

PROGRAMMATIC MEMORANDUM OF AGREEMENT
AMONG THE
UNITED STATES COAST GUARD, DEPARTMENT OF TRANSPORTATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE
NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

WHEREAS, The Coast Guard is responsible for maintaining aids to navigation on navigable waters of the United States under the authority of 14 U.S.C. 2; and,

WHEREAS, many lighthouses no longer require lighthouse keepers for effective and efficient operation, but, instead, operate automatically, and may no longer receive the constant maintenance once provided by lighthouse keepers; and,

WHEREAS, many lighthouses managed by the Coast Guard were built more than fifty years ago and have played a significant role in the history of transportation and navigation in our Nation; and,

WHEREAS, the Coast Guard, in consultation with the Advisory Council on Historic Preservation (Council) and the National Conference of State Historic Preservation Officers has determined that the automation of lighthouses may result in physical deterioration of those lighthouses listed in or eligible for listing in the National Register of Historic Places (National Register); and,

WHEREAS, the Coast Guard recognizes that, in specific circumstances, outleasing of historic lighthouse properties creates the best opportunity to achieve operational, budgetary, and administrative objectives while encouraging private sector participation in the preservation of the Nation's historic environment; and,

WHEREAS, the Coast Guard has requested the comments of the Council on lighthouse outleasing in accordance with Sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470f and 470h-2(f)) and the "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800); and,

WHEREAS, the Coast Guard, the Council, and the National Conference of State Historic Preservation Officers agree that, when in the best interest of the Government, automated historic lighthouse properties should be outleased to qualified applicants for adaptive re-use under specified conditions designed to promote the preservation, maintenance, and public enjoyment of historic lighthouse properties;

NOW, THEREFORE, the Coast Guard, the National Conference of State Historic Preservation Officers and the Council agree that Coast Guard controlled historic lighthouse properties, if outleased, shall be done so in accordance with the following stipulations in order to take into account any effects outleasing may have on the historic significance of the property.

Stipulations

I. Identification

A. In conjunction with the Commandant's long range plan, the historic inventory required by Section 470h-2 of the National Historic Preservation Act, lighthouse automation projects, and other property utilization reviews required by current regulations, Coast Guard District Commanders will identify lighthouse properties that may be eligible for outleasing under the terms of this Agreement.

To be considered eligible, a property must meet the following criteria:

1. The property must be listed, determined eligible, or appear potentially eligible for listing, on the National Register of Historic Places; and,
2. The aids to navigation must be active; and,
3. The aids to navigation must be automated; and
4. The property must not be needed for any other Coast Guard missions that would prohibit outleasing; and,
5. The property must not be needed by any other Federal agency to carry out mandated missions that would prohibit outleasing.

B. When a lighthouse property is considered potentially eligible for listing on the National Register, the Coast Guard may encourage assistance from interested citizens in collecting information about the historic significance of the lighthouse property.

II. Notification

A. Because the evaluation of potential outlease properties is a long term, continuous process, public notification will occur only when specific properties are determined ready and eligible for outleasing under the terms of this Agreement and there are no qualified applicants on record.

B. Such notification may include, at the discretion of the Coast Guard, any of the following: local newspapers, magazines, and special interest journals; the National Trust for Historic Preservation; appropriate offices of State and local governments including the State Historic Preservation Officer (SHPO), the State Arts Office, and the State Recreation Department; private sector organizations such as historic societies; and private individuals.

C. Public notification will include a solicitation for proposed uses, anticipated level of public involvement in the proposed preservation effort and subsequent use, and a statement of financial resources needed and available to undertake the proposed project.

III. Selection of Lessee

The Coast Guard will select lessees based upon the following criteria:

A. Applicants must have the financial and technical ability to rehabilitate the property in accordance with standards and guidelines established by the Secretary of the Interior for rehabilitation of historic buildings.

B. The proposed use must be consistent with the historic value of the lighthouse, and complement the architectural and nautical character of the lighthouse property.

C. Those proposed uses that have greatest opportunity for public involvement, participation, education, and enjoyment will be given preference. Proposed uses may be evaluated on a regional basis.

D. All applicants must be willing and able to rehabilitate the lighthouse in a timely manner.

IV. Lease Provisions

The Coast Guard will require that the lease contain the following provisions:

A. The Coast Guard will identify those features critical to the function of the aids to navigation and other property, outlining all restrictions or responsibilities of the lessee regarding such features. The lessee agrees to restore, rehabilitate, maintain and/or preserve, at their expense, to the standards established by Commandant (G-NSR), U. S. Coast Guard, those aids to navigation identified as the lessee's responsibility.

B. The SHPO will identify those features critical to the historic significance of the property, outlining all restrictions or responsibilities of the lessee regarding such features. The lessee agrees to restore, rehabilitate, maintain and/or preserve, at their expense, to the standards of the recommended treatments of "The Secretary of the Interior's Standards for Rehabilitation and of Historic Buildings" (Revised 1983) and the Department of the Interior Preservation Briefs for structural components considered historically significant those features identified as the lessee's responsibility.

C. The lessee agrees that all work of any nature that will affect the identified functional aspects of the lighthouse property to be leased will be done only after written approval by the Coast Guard. The lessee agrees that all work of any nature that will affect the identified historical aspects of the lighthouse property to be leased will be done only after written approval by the Coast Guard and the appropriate SHPO.

D. Coast Guard personnel will inspect the property to ensure non-interference with the aids to navigation. The SHPO will be permitted to inspect the property during rehabilitation to ensure that any restoration being done is in accordance with the plans approved above.

IV. Lease Provisions (cont.)

E. Once restored, the property will be inspected by the SHPO and a Coast Guard representative to verify that any rehabilitation was done as agreed upon. Standard aids to navigation maintenance inspections will be made at reasonable hours by Coast Guard personnel in conjunction with routine servicing of the aids to navigation. SHPOs may arrange inspections with the lessee to ensure compliance with the recommended treatments in the Secretary of the Interior's Guidelines for Rehabilitation of Historic Buildings and pertinent preservation briefs.

F The term of the lease may not exceed thirty years.

G. The Coast Guard may include other clauses in individual circumstances as it sees fit to ensure that the mission of the Coast Guard and the public interest are served.

VI. Inventory

The Coast Guard will compile an inventory of properties considered eligible for outleasing under the terms of this Agreement. This inventory will include at least the following information:

- 1 Unit name.
2. State.
- 3.

If outleased, the inventory will also include:

4. Lessee.
- 5.
6. Lease term.
7. Lease expiration date.

VII. Reporting

The Coast Guard will report annually to the Council and the National Conference of State Historic Preservation Officers, providing an inventory (as described in Section VI. of this Agreement) of lighthouse properties outleased under the terms of this Agreement.

VIII. Amendments to the Memorandum

If a signatory to this Memorandum determines that its terms cannot be or are not being met, or believes a change is necessary, the signatory will request the consulting parties to consider an amendment to the Memorandum. Amendments will be executed in the same manner as the original Memorandum.

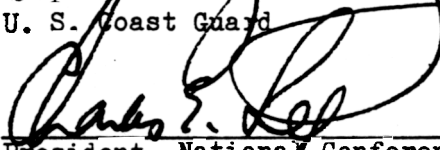
IX. Exceptions

Any undertaking which does not include the specific lease provisions outlined in this Memorandum will be subject to the normal consultation procedures found in 36 C.F.R. Part 800.


Execution of this Memorandum evidences that the Coast Guard has afforded the Council a reasonable opportunity to comment on lighthouse outleasing and its effects on historic properties.




Comptroller Date
U. S. Coast Guard



President, National Conference Date
of State Historic Preservation
Officers



Executive Director, Advisory Date
Council on Historic Preservation



Chairman, Advisory Council Date
on Historic Preservation