

**AMENDMENT TO
Nationwide Programmatic Agreement
Among the National Endowment for the Arts,
National Conference of State Historic Preservation Officers, and the
Advisory Council on Historic Preservation
Regarding Implementing Section 106 of
the National Historic Preservation Act
for National Endowment for the Arts Program Grants**

WHEREAS, the Nationwide Programmatic Agreement (“the Agreement”) was executed in June of 2014 and remains in effect until December 31, 2024;

WHEREAS, the National Endowment for the Arts (NEA), the Advisory Council on Historic Properties (ACHP), and the National Conference of State Historic Preservation Officers (NCSHPO) reviewed the Agreement for operation and effect;

WHEREAS, in Spring 2024, the NEA, ACHP, and NCSHPO met virtually and determined the Agreement is effective in managing the NEA’s compliance with the National Historic Preservation Act and recommended minor changes to *Attachment 1 Categorical Exemptions of Projects with Little or No Potential to Affect Historic Properties* (Attachment 1) to ensure its effectiveness;

WHEREAS, Section VI.D., *Duration and Termination of Agreement*, of the Agreement allows for amendments and extension of the Agreement for five (5) more calendar years;

NOW, THEREFORE, in accordance with Section VI.D of the Agreement, the NEA, ACHP, and NCSHPO agree to amend and extend the Agreement as follows:

1. Amend exemptions 3, 7, and 8 of *Attachment 1*. The updated exemptions shall now read as:

Ex. 3: Temporary structures and installations for outdoor art and cultural festivals that are carried out in such a manner that does not preclude returning the site to its original condition. Activities that cause ground disturbance (e.g., postholes for signage or structures, digging temporary footers, excavation for temporary statues or displays, etc.) are not eligible for this exemption.

Ex. 7: Small structures, such as benches, bus shelters, produce stands and similar structures. Installation of structures on or adjacent to buildings eligible for listing on the National Register of Historic Places (NRHP) or located in or adjacent to a NRHP Historic District/National Historic Landmark are not eligible for this exemption.

Ex. 8: Maintenance and rehabilitation of a landscape consistent with the site’s existing purpose and use (e.g., community garden, urban park). Creation of new community gardens or addition of large-scale landscape elements are not included in this exemption, nor are sites contributing to or adjacent to NRHP-eligible buildings, in or adjacent to NRHP Historic Districts, or in or

adjacent to known archeological sites.

See *Attachment 1* of this Amendment for a complete list of updated exemptions.

2. Extend the Agreement for five (5) additional calendar years, by amending Section VI.D, so that it reads as follows:

This Agreement became effective upon its approval and execution in June of 2014. The Agreement was subsequently extended for an additional five (5) calendar years by all signatory parties and shall remain in effect until December 31, 2029.

The signatories to this Amendment include the NEA, ACHP, and NCSHPO, and are attached in separate pages.

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NATIONAL ENDOWMENT FOR THE ARTS

ANN EILERS
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EILERS
Date: 2024.06.21 10:25:31
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Ann Eilers
Deputy Chair for Management & Budget

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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION



August 23, 2024

Sara C. Bronin
Chair

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NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

A handwritten signature in black ink, appearing to read 'Ramona Bartos', written over a horizontal line.

Ramona Bartos
President