of Agreement (LOA) drafted by OHCS and signed by OHCS and SHPO. Once the LOA has been executed, the mitigation measures shall be implemented according to the terms of the LOA.
- V.A.3 If any of the consulting parties object to the resolution of adverse effects through the application of one or more of the treatment measures described in Appendix D before the LOA has been executed, OHCS shall consult further with the consulting parties to explore options for resolution of the adverse effect(s). For a declared emergency per 36 CFR § 800.12, if consultation is not successful within the stipulated consultation period(s), OHCS shall request that the ACHP review the dispute in accordance with Stipulation VII. Non-declared emergencies are subject to a thirty (30) day consultation period. If no consensus is reached, OHCS shall resolve the adverse effect(s) using procedures outlined below in Stipulation V.B.

V.B Agreement Documents for Non-Standard Measures

- V.B.1 Memorandum of Agreement (MOA): If the treatment measures described in Appendix D are determined not feasible or are objected to by any of the consulting parties, OHCS in consultation with the other consulting parties, will develop an MOA in accordance with 36 CFR § 800.6(c) to stipulate treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties. The MOA may also include feasible treatment measures that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of more traditional treatment measures.
- V.B.2 When an Undertaking will adversely affect a NRHP listed or eligible archaeological site, OHCS may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery. OHCS shall consult with the SHPO, participating Tribe(s), and other consulting parties to prepare a research design (data recovery plan), including a specific plan for curation as described under Appendix E. OHCS shall ensure curation activities by Grantee(s) utilizing CDBG funds comply with Oregon Revised Statutes (ORS) 390.325, which sets forth the process for permits and conditions for excavation or removal of archaeological or historic material. This plan will incorporate any relevant curation provisions contained in the SHPO's guidelines for conducting archaeological studies, ACHP's "Recommended Approach for Consultation on Recovery of Significant Information

from Archaeological Sites” published in the Federal Register (64 Federal Register 27085-27087 (May 18, 1999)), or other provisions agreed to by the consulting parties. No excavation should be initiated before OHCS’ acceptance and approval of the curation plan.

As stipulated in the curation plan under Appendix E, artifacts, as well as field and laboratory records sufficient to document the collection, shall be curated at a facility, preferably in-state, that meets the standards of, and in accordance with the provisions of 36 CFR Part 79, “Curation of Federally Owned and Administered Archaeological Collections,” and applicable State or Tribal requirements, including ORS 390.235.

VI Other Considerations

VI.A Changes to an Approved Scope. When there are proposed changes to an approved SOW for an Undertaking, OHCS shall review the changes and re-evaluate the SOW changes by following the provisions in Stipulations II, III, and IV.

VI.B Inadvertent Discovery Plan. All Undertakings shall include an Inadvertent Discovery Plan as described in Appendix E

VI.C Undertakings Initiated Before Section 106 Review

VI.C.1 In accordance with Section 110(k) of the NHPA, OHCS, as HUD’s responsible entity, shall not grant assistance to a Grantee who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO, participating Tribe(s), and ACHP, OHCS determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the Grantee, OHCS shall complete consultation for the Undertaking pursuant to the terms of this Agreement.

VI.C.2 Not Complete. In circumstances where OHCS determines a Grantee has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of the NHPA, and the Undertaking is not yet complete, OHCS shall proceed as follows:

VI.C.2.a Determine if the Undertaking is of a type for which OHCS has no further Section 106 responsibilities, namely:

VI.C.2.a.i An Undertaking described in Stipulation I.A.4; or

VI.C.2.a.ii An immediate rescue and salvage operation in accordance with 36 CFR § 800.12(d); or

VI.C.2.a.iii A Programmatic Allowance as described under Stipulation II.A.1.

VI.C.2.b If OHCS determines no Section 106 review or consultation with SHPO and participating Tribal Nation(s) would have been required pursuant to Stipulation III.C, Standard Project Review, OHCS will document this determination in the project files and consider the Undertaking Section 106 compliant.

VI.C.3 Complete. If OHCS determines the Undertaking is complete, and would have required Section 106 review, OHCS will coordinate with the SHPO and participating Tribe(s) to determine if consultation is feasible

- VI.C.3.a If after coordination with the SHPO and appropriate Tribe(s), OHCS determines that consultation is feasible, OHCS shall review the Undertaking in accordance with Stipulation III.C, Standard Project Review.
- VI.C.3.b If after coordination with the SHPO and appropriate Tribe(s), OHCS determines that review is infeasible, OHCS shall document the outcome to the Section 106 review process, and inform the HUD FPO of the outcome, and the applicable OHCS program shall take the outcome into account before making a decision whether to fund the Undertaking. OHCS shall provide written notification of its funding decision to the SHPO, appropriate Tribe(s) and the ACHP.
- VI.C.4 OHCS will ensure that all Undertakings considered for after-the-fact review in accordance with this stipulation, are included in the annual report, as described in Stipulation VIII.A.

VII Public Participation and Objections

VII.A Participation: OHCS will maintain an online database containing basic information about upcoming projects and will send out a notice to interested parties in which the proposed project resides with information about the CDBG-DR project, the potential effects to historic properties and the proposed resolution of any adverse effects. Interested parties should contact OHCS at the phone number and/or email provided dr.enviro@hcs.oregon.gov to obtain additional information about an Undertaking that they may have an interest in. Depending on the scale, complexity and nature of the Undertaking, OHCS may undertake additional efforts to engage the public when an Undertaking may attract a higher level of interest.

VII.B Objection: Should a member of the public object in writing to the implementation of the Agreement's terms or a proposed Undertaking, OHCS will notify the SHPO and take the objection into consideration. OHCS will consult with the objecting party, and if requested, the other signatories, for not more than 30 calendar days. In reaching its decision regarding the objection, OHCS will consider all comments from these parties. OHCS will notify all parties of its proposed resolution of the objection in writing.

VIII Dispute Resolution

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

VIII.A Forward all documentation relevant to the dispute, including the OHCS's proposed resolution, to the ACHP. The ACHP shall provide OHCS 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, OHCS 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. OHCS will then proceed according to its final decision.

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

VIII.C OHCS's responsibilities of the Agreement signatories to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

IX Documentation, Reporting, Monitoring and Review of Activities

IX.A Annual Report

IX.A.1 OHCS shall document all actions taken pursuant to this PA, retain this documentation in its project files, and include such documentation as necessary in an Annual Report (Appendix B-3).

IX.A.2 OHCS shall provide the signatories with a copy of each Annual Report covering the previous fiscal year on October 1st of each year that this Agreement is in effect.

IX.A.3 This annual report shall summarize the actions taken to implement the terms of this Agreement, including:

IX.A.3.a A list by address all undertakings reviewed pursuant to the PA

IX.A.3.b A summary of projects reviewed under Stipulation III.A using First Tier Allowances, and Second Tier Allowances.

IX.A.3.c A summary of projects reviewed pursuant to Stipulation III.B-Consultation on Ground Disturbing Activities.

IX.A.3.d A summary of projects reviewed pursuant to Stipulation IV-Projects requiring SHPO Review.

IX.A.3.e A summary of projects where adverse effects were resolved pursuant to Stipulation V.

IX.A.3.f any scheduling changes proposed, problems encountered, and disputes and objections received in OHCS's efforts to carry out the terms of this Agreement

IX.A.3.g Recommendations for amendments that would improve the efficiency and utility of this Agreement.

IX.A.4 If a signatory requests a meeting within thirty (30) calendar days of receiving the annual report, OHCS shall set up an in-person or virtual meeting among the signatories at a time convenient to all signatories.

IX.B Monitoring: The SHPO and the ACHP may monitor any activities carried out pursuant to this Agreement, and the ACHP will review any activities if requested. OHCS will cooperate with the SHPO and the ACHP should they request to monitor or to review project files for activities at specific project sites.

X Amendment

- X.A** This Agreement 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.
- X.B** Appendix A--Programmatic Allowances, Appendix B--CDBG-DR Programs, Appendix C--Consulting Parties, Appendix D--Treatment Measures, and Appendix E—Inadvertent Discovery Plan may be amended at the request of OHCS or other signatory party in the following manner:
- X.B.1** Any signatory may propose an amendment in writing for review by the other signatories. OHCS, on its own behalf or on behalf of another signatory, shall notify all signatories to this Agreement of the intent to add to or modify one or more of the Appendices, and shall provide a draft of the updated Appendix or Appendices to all signatories.
- X.B.2** Revisions to the appendices of this agreement shall not require notification and review by the ACHP. However, OHCS shall provide the ACHP with a copy of the finalized version.

XI Termination and Duration

XI.A Termination

- XI.A.1** If any signatory to this agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to amend the agreement per Stipulation IX, above. If, within thirty (30) calendar days resolution through amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.
- XI.A.2** Upon termination, and prior to working on undertakings referenced in this agreement, OHCS must either execute a new agreement pursuant to 36 CFR § 800.14(b)(2), or request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. OHCS shall notify the signatories at to the course of action it will pursue.

XI.B Duration: This Agreement shall remain in effect from the date of execution for a period not to exceed **five (5) years**, unless otherwise extended pursuant to Stipulation X above. Prior to such time, OHCS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation X above.

XII Execution

XII.A Execution of this Agreement and implementation by OHCS evidences that OHCS has afforded the ACHP a reasonable opportunity to comment on OHCS' administration of all referenced CDBG-DR funded programs pursuant to OHCS' authorities described on page 1 of this Agreement, that OHCS has taken into account the effects of the CDBG-DR funded programs on historic properties, and that through the execution of the Agreement, the OHCS will satisfy its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR funded programs.

XII.B This Agreement may be executed in counterparts, with a separate page for each signatory, and OHCS will ensure that each party is provided a complete copy, including all appendices. This Agreement will become effective on the date of the last signature.