

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

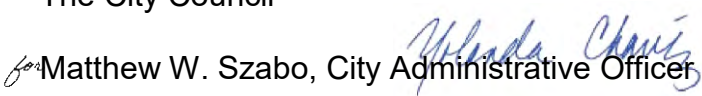
Date: November 1, 2023

CAO File No. 0130-02090-0005

Council File No. 23-0822

Council District: Citywide

To: The Mayor
The City Council

From:  Matthew W. Szabo, City Administrative Officer

Reference: Department of City Planning transmittal dated August 3, 2023. Received by the City Administrative Officer on August 3, 2023. Additional information received through October 10, 2023.

Subject: **REQUEST FOR AUTHORIZATION FOR 2023-24 CALIFORNIA CERTIFIED
LOCAL GOVERNMENT GRANT APPLICATION, AGREEMENT EXECUTION,
AND AWARD ACCEPTANCE IN THE AMOUNT OF \$40,000**

RECOMMENDATION

That the Council, subject to approval of the Mayor:

1. Authorize the Director of Planning, or designee, to:
 - a. Retroactively apply for a Certified Local Government (CLG) grant from the California Office of Historic Preservation (CalOHP) to continue Indigenous Peoples Historic Context work through additional community engagement and the preparation of the final context statement;
 - b. Accept a CLG grant from and execute a grant agreement with CalOHP, in the amount of \$40,000 for a 16-month term effective October 1, 2023 through January 31, 2025 to continue Indigenous Peoples Historic Context work through additional community engagement and the preparation of the final context statement, in substantial conformance with the attached grant project agreement (Attachment 2) as approved by the City Attorney;
 - c. Submit grant reimbursement requests to CalOHP and deposit grant receipts in the City Planning Grants Trust Fund No. 46Y, Dept. 68;
 - d. Prepare Controller instructions and make necessary technical adjustments consistent with the Mayor and Council action on the matter, subject to the approval of the City Administrative Officer, and request the Controller to implement these instructions;

2. Authorize the Controller to set up a grant receivable of \$40,000 and establish a new appropriation account within the City Planning Grants Trust Fund No. 46Y, Dept. 68 for the disbursement of funds for the project.

SUMMARY

The Department of City Planning (DCP) requests authority to retroactively apply, accept, and execute the proposed CLG grant project agreement from CalOHP in the amount of \$40,000 for a 16-month term from October 1, 2023 through January 31, 2025 to continue Indigenous Peoples Historic Context work through additional community engagement and the preparation of the final context statement. This report details the scope of work, proposed agreement, and fiscal impact.

BACKGROUND

The DCP transmittal requested authority to apply for and if awarded, execute a CLG grant project agreement from the CalOHP in the amount of \$40,000 for a one-year term effective October 1, 2023 through September 30, 2024. Subsequent to the release of the DCP transmittal dated August 3, 2023, the DCP clarified that the grant application was submitted in April 2023 and awarded in July 2023. This Office received a copy of the draft CLG grant project agreement on September 29, 2023. Given that the grant was submitted and awarded, the request in this report to Council has changed to retroactive authority to apply for, accept, and execute the CLG grant project agreement in the amount of \$40,000 for a 16-month term from October 1, 2023 through January 31, 2025.

The CLG grant award of \$40,000 consists of consultant services in the amount of \$30,000 and a stipend for an advisory council in the amount of \$10,000 to continue Indigenous Peoples Historic Context (IPHC) work through additional community engagement and preparation of the final context statement. The first phase developed a framework and strategy to approach the IPHC. The 2022-23 CLG grant supported the first phase ([C.F. 22-1051](#)). This 2023-24 CLG grant will support the second phase of the IPHC project. There is a \$26,667 local matching fund requirement equal to at least 40 percent of the total project cost. The existing DCP administrative salary and benefit costs in the amount of \$28,771 will be used to fulfill the match requirements.

The draft agreement between the DCP and CalOHP is included herein (Attachment 2). The City Attorney confirmed the agreement does not require a ratification clause because the draft agreement lists an explicit start date. In addition, the DCP reports that the State has reassured that deliverable deadlines listed in the proposed agreement are flexible. The DCP will communicate delays and adjust timelines by way of the periodic reports which are required as part of the grant project. The draft agreement has been reviewed and approved by the City Attorney as to form.

The proposed CLG grant work will be completed by: 1) existing DCP Office of Historic Resources staff, 2) a consultant to be selected from an existing pre-qualified on-call list of consultants for Historic Preservation, and 3) an advisory council of key tribal partners to be identified as part of the consultant's scope of work and will provide direct community, historical, or academic feedback on the context statement. Grant funding will be reimbursed to the DCP for the costs of the consultant

(\$30,000) and the advisory council (\$10,000), which will be split among the advisory council members at a cost of \$700-1,000 per member. Funding provided in the 2023-24 Adopted Budget will front fund the grant work, and the DCP staffing costs will support the grant's local matching funds requirement pending grant fund reimbursements.

FISCAL IMPACT STATEMENT

There is no additional impact to the General Fund from application and acceptance of the \$40,000 grant award. The grant's local match requirement is available through existing appropriations in the 2023-24 Department of City Planning budget.

FINANCIAL POLICIES STATEMENT

The recommendations in this report comply with the City's Financial Policies in that the recommended grant project will be fully supported by existing budgetary appropriations and grant funds.

Attachment 1: Executive Directive No. 3 Transmittal: 2023-2024 California Certified Local Government Grant Application, Agreement Execution, and Award Acceptance
Attachment 2: 2023 Historic Preservation Fund Grant (Project Number C08423003)

MWS/YC/IR:KHO:15240016

DEPARTMENT OF
CITY PLANNING
COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

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CALIFORNIA



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LISA M. WEBBER, AICP
DEPUTY DIRECTOR

August 3, 2023

The Honorable Karen Bass
Mayor of Los Angeles
City Hall, Room 303
Los Angeles, CA 90012
Attention: Heleen Ramirez

The Honorable Los Angeles City Council
City Hall, Room 395
c/o City Clerk's Office
Los Angeles, CA 90012

EXECUTIVE DIRECTIVE NO. 3 TRANSMITTAL: 2023-2024 CALIFORNIA CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION, AGREEMENT EXECUTION, AND AWARD ACCEPTANCE

SUMMARY

In accordance with Executive Directive No. 3, the Department of City Planning ("DCP") requests approval to apply for and, if awarded, execute a grant agreement for an amount not to exceed \$40,000 and to subsequently receive grant funds from the State Office of Historic Preservation ("OHP"), for services related to the 2023-2024 California Local Government ("CLG") Grant. This agreement is for one year and work must be performed between October 1, 2023, and September 30, 2024, to be eligible for reimbursement.

BACKGROUND

The City of Los Angeles proposes to use a \$40,000 CLG grant to assist DCP, Office of Historic Resources ("OHR") in completing the creation of a First Peoples of Los Angeles Historic Context that would become a part of the citywide historic context statement. Last year the City of Los Angeles received a CLG grant (CF #22-1051) to create a framework and strategy on how to approach the development of a context (Phase 1), and the project proposed for 2023-2024 (Phase 2) would continue this work through additional community engagement and the preparation of the final context statement. The completed context will strive to tell the story of tribal communities in Los Angeles and create a framework for evaluating historic resources associated with the tribes.

While many of these resources may no longer be extant and much of the information that may be included in such a context statement may be sensitive and or confidential, it is critical to document what we do know to better inform decision makers and the general public, and to chronicle intangible cultural heritage. Considering the accessibility and the various purposes historic context statements serve in today's historic preservation practice, it is also desired for the context statement to not only recognize indigenous history but also uplift and aid in the understanding of the City's indigenous communities. The completed context will develop key historical themes associated with political, social, and cultural practices and the institutions of First Peoples, while also identifying individuals, groups and organizations that played significant roles.

FISCAL IMPACT

Although there is an in-kind staff time match component of \$28,771, there is no additional General Fund impact because no new staff will be needed. Current staff will continue with their regular work programs, regardless of grant funding, which includes the work this grant intends to augment.

Grant funds will be used for consultant services and will be disbursed to DCP by the California Office of Historic Preservation on a reimbursement basis upon submission of final deliverables, invoices, and reports. Existing funds from DCP's contractual services account will support consultant grant work prior to reimbursement.

RECOMMENDATION

That the City Council authorize the Director of Planning, or designee, subject to the approval of the Mayor, to take the following actions:

1. Apply for, and if awarded, execute a grant project agreement and any subsequent amendment(s) as needed from time to time, subject to the approval of the City Attorney as to form and legality, with the California Office of Historic Preservation and to subsequently accept grant award to facilitate CLG Grant related work for the term of one year.
2. If awarded the grant, set up a grant receivable in the amount awarded and establish an appropriation account within the City Planning Grant Trust Fund No. 46Y, Dept. 68 for the disbursement of funds for the project.
3. Submit a grant reimbursement request to the California Office of Historic Preservation and deposit grant receipts in the City Planning Grants Trust Fund No. 46Y, Dept. 68.

For additional information please contact Jason Valencia, Jason.Valencia@lacity.org.

VINCENT P. BERTONI, AICP
Director of Planning

Shana Bonstin

SHANA BONSTIN
Deputy Director

Attachments: Grant Application

cc: Kelly O'Malley, Office of the City Administrative Officer
Livea Yeh, Senior Management Analyst I, City Planning

CLG GRANT APPLICATION CHECKLIST

Include checklist in application package. Include documents in order listed below.
Items in **bold** are available on OHP's [CLG Grants Program](#) website at

- ☒ **CLG GRANT APPLICATION (Including narrative)**
- ☒ Copy of Preservation Element, if available
- ☐ n/a Applicable Maps and Estimated Acreage (see Application Form) for Survey Projects
- ☐ n/a Applicable Maps, Photographs, and Significance Statement for NR Projects
- ☒ Resumes of Key Personnel and/or Volunteers who will work on Project
- ☒ **PROFESSIONAL QUALIFICATIONS FORM FOR KEY PERSONNEL**
- ☒ **ENVIRONMENTAL CERTIFICATION**
- ☒ **CERTIFICATION OF PROFESSIONALISM AND CONFORMANCE**
- ☒ **ASSURANCES – NON-CONSTRUCTION PROGRAMS CERTIFICATION**
- ☒ **UNIQUE ENTITY IDENTIFIER NUMBER (UEI)**

CLG GRANT APPLICATIONCLG APPLICANT: City of Los Angeles County: Los AngelesGRANT CYCLE (e.g., 2021-2022, 2022-2023): 2023-2024

Contact Person	Responsible for PROGRAM Management	Responsible for FISCAL management
Name Title	Sara Delgadillo, Preservation Planner	Livea Yeh, Senior Management Analyst
Address	221 N Figueroa St. Room 1350, MS #994, Los Angeles CA 90012	200 N. Spring Street, Room 575, Los Angeles, CA 90012
Phone	213-847-3650	213-978-1285
FAX	n/a	n/a
EMAIL	Sara.Delgadillo@lacity.org	Livea.Yeh@lacity.org

LEGISLATIVE REPRESENTATIVES

	State Senator	State Assembly	U. S Representative
Name	Maria Elena Durazo	Miguel Santiago	Jimmy Gomez
District	District 24	District 53	34th Congressional District
Address	1808 W. Sunset Blvd, Los Angeles, CA 90026	320 W. 4th St. #1050, Los Angeles, CA 90013	350 S. Bixel St. #120, Los Angeles, CA 90017

Federal \$ Requested 40,000 ☒ Narrative Attached**TYPE of PROJECT:**

- ☐ Archeological Preservation Plan/Ordinance
 ☐ Design Guidelines
☒ General Plan Historic Preservation Element
 ☐ Ordinance Revision
☐ Historic Context
 ☐ Other Considerations

☐ Survey (Required Information)

Approx. number of buildings to be surveyed _____

Reconnaissance Approx. Acreage _____ Intensive Approx. Acreage _____

- ☐ Historic Structure Report/HS Preservation Plan
 ☐ Information Management
☐ National Register District or MPD Nomination
 ☐ Education & Outreach

I have read and will ensure that the applicant CLG will comply with the [Project General and Special Provisions](#) and the Secretary of the Interior's Standards and Guidelines, as applicable.



 Authorized Representative Signature

4-27-23

 Date

Vince Bertoni, Director of Planning

Name and Title of Authorized Representative

2023-2024 CLG GRANT APPLICATION NARRATIVE
Los Angeles Indigenous Peoples Historic Context - Phase 2

1. PROJECT SUMMARY

The City of Los Angeles (UEI number JJ4DTG62BLD6) proposes to use a \$40,000 Certified Local Government (CLG) grant to assist Los Angeles City Planning (LACP), Office of Historic Resources (OHR) in completing the creation of an Indigenous Peoples Historic Context that would become a part of the citywide historic context statement. Last year the City of Los Angeles received a CLG grant to create a framework and strategy on how to approach the development of a context (Phase 1), and the project proposed for 2023-2024 (Phase 2) would continue this work through additional community engagement and the preparation of the final context statement.

2. PROJECT SCOPE NEED

The City of Los Angeles is striving to expand and improve its engagement with the tribal communities within the city and region. The City has not always embraced or included tribes within its legislative and planning processes. In recent years, this sentiment has shifted for the better, and it is now a priority of the City to build relationships with each of the tribes in the area.

In 2019, Mayor Eric Garcetti convened a Civic Memory Working Group which was tasked with determining how to engage more productively and honestly with its past. The group met throughout 2020, and in 2021 released the City's [*Past Due*](#) report which outlines priorities and strategies as to how to best address the city's history more comprehensively. One of the identified goals was to recognize indigenous history.

To build upon this initiative and to create a more comprehensive citywide framework for the identification and preservation of tribal cultural resources, Los Angeles City Planning is seeking to develop an Indigenous Peoples Historic Context. This year, through funding from a 2022-2023 CLG grant, City Planning has begun work on Phase 1 of the project which includes community outreach, development of a preliminary resources list, and an outline for the context. The completed context will strive to tell the story of tribal communities in Los Angeles and create a framework for evaluating historic resources associated with the tribes.

While many of these resources may no longer be extant and much of the information that may be included in such a context statement may be sensitive and or confidential, it is critical to document what we do know to better inform decision makers and the general public, and to chronicle intangible cultural heritage. Considering the accessibility and the various purposes historic context statements serve in today's historic preservation practice, it is also desired for the context statement to not only recognize indigenous history but also uplift and aid in the understanding of the City's indigenous

2023-2024 CLG GRANT APPLICATION NARRATIVE
Los Angeles Indigenous Peoples Historic Context - Phase 2

history and communities. The completed context will develop key historical themes associated with political, social, and cultural practices and the institutions of Indigenous Peoples, while also identifying individuals, groups and organizations that played significant roles.

The proposed project meets the goals of the Cultural and Historical section of the Conservation Element of the City's General Plan which includes a policy to "continue to survey buildings and structures in neighborhoods throughout the city in order to develop a record that can be used in the present and future for evaluating their historic and cultural value." The context is also consistent the City's Cultural Heritage Ordinance and the purposes of the Historic Preservation Overlay Zone (HPOZ) Ordinance which specifically "promotes the involvement of all aspects of the City's diverse communities in the historic preservation process." Finally, the project is consistent with the California Statewide Historic Preservation Plan and meets Goal 1 (Objectives I.A, I.B, and I.C).

ACTIVITIES

The OHR will contract with a consultant team, preferably with Indigenous Peoples representation and experience in historic preservation, community engagement, tribal consultation, historic and prehistoric archaeology. Under the guidance of the OHR, the contract consultant will develop content and complete tasks related to the project.

1. Community Engagement Plan and Meetings: Develop a community engagement strategy to continue to collaborate with tribal leaders and community members, key community connectors, stakeholders, experts, and organizations who were engaged in Phase 1 of the project. Continue to engage with the Advisory Council created in Phase 1 who will inform and guide project deliverables. It is important to have tribal representation through as many of the project phases as possible. Thus, the budget for this effort includes compensation for tribal members and key community connectors for their time (see proposed budget).
2. Final Historic Resources and Known Resources List: Based on the methodologies used for the development of the Los Angeles Citywide Historic Context, the National Register MPD format, the National Register Bulletin *Guidelines for Evaluating and Registering Archeological Properties*, as well as research and community engagement from Phase 1, finalize a list of designated and eligible historic resources including individual resources and historic districts (historic districts are unlikely).
3. Context Narrative and Final Context Statement: Develop and complete context narrative (two drafts and one final) for review by OHR and the Advisory Committee.

2023-2024 CLG GRANT APPLICATION NARRATIVE
Los Angeles Indigenous Peoples Historic Context - Phase 2

The Context Narrative shall build upon the outline and work plan for the context developed in Phase 1 and will incorporate the Final Historic Resources and Known Resources List to complete the final context statement.

4. Working Meetings: Attend kick-off meeting and working meetings as needed.

PUBLIC INVOLVEMENT

As discussed in the Project Activities above, the OHR and the consultant will develop a community engagement strategy to identify tribal leaders and community members, stakeholders, experts, and organizations to contact and collaborate with regarding the documentation and telling of the history and legacy of tribal communities in Los Angeles, and to solicit further input from tribal communities and the public on important places and history to be included in the context.

The final Indigenous Peoples context will be published on HistoricPlacesLA as well as on LACP's website (<https://planning.lacity.org/preservation-design/historic-resources-survey>).

DELIVERABLES

The deliverables for this project are:

- Community Engagement Plan
- Summary of Stakeholder Engagement
- Final Historic Resources and Known Resources List
- Draft Context Narrative
- Final Context Statement

3. ADMINISTRATION

A. PERSONNEL

The proposed project will be completed by OHR staff and a contract consultant. The OHR will work directly with the consultant through the length of the project to ensure the highest quality product. The City will contract with a consultant with requisite historic preservation experience, outreach and engagement experience, archaeology, and anthropology.

Professional Qualification Forms and resumes for Key Personnel are attached.

Ken Bernstein, Manager, OHR, LACP: Project administration, attend working project meetings, review developed content and provide feedback.

2023-2024 CLG GRANT APPLICATION NARRATIVE
Los Angeles Indigenous Peoples Historic Context - Phase 2

Shannon Ryan, Senior Planner, OHR, LACP: Project administration, attend working project meetings, review developed content and provide feedback.

Sara Delgadillo, Preservation Planner, OHR, LACP: Project administration, manage contract consultant, complete progress reports, attend working project meetings, review developed content and provide feedback.

Contract Consultant: Research, strategy, and community engagement. Consultant to be selected through a competitive bid process using the LA City Planning on-call lists of pre-qualified consultants.

B. SCHEDULE

Note: Schedule assumes execution of contract by OHP by September 1, 2023.

August 2023

- Prepare Contract Consultant Scope of Work/Submit to OHP for review and comment

September - October 2023

- Release Task Order Solicitation (TOS)
- Consultant Selection (Review of TOSs, Selection of consultant, Preparation and issue of Notice to Proceed)
- Project kick-off meeting

November 2023 - January 2024

- Prepare Community Engagement Strategy and Engage with Advisory Committee
- November: Prepare CLG progress report/submit to OHP evidence that a consultant contract has been executed

February - April 2024

- Complete development of Community Engagement Plan
- Hold Community Engagement Meetings; Finalize list of Historic Resources; Begin preparation of Context Narrative
- February: Prepare CLG progress report/submit to OHP Summary Report on the Community Engagement plan

May - July 2024

- Complete Community Engagement Meetings and Summary of Stakeholder Engagement

2023-2024 CLG GRANT APPLICATION NARRATIVE
Los Angeles Indigenous Peoples Historic Context - Phase 2

- Prepare 1st Draft of Context Narrative, including final list of Historic resources, and meet with Advisory Committee to review
- June: Prepare CLG Progress report/submit to OHP Summary Report for the completion of Community Engagement Meetings and commencement of final list of Historic Resources and development of draft Context Narrative

August 2024

- Complete 2nd draft of Context Narrative
- August: Prepare CLG progress report/submit to OHP Summary Report for completion of Historic Resources list and first draft of Context Statement

September 2024

- Finalize Context Statement
- Submit to OHP final performance report per the CLG grant contract requirements

4. BUDGET

A.	Federal funds (Grant) requested	CLG's matching share
	<u>\$40,000</u>	<u>\$26,680</u>
B.	Source of Non-Federal Match	

Note: In-kind Match activities must directly relate to proposed project

Donor 1: City of Los Angeles
Source: General Fund
Kind: Employee Wages + Fringe Benefits
Amount: \$28,771

C. For budget details see attached sheet, "CLG Grant Budget 2023-24"

Los Angeles City Planning Salaried Employees

Ken Bernstein, Manager, Office of Historic Resources

Project admin: 5 hours

Attend project meetings: 5

Review developed content provide feedback: 20

TOTAL HOURS: 30

2023-2024 CLG GRANT APPLICATION NARRATIVE
Los Angeles Indigenous Peoples Historic Context - Phase 2

Shannon Ryan, Senior Planner, Office of Historic Resources

Project admin: 20 hours

Attend working project meetings: 20 hours

Review developed content provide feedback: 40 hours

TOTAL HOURS: 100

Sara Delgadillo, Preservation Planner, Office of Historic Resource

Project admin: 40 hours

Attend project meetings: 50 hours

Grant progress reports: 20 hours

Manage contract consultant: 30 hours

Review developed content provide feedback: 40 hours

TOTAL HOURS: 180

Contract Consultants:

Project Contract Consultant

(\$30,000 fixed-fee contract)

Additional Project Support

Advisory Council Stipend

(\$10,000 to be split among council members, roughly \$700-\$1,000 per member)

5. Development Points

The City of Los Angeles is not entitled to Development Points because it has participated in the last three CLG grant cycles.

CLG Grant Budget 2023-24
City of Los Angeles
Indigenous Peoples Historic Context - Phase 2

4C. Budget Details (UEI number JJ4DTG62BLD6)

Salaried Employees*						
EMPLOYEE	COST SUB-CATEGORY	HOURS	RATES BY HOUR	CASH FROM GRANT	OTHER CASH	IN-KIND SERVICES/ CASH MATCH
Ken Bernstein, Principal City Planner	wage	30	\$97.68			\$2,930.40
	fringe benefits		45.03%			\$1,319.56
Shannon Ryan, Senior City Planner	wage	100	\$76.97			\$7,697.00
	fringe benefits		45.03%			\$3,465.96
Sara Delgadillo, Preservation Planner	wage	180	\$51.17			\$9,210.60
	fringe benefits		45.03%			\$4,147.53
Contracted Services*						
SERVICE AND COST TYPE	COST SUB-CATEGORY	HOURS	RATES BY HOUR	CASH FROM GRANT	OTHER CASH	IN-KIND SERVICES/ CASH MATCH
Historic Preservation Consultant (flat fee)				\$30,000.00		
Stipend for Advisory Council				\$10,000.00		
Volunteers*						
Supplies, copying, postage, etc.						
Travel Costs**						
Totals				\$40,000.00		\$28,771.05

* Rate shall not exceed a salary of \$105.52 per hour or \$844.16 per day.

** Maximum allowable car mileage rate is \$0.66 cents per mile.

CONSERVATION ELEMENT
OF THE
CITY OF LOS ANGELES GENERAL PLAN

City Plan Case No. 2001-0413-GPA
Council File No. 01-1094

Adopted by the City Council September 26, 2001
Approved by the City Planning Commission March 10, 2001

An Equal Employment Opportunity/Affirmative Action Employer

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

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establishment and retention of rural uses. For example, small parcels of public land have been formally or informally opened for neighborhood gardens tended by local residents; special overlay districts and equine oriented parks and trails have been established to encourage equine uses; and power system rights-of-way and other public lands have been leased for nurseries.

Continuing issue: loss of the last remaining animal keeping, nursery and crop gardening uses.

Animal keeping, nurseries, crop gardens objective, policy and program:

Objective: retain, to the extent feasible, the last remaining agricultural features of the city as part of the city's heritage and economy.

Policy: continue to encourage the retention of parcels in agricultural and low density land use and zoning categories that will encourage their retention in agricultural and related uses.

Program: community plan review and revision.

Responsibility: *Department of City Planning.

For related information see:

N Agricultural Lands Section and

N Equine Areas Section.

SECTION 3: ARCHAEOLOGICAL AND PALEONTOLOGICAL

Archaeological. Pre-historic and historic archaeological sites exist throughout the city. Hunter-gatherer Indians inhabited the Los Angeles region long before Europeans arrived. Remnants of their various cultures continue to be unearthed and documented. The oldest find is the partial skeleton of La Brea Woman, among the oldest human bones ever found in California. She is believed to have been buried approximately 9,000 years ago. Her grave became engulfed in tar and was discovered in 1914, during an excavation for tar ("brea") in what is now called La Brea Tar Pits in the Wilshire community.

Site protection. Various federal, state and local regulations have been promulgated to protect archaeological sites and resources. Although the state general plan law calls for mapping of the sites, all mapping of pre-historic sites is confidential, pursuant to California Government

Code Section 6254.10. This is to protect sites from disturbance, scavenging and vandalism.

The federal Archaeological Resources Protection Act of 1979 (Public Law 96-95) protects archaeological resources and sites on federal and Indian lands, including requirements for issuance of permits by federal land managers to excavate or remove archaeological resources. The Native American Graves and Repatriation Act (1990) and the Native American Heritage Act (1984 and 1992) provide guidelines for protection of Native American remains and artifacts.

The California Environmental Quality Act (CEQA) provides guidelines for identification and protection of archaeological sites and artifacts as a part of local development permit processing. CEQA guidelines define an archaeological resource as "significant," i.e., to be protected if: (1) it is associated with an event or person of recognized significance to California or American history or of recognized scientific importance in pre-history, including culturally significant Native American sites; (2) it can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable archaeological research questions; (3) it has a special or particular quality, such as the oldest, best, largest or last surviving example of its kind; (4) it is at least one hundred years old and possesses substantial stratigraphic integrity; or (5) it involves important research questions that historical research has shown can be answered only with archaeological methods.

If it is determined that a development project may disrupt or damage such a site, the project is required to provide mitigation measures to protect the site or enable study and documentation of the site, including funding of the study by the applicant. The city's environmental guidelines require the applicant to secure services of a bona fide archaeologist to monitor excavations or other subsurface activities associated with a development project in which all or a portion is deemed to be of archaeological significance. Discovery of archaeological materials may temporarily halt the project until the site has been assessed, potential impacts evaluated and, if deemed appropriate, the resources protected, documented and/or removed.

Under CEQA, discovery of human remains requires evaluation by the county coroner of the nature of the remains and cause of death. If the remains are determined to be of Native American origin, the Native American Heritage Commission is asked to determine the descendants who are to be notified or, if unidentifiable, to establish procedures for burial.

The state-designated repository in the Los Angeles area for archaeological data is the South Central Coastal Information Center. Reports concerning archaeological investigations are to be filed with the center. Other academic institutions, research facilities and museums in the area also have archaeological resource information and expertise.

Paleontological. Los Angeles is rich in paleontological sites. Fossils have been found mostly in sedimentary rock that has been uplifted, eroded or otherwise exposed. Most of the sites are in local mountains. However, the best known and most abundant fossil resource are La Brea Tar Pits, which are owned and operated by the County of Los Angeles. They are within and surround the 23-acre Hancock Park, which includes an art museum and the Page Museum (tar pit related displays and activities). The tar pits have provided an abundance of animal and plant fossils. Most are from the Pleistocene epoch (Ice Age) and date as far back as 40,000 years. Finds include mammoths, saber-tooth cats, insects and birds.

Site protection. Pursuant to CEQA, if a land development project is within a potentially significant paleontological area, the developer is required to contact a bona fide paleontologist to arrange for assessment of the potential impact and mitigation of potential disruption of or damage to the site. If significant paleontological resources are uncovered during project execution, authorities are to be notified and the designated paleontologist may order excavations stopped, within reasonable time limits, to enable assessment, removal or protection of the resources. For Los Angeles city and county, the Los Angeles County Museum of Natural History, including the George C. Page Museum, provides advice concerning paleontological resources.

Conclusion. The city has a primary responsibility in protecting significant archaeological and paleontological resources.

Continuing issues: loss of or damage to archaeological and paleontological sites due to development, unauthorized removal and vandalism.

Archaeological and paleontological objective, policy and program:

Objective: protect the city's archaeological and paleontological resources for historical, cultural, research and/or educational purposes.

Policy: continue to identify and protect significant archaeological and paleontological sites and/or resources known to exist or that are

identified during land development, demolition or property modification activities.

Program: permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of *Building and Safety, *City Planning and Cultural Affairs and/or the *lead agency responsible for project implementation.

For related information see: Cultural and Historical Section.

SECTION 4: CONSERVATION

Conservation is the managed or controlled use of natural, cultural and historical resources. In Los Angeles it includes a diversity of programs, including acquiring, preserving and protecting large tracts of open space for habitat conservation, species protection, watershed maintenance and other purposes; acquiring, preserving and protecting cultural and historical resources; reducing the demand for nonrenewable mineral and petroleum resources, water and other natural resources; recycling water, wood products, metals, glass and other materials. Conservation is addressed by various sections of this element in relation to particular subject matter.

SECTION 5: CULTURAL AND HISTORICAL

The city's form, institutions and culture have been shaped by a diversity of events, individuals and groups and the city's environmental setting. Modern cultural history of Los Angeles dates to the establishment of the pueblo (town) in 1781 by a Spanish expedition which originated in Sonora of Lower California (now Mexico). With the establishment of the Republic of Mexico (1821) Los Angeles came under Mexican rule. From 1847 to 1850 it was occupied by United States military forces. In 1850 California became a state of the United States and Los Angeles became a U.S. city. A combination of the gold rush and the opening of California spurred immigration, mostly by settlers from the midwest and eastern United States. Population growth continued almost unabated until the 1970s. Settlers, merchants and imported workers brought new cultural traditions or reinforced old traditions. Today over 100 languages and dialects are spoken in the local schools, over 42% of the population is of Hispanic origin, over 12% of African American origin, slightly under 10% of Asian and Pacific Islander origin and one percent is Native American.

To identify, protect and preserve historic sites and structures for the enrichment of future generations various city, state and federal

procedures have been promulgated. The most significant for Los Angeles are described in the following. The general plan Historic Preservation and Cultural Resources Element will address historic and cultural protection issues in greater detail.

Conservation and protection. Five types of historic protection designations apply in the city: (1) Historic-Cultural Monument designation by the city's Cultural Heritage Commission and approved by the City Council; (2) placement on the California Register of Historical Resources or (3) the National Register of Historic Places (1980 National Historic Preservation Act); (4) designation by the Community Redevelopment Agency (CRA) as being of cultural or historical significance within a designated redevelopment area; and (5) classification by the City Council (recommended by the planning commission) as an Historic Preservation Overlay Zone. Designations help protect structures and support rehabilitation fund requests.

The California Environmental Quality Act (CEQA) also protects significant cultural and historic resources. CEQA was revised in 1998 to redefine "historic resource" to include resources that are presumed to be significant, unless the preponderance of evidence is to the contrary. A property no longer must be designated officially as a landmark or of historic importance to be considered under CEQA review. The lead agency for permit processing may deem properties not formally listed and not included in historic surveys as "historically significant," if they meet criteria for listing in the California Register.

Under the city's CEQA guidelines, an environmental assessment must be prepared for any proposed demolition, destruction or significant modification of an Historic-Cultural Monument or resource listed on the national or state registers, or on the CRA list, or cited as a proposed historical resource by a community plan or historic preservation overlay zone survey, or which are over 50 years old and are substantially intact examples of an architectural style important in Los Angeles or are associated with an architect or other person of importance in Los Angeles history. Under the 1998 amendment, buildings less than 50 years old may also be considered.

Historic-Cultural Monuments. In 1962, at the request of the Los Angeles Chapter of the American Institute of Architects, the city drafted and approved an ordinance designed to protect and/or identify architectural, historical and cultural buildings, structures and sites of importance in the city's history and/or cultural heritage. In the intervening 30 years the Cultural Heritage Commission (CHC) has designated almost 700 sites as Historic-Cultural Monuments.

The list of the designated sites is maintained by the CHC. It includes historic buildings, corridors (tree lined streets) and geographic areas. In some instances plaques have been erected on sites of historic events or former structures that were of cultural or historic significance. Sites are mapped on the city's zoning maps to guide permit processing. The building department will not issue permits for modification of a designated monument unless authorized to do so by the CHC, which may impose conditions of permit approval.

Additional protections apply to structures or sites that are listed on the state or national registers. The National Park Service administers the National Register of Historic Places and the California Office of Historic Preservation administers the state register. Criteria applied to determine qualification for the registers includes context (importance to an historic theme, place, time), integrity (location, design, setting, workmanship, materials) and, if a recent resource, exceptional importance.

The Community Redevelopment Agency maintains a list of buildings and structures of historical significance for purposes of project planning and evaluating neighborhood improvement proposals.

Historic Preservation Overlay Zones (HPOZ). The HPOZ provision of the zone code, Los Angeles Municipal Code (LAMC) Section 12.20.3, was adopted in 1979; amended 2001. It contains procedures for designation and protection of areas that have structures, natural features or sites of historic, architectural, cultural or aesthetic significance. Fourteen areas of the city are classified as HPOZs and twelve other areas are under study. HPOZ areas contain significant examples of architectural styles characteristic of different periods in the city's history. They may be a few blocks or a few square miles in area.

Property owners are encouraged to make property improvements that will enhance the historic character of the HPOZ area. Neighbors often join together to secure period street lights and other features that will contribute to historic and cultural emphasis. Alleys may be converted to park-like uses or street signs or circulation modified to support the HPOZ area goals. Street fairs and other activities generate community involvement and general public awareness of the unique area and help raise funds for neighborhood and property improvement.

A consultant to the planning department prepared (1997) a general survey of all pre-1950s structures within five community plan areas of the city. It provides a primary data resource for establishing future HPOZ areas and for guiding public and private efforts to preserve individual structures. The consultant also prepared a computerized survey, including digital photos, of historic structures within the

Highland Park HPOZ. Using the same techniques, staff are preparing similar surveys for other HPOZ areas. The data is used to assist city personnel and citizen design review boards in evaluating proposed projects and building modifications and to help them assess trends and devise preservation strategies.

Conclusion. The city has primary responsibility for identifying and protecting its cultural and historical heritage.

Continuing issues: loss of significant, important or contributory cultural and historical sites and structures to neglect, site redevelopment or damage.

Cultural and historical objective, policy and programs:

Objective: protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.

Policy: continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

Program 1: development permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of *Building and Safety, *City Planning, *Cultural Affairs and *Community Redevelopment Agency and/or the *lead agency responsible for project implementation.

Program 2: prepare the Historic Preservation and Cultural Resources Element of the general plan.

Responsibility: departments of *City Planning and Cultural Affairs.

Program 3: continue to survey buildings and structures of any age in neighborhoods throughout the city in order to develop a record that can be used in the present and future for evaluating their historic and cultural value as individual structures and within the context of surrounding structures.

Responsibility: departments of Building and Safety, *City Planning, and *Cultural Affairs and the *Community Redevelopment Agency.

Program 4: continue to establish Historical Preservation Overlay Zones throughout the city.

Responsibility: departments of Building and Safety, *City Planning and Cultural Affairs and the Community Redevelopment Agency.

For related information see:

N Archaeological/Paleontological Section;

N "Cultural and Historical Monuments Plan, an Element of the Master Plan of the City of Los Angeles," Department of City Planning and Cultural Heritage Board, 1969.

N "Cultural Heritage Master Plan," under preparation by the Cultural Affairs Department.

N Historic-Cultural Monuments list, Cultural Heritage Commission, City of Los Angeles Cultural Affairs Department;

N "Historic Preservation and Cultural Resources Element," City of Los Angeles General Plan (to be prepared); and

N "Public Facilities and Services Element," City of Los Angeles General Plan (under preparation) for cultural and historical facilities within city parks.

SECTION 6: ENDANGERED SPECIES

Without protection of habitats suitable for species propagation, entire species of native plants and animals gradually will decline or become extinct. A couple of hundred plants and animals that live in Los Angeles habitats are listed on the federal and/or state endangered, threatened or species of special concern lists. Within the Santa Monica Mountains National Recreation Area alone 26 plants and animals are classified as rare, threatened or endangered and 58 more have been placed on the list of species of special concern by the National Park Service. Within the city more than 180 plant and animal species are listed by the Environmental Affairs Department for the city as a whole.

Definitions:

Endangered species. In danger of extinction throughout all or a significant portion of their range.

Certified Local Government Professional Qualifications (36 CFR Part 61):
History Professional Qualifications

Local Government City of Los Angeles

Name Kenneth Bernstein

Commissioner ☐

Staff ☒

(Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

☐ MA or PhD in History

or

☒ MA/MS or PhD in CRF

MA in Public Affairs

(specify field)

Alternative B1

☐ BA in History

or

☐ BA in CRF

(specify field)

and

☐ Two years full-time experience in history (check appropriate boxes below and attach explanation and dates)

____ research

____ writing

____ teaching

____ interpretation

____ other (specify) _____

☐ With a professional institution

(specify institution)

____ academic institution

____ historical org./agency

____ museum

____ other (specify) _____

Alternative B2

☐ BA in History

or

☐ BA in CRF

(specify field)

and

☐ Substantial contribution through research and publication to body of scholarly knowledge in history (attach explanation)

To meet the standards in this discipline you must be able to check either a big box or a big circle, and check all the smaller boxes under that alternative. One year = 12 months. Full-time = 35-40 hours per week. A year of professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related.

Certified Local Government Professional Qualifications (36 CFR Part 61):
History Professional Qualifications

Local Government City of Los Angeles

Name Shannon Ryan Commissioner ☐ Staff ☒
(Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

☐ MA or PhD in History

or

☒ MA/MS or PhD in CRF
MA in Urban Planning
(specify field)

Alternative B1

☐ BA in History

or

☐ BA in CRF

(specify field)

and

☐ Two years full-time experience in history (check appropriate boxes below and attach explanation and dates)
____ research
____ writing
____ teaching
____ interpretation
____ other (specify) _____

☐ With a professional institution

(specify institution)
____ academic institution
____ historical org./agency
____ museum
____ other (specify) _____

Alternative B2

☐ BA in History

or

☐ BA in CRF

(specify field)

and

☐ Substantial contribution through research and publication to body of scholarly knowledge in history (attach explanation)

To meet the standards in this discipline you must be able to check either a big box or a big circle, and check all the smaller boxes under that alternative. One year = 12 months. Full-time = 35-40 hours per week. A year of professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related.

Shannon C. Ryan

221 N. Figueroa Street, Ste. 1350 Mail stop #994
Los Angeles, CA 90012

310.266.3126
shannonryanchristine@gmail.com

Work Experience:

Los Angeles Department of City Planning

Senior City Planner in Office of Historic Resources

March 2020 - Present

- Directly supervise, train, and mentor staff in the Office of Historic Resources including eight staff within the Historic Preservation Overlay Zone unit, one architect assigned to the Cultural Heritage Commission, and one planner responsible for SurveyLA and HistoricPlacesLA.
- Prepare and direct work programs. Monitor and adjust staff workloads to meet deadlines.
- Assist staff in tackling issues related to plan implementation, project review, Historic-Cultural Monument case processing, and environmental clearances. Review staff recommendation reports.
- Implement equal employment opportunity responsibilities.
- Present at Area Planning Commission, Cultural Heritage Commission, City Planning Commission, PLUM, and City Council.
- Coordinate and work closely with Council Offices, Mayor's Office, and City Departments.
- Manage grants and consultants working on specialized projects.
- Work with long range planning teams to craft new land use policies related to historic resources.
- Engage regularly with stakeholders and community members.

City Planner in West/South/Coastal Project Planning Division

June 2019 - March 2020

- Supervised, trained, and motivated a team of planners and assisted them in tackling day-to-day issues related to case processing and implementation of the General Plan, Specific Plans, and Zoning Code.
- Reviewed staff reports and letters of determination prepared by staff such as Coastal Development Permits, Zoning Adjustments, Project Permit Compliance, Parcel Maps, Zone Variances, and associated environmental clearances. Prepared staff to present to APC, CPC, PLUM, and City Council.
- Monitored and adjusted staff workload as needed, prepared work program to keep case processing on schedule, and implemented equal employment opportunity in training, promotions, and personnel actions.
- Coordinated and worked closely with Council Offices and City Departments to problem solve.
- Reviewed and processed entitlement applications; held hearings; presented to APC, CPC, PLUM, and Council.
- Engaged with stakeholders and applicants to address questions or concerns.

Office of Los Angeles Mayor Eric Garcetti

Planning and Development Manager/City Planner

June 2017 - June 2019

- Served as Mayoral liaison to the Department of City Planning, Department of Building and Safety, City Planning Commission, Area Planning Commissions, and Cultural Heritage Commission to advance Mayoral initiatives and priorities.
- Facilitated and convened regular meetings with department General Managers, Assistant General Managers, Council Offices, and city staff and/or stakeholders to address issues and find solutions.
- Served as a representative of the Mayor to craft and refine policies, and improve planning and building operations in the City.

Los Angeles Department of City Planning

City Planning Associate in Code Studies Unit

June 2016 - May 2017

- Prepared Zoning Code Amendments and brought them through the legislative process.
 - Completed adoption of R1 Variation Zones Code Amendment, effective 3/17/17.
- Interpreted the Zoning Code and assisted stakeholders, elected officials, and other City departments.
- Conducted outreach, research, and data collection in preparation of proposed Code Amendments.

- Wrote staff reports, conducted environmental review, and gave presentations to elected officials, Council Committees, City Planning Commission, and the public.
- Studied and reviewed zoning practices locally and nationally.

City Planning Associate in Office of Historic Resources

May 2015 - June 2016

- Staffed the Cultural Heritage Commission and reviewed Historic-Cultural Monument (HCM) nominations.
 - Processed over 40 Historic-Cultural Monument nominations that were adopted by Council.
- Prepared two City-initiated HCM nominations and processed over 80 Mills Act applications.
- Provided excellent customer service when guiding consultants, developers, and property owners on regulations pertaining to historic resources.
- Reviewed and signed off permits found to be in compliance with the Cultural Heritage Ordinance, the Secretary of the Interior's Standards for Rehabilitation, and the Zoning Code.
- Analyzed environmental impacts to historic resources and provided CEQA guidance to other units.
- Worked closely with and made presentations to elected officials, Council Committees, Cultural Heritage Commission, and the public.

City Planning Associate in HPOZ Unit

November 2014 - May 2015

Planning Assistant in HPOZ Unit

February 2013 - November 2014

- Managed eight Historic Preservation Overlay Zones (HPOZs) and adoption of two new HPOZs.
 - Completed adoption of 52nd Place HPOZ in 2015
 - 27th and 28th Streets HPOZ is pending Council action
- Processed cases, conducted environmental review, held hearings, reviewed plans, signed off permits, and issued Determination Letters.
- Staffed weekly HPOZ Board Meetings and worked closely with Board members, property owners, architects, and developers to maintain a fair and clear design review process.
- Provided excellent customer service on the phone, over e-mail, and in person.
- Collaborated with LADBS on Code Enforcement cases.
- Worked closely with and made presentations to elected officials, Council Committees, Planning Commission, Cultural Heritage Commission, and the public.

Education:

University of California, Los Angeles

September 2009 - June 2011

Master of Arts in Urban Planning (Design and Development Concentration)
3.81 GPA

New York University

September 2004 - May 2008

Bachelor of Arts Double Major in Urban Design/Architecture and Italian Studies
3.54 GPA with Cum Laude Honors

Community Activities/Awards:

- Los Angeles Conservancy and Santa Monica Conservancy member and volunteer
- Co-edited the Los Angeles Department of City Planning Newsletter 2013-2016
- American Planning Association Member and 2012 Conference Volunteer
- California Redevelopment Association William A. Carlson Fellowship 2011

Certified Local Government Professional Qualifications (36 CFR Part 61):
History Professional Qualifications

Local Government City of Los Angeles

Name Sara Delgadillo

(Name of Commissioner or Staff)

Commissioner ☐

Staff ☒

Date of Appointment: _____

Date Term Expires: N/A

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

☐ MA or PhD in History

or

☒ MA/MS or PhD in CRF

MHC (Heritage Conservation)

University of Southern California
(specify field)

Alternative B1

☐ BA in History

or

☐ BA in CRF

(specify field)

and

- ☐ Two years full-time experience in history (check appropriate boxes below and attach explanation and dates)
- ____ research
- ____ writing
- ____ teaching
- ____ interpretation
- ____ other (specify) _____

- ☐ With a professional institution

(specify institution)

- ____ academic institution
- ____ historical org./agency
- ____ museum
- ____ other (specify) _____

Alternative B2

☐ BA in History

or

☐ BA in CRF

(specify field)

and

- ☐ Substantial contribution through research and publication to body of scholarly knowledge in history (attach explanation)

To meet the standards in this discipline you must be able to check either a big box or a big circle, and check all the smaller boxes under that alternative. One year = 12 months. Full-time = 35-40 hours per week. A year of professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related.

EDUCATION

University of Southern California, School of Architecture – Los Angeles, California
Master of Heritage Conservation (MHC), December 2015

- Concentration: Historic Preservation and City Planning

Woodbury University – Burbank, California
Bachelor of Arts (BA), Interdisciplinary Studies, May 2007

- Concentration: Interior Architecture, Design, and Fine Art

EXPERIENCE

City Planning Associate

May 2016 – Present

Office of Historic Resources, Department of City Planning, City of Los Angeles, California

- Data coordinator for HistoricPlacesLA, Los Angeles Historic Resources Inventory
- CEQA compliance project review for cultural resources
- Historic Preservation Overlay Zone (HPOZ) project review and case processing
- Conduct SurveyLA and project-specific community presentations and outreach.

Instructor's Assistant

December 2008 – May 2016

A to Z Grant Writing, with Linda Vallejo

- Provide overall lesson support to instructor and manage online correspondence with students.
- Provide students with a detailed list of potential funders, including students currently working for certified local governments and historic preservation organizations.
- Compile and design monthly funding opportunities newsletter and marketing.

Cultural Resources Intern, Latino Heritage Internship Program

June 2015 – September 2015

National Park Service (NPS), Pacific West Regional Office, San Francisco, California

- Researched and prepared a draft nomination for a National Historic Landmark.
- Conducted preliminary research on historic cultural sites associated with NPS Heritage Initiatives including Latino, Asian American, African American, LGBTQ, and Women's History within the region.
- Assisted in the identification and prioritization of potential National Historic Landmarks.

Assistant Director, Financial Aid Office

December 2009 – August 2014

University of Southern California, Los Angeles, California

- Advised students and parents regarding financial aid through in-person, telephone, and email contact.
- Represented the university and administered presentations during national recruitment travel.
- Served as the point of contact for many Spanish-speaking families and first generation college attendees.
- Processed and coordinated federal and private agency financial aid.

Service Delivery Specialist – Outreach

December 2008 – December 2009

Girl Scouts of Greater Los Angeles, San Fernando Valley, California

- Managed and established community outreach partnerships in underserved Latino communities.
- Provided volunteer and membership support to membership and recruitment team.

Junior Designer (consultant)

August 2007 – August 2008

with Jaclyn Harris, Designer, Pasadena, California

- Reviewed and produced construction documents.
- Developed concept designs for commercial and theme park projects.

COMMUNITY INVOLVEMENT

Latinos in Heritage Conservation, Secretary and Executive Committee Member

May 2015 – Present

- Responsible for meeting minutes, assisting with scheduling, and maintaining organizational files.

SKILLS

- Computer: MS Windows, MS Office, Mac OS, Adobe Creative Suite, ArcGIS, AutoCAD, Autodesk Revit.
- Languages: Fluent in both English and Spanish.

Chapter 11 - Environmental Compliance Requirements

A. National Environmental Policy Act (NEPA).

This Chapter details the Department of the Interior requirements concerning compliance with the National Environmental Policy Act and related legislation, regulations and Executive Orders, as they apply to the Historic Preservation Fund grant program.

1. Policy. The national policy concerning the assessment of the environmental impact of Federal and federally funded actions is contained in the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). All NPS Historic Preservation Fund grant actions are subject to the provisions of NEPA and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations) (40 CFR 1500-1508).
2. Grantee Responsibility. Except for Reduced Review States (see Chapter 8, Section G), the applicant must submit appropriate environmental documentation to NPS with the HPF grant Project Notification (either an Environmental Certification, see section A.5 below, or an Environmental Assessment, see section A.8 below). Certain categories of proposed actions may be excluded from the NEPA process. Categorical Exclusions approved for NPS appear in Section A.4., below. All other proposed actions require the preparation of either an Environment Assessment (EA) or an Environmental Impact Statement (EIS). All grantees are required to submit necessary information as an Environmental Assessment, unless the proposed grant-assisted activity is covered by a Categorical Exclusion. If appropriate, grantees with statewide jurisdiction that qualify under NEPA section 102(2)(D) may be required to submit an EIS. The scope, content, and objectivity of the document shall comply with NEPA, CEQ Regulations, and the Departmental Manual. (See Section A.8. below.)

A State that has environmental laws equivalent to or more stringent than NEPA may submit environmental documentation meeting both State and Federal requirements.

3. NPS Responsibility. NPS is responsible for determining and advising the State on whether a proposed grant action is either categorically excluded or requires an EA or EIS. NPS is also responsible for ensuring the adequacy of any required EA or EIS.

Projects involving floodplains and wetlands must comply with the requirements of 44 CFR 3642; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; Department of the Interior Manual (520 DM) and NPS Floodplain/Wetland Protection Guidelines. This compliance requires information in addition to that required by NEPA. See Section B, below.

4. Categorical Exclusions. Authorized Categorical Exclusions are those referred to in 516 DM 6 Appendix 7. The actions shown qualify for Categorical Exclusion unless NPS determines that there is cause for exception under 516 DM 2.3A(3), (see Section A.6 below for the exceptions). The exclusions found in Section A.6.f. and A.6.g. are particularly relevant to HPF grantees. (However, note that the list of Categorical Exclusions is not necessarily a list of activities eligible for HPF grant assistance.)

The following exclusions for the Department of the Interior are provided in 516 DM 2, Appendix 1 (also see additional Categorical Exclusions authorized for NPS in 516 DM 6, Appendix 7, and listed below in Section A.4.b-g, of this Chapter):

- a. Departmental Categorical Exclusions. These are general in nature and include the following:
- 1) Personnel actions and investigations and personnel services contracts;
 - 2) Internal organizational changes and facility and office reductions and closings;
 - 3) Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties;
 - 4) Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, and/or settlement, appeal or compliance;
 - 5) Regulatory and enforcement actions, including inspections, assessments, administrative hearings, and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it in 516 DM 2, Appendix 1 (also see additional categorical exclusions listed below in Section A.4.b-g, of this Chapter);
 - 6) Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities;
 - 7) Routine and continuing government business, including such things as supervision, administration, operations, maintenance, and replacement activities having limited context and intensity; (e.g. limited size and magnitude or short-term effects);
 - 8) Management, formulation, and allocation of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.);
 - 9) Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals;
 - 10) Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case; and
 - 11) Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public.

The following are NPS-specific Categorical Exclusions:

b. Actions Related to General Administration:

- 1) Changes or amendments to an approved action, when such changes would cause no or only minimal environmental impact;
- 2) Land and boundary surveys;
- 3) Minor boundary changes;
- 4) Reissuance/renewal of permits, rights-of-way or easements not involving new environmental impacts;
- 5) Conversion of existing permits to rights-of-way, when such conversions do not continue or initiate unsatisfactory environmental conditions;
- 6) Issuances, extensions, renewals, reissuances or minor modifications of concession contracts or permits not entailing new construction;
- 7) Commercial use licenses involving no construction;
- 8) Leasing of historic properties in accordance with 36 CFR 18 and NPS-38;
- 9) Preparation and issuance of publications;
- 10) Modifications or revisions to existing regulations, or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions or new regulations do not:
 - a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
 - b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;
 - c) Conflict with adjacent ownerships or land uses; or
 - d) Cause a nuisance to adjacent owners or occupants.
- 11) At the direction of the NPS responsible official, actions where NPS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

c. Plans, Studies and Reports.

- 1) Changes or amendments to an approved plan, when such changes would cause no or only minimal environmental impact;

- 2) Cultural resources maintenance guides, collection management plans and historic furnishings reports;
 - 3) Interpretive plans (interpretive prospectuses, audio-visual plans, museum exhibit plans, wayside exhibit plans);
 - 4) Plans, including priorities, justifications and strategies, for nonmanipulative research, monitoring, inventorying and information gathering;
 - 5) Statements for management, outlines of planning requirements and task directives for plans and studies;
 - 6) Technical assistance to other Federal, State and local agencies or the general public;
 - 7) Routine reports required by law or regulation;
 - 8) Authorization, funding or approval for the preparation of Statewide Comprehensive Outdoor Recreation Plans;
 - 9) Adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact;
 - 10) Preparation of internal reports, plans, studies and other documents containing recommendations for action which NPS develops preliminary to the process of preparing a specific Service proposal or set of alternatives for decision;
 - 11) Land protection plans which propose no significant change to existing land or visitor use; and
 - 12) Documents which interpret existing mineral management regulations and policies, and do not recommend action.
- d. Actions Related to Development.
- 1) Land acquisition within established park boundaries;
 - 2) Land exchanges which will not lead to significant changes in the use of land;
 - 3) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails;
 - 4) Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource;
 - 5) Installation of signs, displays, kiosks, etc.;

- 6) Installation of navigation aids;
- 7) Establishment of mass transit systems not involving construction, experimental testing of mass transit systems, and changes in operation of existing systems (e.g., routes and schedule changes);
- 8) Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance;
- 9) Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads;
- 10) Sanitary facilities operation;
- 11) Installation of wells, comfort stations and pit toilets in areas of existing use and in developed areas;
- 12) Minor trail relocation, development of compatible trail networks on logging roads or other established routes, and trail maintenance and repair;
- 13) Upgrading or adding new overhead utility facilities to existing poles, or replacement poles which do not change existing pole line configurations;
- 14) Issuance of rights-of-way for overhead utility lines to an individual building or well from an existing line where installation will not result in significant visual intrusion and will involve no clearance of vegetation other than for placement of poles;
- 15) Issuance of rights-of-way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or significant visual intrusion in an NPS-administered area;
- 16) Installation of underground utilities in previously disturbed areas having stable soils, or in existing overhead utility right-of-way;
- 17) Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas;
- 18) Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities accessible to the disabled;
- 19) Landscaping and landscape manipulation in previously disturbed or developed areas; and
- 20) Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

e. Actions Related to Visitor Use.

- 1) Carrying capacity analyses;
- 2) Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations;
- 3) Changes in interpretive and environmental educational programs;
- 4) Minor changes in programs and regulations pertaining to visitor activities;
- 5) Issuance of permits for demonstrations, gatherings, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental effects; and
- 6) Designation of trailside camping zones with no or minimal improvements.

f. Actions Related to Resource Management and Protection.

- 1) Archeological surveys and permits, involving only surface collection or small-scale test excavations;
- 2) Day-to-day resource management and research activities;
- 3) Designation of environmental study areas and research natural areas;
- 4) Stabilization by planting native plant species in disturbed areas;
- 5) Issuance of individual hunting and/or fishing licenses in accordance with State or Federal regulations;
- 6) Restoration of noncontroversial native species into suitable habitats within their historic range, and elimination of exotic species;
- 7) Removal of park resident individuals of nonthreatened/endangered species which pose a danger to visitors, threaten park resources or become a nuisance in areas surrounding a park, when such removal is included in an approved resource management plan;
- 8) Removal of non-historic materials and structures in order to restore natural conditions; and
- 9) Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

g. Actions Related to Grant Programs.

- 1) Proposed actions essentially the same as those listed in Sections A.4.b-f, above;

- 2) Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting;
- 3) Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area; or the integrity of the existing setting;
- 4) Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant;
- 5) Grants for the construction of new facilities within an existing park or recreation area provided that the facilities will not:
 - a) Conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants, e.g., extend use beyond daylight hours;
 - b) Introduce motorized recreation vehicles;
 - c) Introduce active recreation pursuits into a passive recreation area;
 - d) Increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property, or causing physical damage to it; or
 - e) Add or alter access to the park from the surrounding area.
- 6) Grants for preservation of properties listed on or eligible for listing on the National Register of Historic Places, at their same location and provided that such actions:
 - a) Will not alter the integrity of the setting;
 - b) Will not increase public use of the area to the extent of compromising the nature and character of the property; and
 - c) Will not cause a nuisance to adjacent property owners or occupants.
5. Certification. When a proposed project appears to qualify as one of the categorical exclusions listed in Section A.4 above, and does not involve one or more of the exceptions in 516 DM 2.3(a)(3) listed in Section A.6 below, the grantee shall indicate on the Environmental Certification Form the categorical exclusion into which the project falls. If NPS concurs, the Certification will be signed by the grant approving official, and maintained as part of the grant documentation. (See form at end of this chapter.) If the project does not qualify for an exclusion, an Environmental Assessment must be prepared (see Section A.8).

6. Exceptions. The following exceptions apply to individual actions within categorical exclusions. Environmental Assessments (EAs) must be prepared for actions which would otherwise fall under categorical exclusions, but which may:
 - a. Have significant adverse effects on public health or safety;
 - b. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks;
 - c. Have highly controversial environmental effects;
 - d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks;
 - e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects;
 - f. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects;
 - g. Adversely affect properties listed or eligible for listing on the National Register of Historic Places;
 - h. Adversely affect a species listed or proposed to be listed on the List of Endangered or Threatened Species, or designated Critical Habitat for these species;
 - i. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act; or
 - j. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.
7. Special Cases. NPS may find that some actions which normally qualify for Categorical Exclusion merit special consideration. In such cases NPS will require submission of an EA, or if the grantee qualifies under NEPA section 102(2)(D), an EIS.
8. Environmental Assessments.
 - a. An EA must cover the points listed in subparagraph 8b. below in sufficient detail to resolve the test of "major and significant" (see CEQ Regulations, 40 CFR 1508.18 and 1508.27) and provide a basis for deciding whether to prepare an EIS on the project. Such assessments generally need be no more than two or three pages in length, except when complex projects are involved. The grantee or subgrantee may not proceed with the proposed action until NPS has reviewed the EA and issued a Finding of No Significant Impact (FONSI; see Section A.9 below), or notified the SHPO that an EIS must be prepared by NPS. The EA must be submitted with the Project

Notification (see Chapter 8, Exhibit 8-A). Note: even Reduced Review States must submit an Environmental Assessment if required by the provisions of Chapter 11, Sec. A.

An EA should not be prepared if the need for an EIS is self evident; go directly to the EIS.

b. Format and Content. Pertinent information of sufficient scope and depth must be provided in an EA to allow NPS to accurately ascertain the impact of the project and to determine whether an EIS is needed. Whenever possible, an environmental impact should be quantified (see 40 CFR 150). In all cases the level of activities involved should be given--number of trees to be removed, cubic yards of debris to be removed, cubic yards of fill to be required, etc. For projects with property rights outstanding, the environmental information must also explain how the outstanding rights are to be dealt with and how the State plans to assure that the environment will not be affected significantly. An EA will cover the following four points at a minimum:

- 1) The Proposed Action. Include a description of the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, location of the project, its scope, the level of impact causing activities associated with the project, when the action is to take place, and, if applicable, its relation to other Federal, State, or local projects and proposals. Cite other Federal actions (i.e., 404 Permit, etc.). Include a map.
- 2) Alternatives to the Proposed Action. This section will include a brief discussion of alternatives as required by NEPA. The EA must include a description of appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. The environmental impacts of the proposal and the alternatives should be presented in comparative form and should define the issues, pros, and cons of a reasonable range of alternatives, and provide a clear basis for choice between them by NPS and the public.
- 3) Environmental Impacts of Proposed Action. Succinctly describe those environmental elements which would be affected. Discuss anticipated impacts on the following elements and any means to mitigate adverse environmental impacts:

- land use (project site and surrounding area)
- fish and wildlife
- vegetation
- geology and soils
- mineral resources
- air and water quality
- water resources/hydrology
- historic/archeological resources
- transportation/access
- consumption of energy resources
- socioeconomic effects

"Impacts" are defined as causing direct or indirect changes in the existing environment, whether beneficial or adverse, which are anticipated as a result of the proposed action or related future actions. To the extent appropriate, the document will discuss impacts of the

action, including environmental damage which could be caused by users, upon physical and biological environment as well as upon cultural, aesthetic, and socioeconomic conditions. Elements of impacts which are unknown or only partially understood should be indicated. Any off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas, should be described.

- 4) A listing of agencies and persons consulted.
- c. Public Notice. Public notice should be provided in accordance with 40 CFR-7506.6 and, where appropriate, the public involved in the environmental assessment process.
- d. Adoption. In accordance with 40 CFR 1506.3, an EA prepared for a Federal grant program not administered by NPS may be submitted if adequate to meet environmental documentation requirements of proposed HPF grant actions.
- e. Points to Consider in Environmental Assessments.
 - (1) Environmental documentation should be free of project justification and personal bias. The project should be justified elsewhere in the grant application.
 - (2) Do not rely on generalities. Specific facts are essential. All statements and conclusions should be supported, and quantified where possible.
 - (3) Use graphics to help explain the project.
 - (4) Be concise, clear and to the point.
 - (5) Adverse impacts should be addressed as fairly as beneficial impacts; and impacts should be presented without conclusionary statements as to their significance.
9. Finding of No Significant Impact (FONSI). If NPS, after reviewing the environmental assessment, determines that the proposed project will not have a significant effect on the quality of the human environment and that an EIS is therefore unnecessary, a Finding of No Significant Impact (FONSI) will be signed and included in the project file. See Exhibit 11-B at end of this Chapter.
10. Guideline to Determine when an Environmental Impact Statement Should be Prepared. NPS will require sufficient environmental data from the grantee to prepare an EIS on a proposed project deemed to be a major Federal action having a significant impact on the physical, biological, and/or socioeconomic environment of the project site and/or surrounding area. Cumulative impacts and/or subsequent actions must be considered in environmental data submitted.

The occurrence of one or more of the following factors indicates that an EIS may be needed:

- a. Marshes or wetlands, unique animal or plant ecosystems, lakes, streams, or marine areas are affected significantly.

- b. The proposed HPF project would or might result in major natural or physical changes, including interrelated social and economic changes and residential and land use changes, within the project area or its immediate environs.
- c. An archeological or historical site on or eligible for nomination to the National Register of Historic Places would be subjected to significant adverse effects by the proposed project.
- d. Highly controversial issues involving the environmental effects of the project exist or are expected.
- e. The project site contains threatened or endangered species of flora or fauna, significant mineral values, or a unique geologic formation.
- f. Actions which foreclose other beneficial uses of mineral, agricultural, timber, water, energy, or transportation resources critical to the Nation's or a State's welfare.

11. Adoption of Previous Statement.

- a. In accordance with 40 CFR 1506.3, an EIS prepared for a Federal grant program not administered by NPS may be adopted by NPS if adequate to meet the requirements of a proposed HPF action. When another agency's statement is adopted, only the final statement must be circulated.
- b. An EIS previously prepared for the acquisition of land under a Land and Water Conservation Fund (L&WCF) grant, or other Federal actions, will satisfy section 102(2)(C) of NEPA for an HPF project provided that:
 - 1) the development is in accordance with the plans submitted with the acquisition project; and
 - 2) the EIS for the acquisition project adequately describes the environmental impacts of the facility to be developed and public use of the area.

12. Preparing and Processing an EIS.

- a. Policy. Each EIS shall be prepared in accordance with: (1) 40 CFR 1500-1508; (2) DOI Manual, 516 DM 4; and (3) NPS Environmental Guidelines, NPS-12. For any EIS prepared by a State agency with statewide jurisdiction under NEPA section 102(2)(D), the responsible NPS official shall actively furnish guidance and participate in the preparation of the EIS and shall independently evaluate the EIS prior to its approval and adoption.
- b. Notice of Intent. (40 CFR 1501.7 and 1508.22; 516 DM 2.3D).
After a decision is made to prepare an EIS, a Notice of Intent (NOI) will be published by NPS in the Federal Register and made available to the affected public--see 40 CFR 1506.6.
- c. Scoping Process. (40 CFR 1501.7; 516 DM 2.6).
Scoping is an early and open process to determine the scope of significant issues to be addressed in an EIS. An invitation to affected Federal, State, and local agencies and interested persons to participate in the scoping process should be included in the Notice of Intent.

- d. Format and Content of an EIS. The necessary in-depth environmental information and analysis must use the following format:
- 1) Cover Sheet. (May be satisfied by SF 424).
 - 2) Summary.
 - 3) Table of Contents.
 - 4) Purpose of and need for the Action.
 - 5) Alternatives including the Proposed Action.
 - 6) Affected Environment.
 - 7) Environmental Consequences.
 - 8) Consultation and Coordination in the Development of the Proposal and in Preparation of the Environmental Impact Statement. (This section will contain the List of Agencies, Organizations, and Persons to Whom Copies of the Statement are sent.)
 - 9) Index.
 - 10) Appendices (if any).

Each element of the format should contain the information called for in 40 CFR 1502.11 through 1502.18, 516 DM 4.6C, and NPS-12 (NEPA Handbook), plus appropriate maps/graphics of the area affected by the proposed action.

- e. Final EIS.
- 1) The final EIS shall include a "Public and Other Agency Comment and Response Section." This section is an expansion of the Consultation/Coordination Chapter described in item 12(d)(8) above. All written comments on the Draft EIS from Federal and State agencies should be printed in full and not summarized, even if voluminous. All other substantive written comments should either be printed in the final EIS or summarized if exceptionally voluminous.
 - 2) Distribution of the final EIS. At a minimum, a copy of the final EIS will be sent to each commenter and all Federal agencies that were sent the draft EIS. Ordinarily, no more than 500 copies of the final EIS need be printed. Copies of the EIS should be available for public inspection at NPS and other appropriate government offices and local libraries.
 - 3) Comments on final EIS. Comments are not solicited on a final EIS. However, any comments received within 30 days of distributing a final EIS should be considered in deciding whether to approve an HPF grant or subgrant.

f. Record of Decision.

No decision on the proposed action may be made until 30 days after notice of the filing of the EIS is published by the U.S. Environmental Protection Agency in the Federal Register. The record of decision shall be in accord with 40 CFR 1505.2.

B. Floodplain and Wetlands Management.

1. Policy. All projects must comply with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; the U.S. Water Resources Council's Floodplain Management Guidelines for Implementing Executive Order 11988 (43 CFR 6030); DOI Floodplain and Wetland Guidelines (520 DM), and NPS Floodplain and Wetlands Guidelines.

The objectives of the Executive Orders and of the procedures detailed in this Chapter are to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and wetlands, and to avoid direct or indirect support of development of floodplains and wetlands wherever there is a practicable alternative. Where floodplains or wetlands cannot be avoided, these procedures will focus on mitigation of the adverse effects of any action. In the context of the Orders, mitigation means to:

- a. Design or modify actions so as to minimize harm to life, property, and natural values;
- b. Minimize destruction, loss or degradation of wetlands;
- c. Restore and preserve natural and beneficial floodplain values; and
- d. Preserve and enhance natural and beneficial floodplain values.

Direct or indirect funding of floodplain development or construction in wetlands should be avoided when practical alternatives exist. When activities or projects funded with assistance from an HPF grant must be carried out in floodplain or in wetlands because no practical alternatives exist, the work must be done in conformance with the requirements of Section 7.C of the NPS Floodplain/Wetlands Protection Guidelines.

2. Policy on Cultural Resources located in Floodplains or Wetlands. As part of its congressional mandate, the National Park Service preserves and interprets cultural resources possessing historical, archeological, architectural, engineering and cultural significance included on, or eligible for inclusion on, the National Register of Historic Places. In general, it is NPS policy that cultural resources located in floodplains will be managed to assure their in-place preservation. Floodproofing measures taken to protect the cultural property or site from the hydraulic or erosive forces of flooding will be designed so as not to adversely affect the historic integrity of the structure or site. When a cultural site or structure does not have the significance to merit action sufficient to ensure its preservation from flood loss, an appropriate level of study and an appropriate treatment plan will be prepared and implemented whenever possible.
3. Decision-Making Process. These guidelines require that a sequential analysis be implemented that includes the following steps:

- a. Determine if the Proposed Action is in, or could affect, a Floodplain or Wetland.
 - 1) Determine if the action is in the Base Floodplain by consulting Flood Insurance Rate Maps or Flood Hazard Boundary Maps. Grantees may contact the National Flood Insurance Program of the Federal Insurance Administration of the Federal Emergency Management Agency to obtain a flood map of their locality (call 800-638-6620). If no maps are available, consult the appropriate NPS Environmental Coordinator, or assume that the action may be in the base floodplain and begin compliance with the Executive Orders, or obtain the services of a licensed consulting hydrologist or engineer who is qualified to determine whether the action is located in the floodplain;
 - 2) Determine if the proposed action is in a Wetland by consulting with the responsible field office of the U.S. Fish and Wildlife Service to obtain a National Wetland Inventory Map. If there is no such map, the grantee should consult the wetland inventories maintained by the U.S. Corps of Engineers, the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration (U.S. Department of Commerce), and NPS.
- b. Public Review. See Section B.6., below.
- c. Variances. For purposes of floodplain management and compliance with Executive Orders 11988 and 11990, note that 44 CFR 60.6 stipulates procedures whereby a community may issue a variance to its floodplain management regulations for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or on a State Inventory of Historic Places. Issuance of such a variance allows a building permit to be issued and flood insurance to be purchased (although often at increased premium rates). Documentation of such a variance must be submitted to NPS with the HPF grant application and the Environmental Assessment.
4. Environmental Assessment--Floodplain/Wetland Areas. Grant proposals for projects which lie in floodplain or wetland areas normally require preparation of an environmental assessment. The assessment must include the following:
 - a. Need for the proposal, including an explanation of why the proposed action in the floodplain or wetland is to be taken;
 - b. The extent of the direct and indirect support of floodplain and wetlands development;
 - c. Measures to be taken to minimize harm to lives and property and the natural and beneficial floodplain values and to restore and preserve these values served by floodplains and wetlands;
 - d. Alternative actions (including no action, and renovation of eligible facilities at alternative sites) are to be considered;
 - e. Assurance that all Federal, State, and local floodplains/wetlands regulations and standards are being met;

- f. A location map delineating the floodplain or wetlands;
 - g. The environmental impacts of the proposed action and alternatives; and
 - h. A listing of persons and agencies consulted.
5. Statement of Findings. When the proposed action involves adverse impacts to floodplain or wetland areas, the environmental documents will be coupled with a separately identifiable Statement of Findings not to exceed three pages documenting the rationale for the determination that there is no practicable alternative location. The Statement of Findings shall conform with the requirements promulgated in Sections 6.C.3.c. and 6.C.6. of the NPS Floodplain/Wetlands Protection Guidelines, and must provide the following information:
- a. A description of why the proposed action must be located in the floodplain;
 - b. A description of all significant facts considered in making the determination, including alternative sites and actions;
 - c. A statement indicating whether the actions conform to applicable State or local floodplain protection standards;
 - d. A description of how the activity will be designed or modified to minimize harm to or within the floodplain;
 - e. A statement indicating how the action affects the natural or beneficial floodplain values;
 - f. A statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action (see 44 CFR 60);
 - g. A map showing the location of the floodplain or wetland and the site(s) of the proposed action; and
 - h. The signature of the SHPO recommending approval of the Statement of Findings and also recommending the approval of NPS on the combined Environmental Assessment and Statement of Findings.
6. Citizen Participation and Executive Order 12372 Review. The HPF applicant must ensure that the general public has an opportunity for early review of development plans or proposals for actions affecting floodplains or wetlands. In all cases, a press notice will be published in the local media briefly describing the proposed action and urging members of the public to provide their views to the sponsor. The notice must expressly state that the proposed site or portion of the proposed site is in a floodplain or wetland. The applicant jurisdiction must include a copy of the press notice, any public comments received, and the proposed environmental assessment with the HPF proposal information normally submitted to Executive Order 12372 review entities at the full application stage. When adverse comments have been received as a result of the Executive Order 12372 review process or early public review, NPS will forward copies of all notices and NEPA documents to the following agencies noted in Section 1.8C(4) of the Floodplain Guidelines and Wetland Protection Procedures,

and in 520 DM 1: U.S. Environmental Protection Agency; Federal Emergency Management Agency; U.S. Fish and Wildlife Service; U.S. Geological Survey; Bureau of Reclamation; U.S. Army Corps of Engineers; U.S. Soil Conservation Service; appropriate State Review Agencies as determined under Executive Order 12372; and Coastal or River Basin Commissions and State Coastal Zone Management Administrators, as appropriate.

EXHIBIT 11-A ENVIRONMENTAL CERTIFICATION

Based upon a review of the application, proposal narrative, and the supporting documentation contained in the application, it has been determined that the proposed HPF project, Indigenous Peoples Historic Context Statement Phase 2 meets the criteria for categorical exclusion under 516 DM 6. (You must indicate the appropriate categorical exclusion from those listed in Section A.4 of Chapter 11 of the Historic Preservation Fund Grants Manual.)

A.4.g(1)

Applicable Categorical Exclusion [give number of exclusion from Section A.4. of Chapter 11 [e.g., A.4.c.(6)]]



Grantee or Applicant

Vince Bertoni, City of Los Angeles

04/27/2023

Date

Director of Planning

Title

I Concur:

Grant Awarding Official
National Park Service

Date

NATIONAL PARK SERVICE

EXHIBIT 11-B FINDING OF NO SIGNIFICANT IMPACT

Project Number and Name

City, County, State

Proposed Federal Action:

Approval of HPF Grant for: _____

Federal Environmental Finding

After careful and thorough review and consideration of the facts contained in the attached Environmental Assessment for the proposed project, I find that the proposed Federal action will not significantly affect the quality of the human environment under the National Environmental Policy Act, Section 102(2)(c) and, therefore, an EIS is not required.

Name

Date

Title

**NATIONAL HISTORIC PRESERVATION FUND
SUBGRANT PROGRAM**

CERTIFICATE OF PROFESSIONALISM AND CONFORMANCE

I certify that all research, investigations, surveys, nomination studies and reports prepared as part of this grant-assisted project will be professionally prepared by individuals meeting the professional qualifications specified in the Federal Register, Volume 48, Number 190, September 29, 1983. All such work will be done according to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Work not meeting these Standards will not be reimbursed.

Indigenous Peoples Historic Context Statement - Phase 2

Project Name



Vince Bertoni

Signature of Authorized Responsible Official

Director of Planning, City of Los Angeles

Title

April 27, 2023

Date

Assurances—Non-Construction Programs

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official



Vince Bertoni

Applicant Organization

City of Los Angeles

Title

Director of Planning

Date Submitted

April 27, 2023

**NATIONAL HISTORIC PRESERVATION ACT OF 1966
HISTORICAL RESOURCES PRESERVATION PROJECT AGREEMENT**

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

SUBGRANT PROGRAM

2023 HISTORIC PRESERVATION FUND GRANT

PARTICIPANT

CITY OF LOS ANGELES

PROJECT PERIOD

OCTOBER 1, 2023 - JANUARY 31, 2025

PROJECT NUMBER

C08423003

PROJECT SCOPE

The City of Los Angeles will complete the creation of a First Peoples Historic Context that would become a part of the citywide historic context statement. Last year the City of Los Angeles received a CLG grant to create a framework and strategy on how to approach the development of a context (Phase 1); the project for 2023-2024 (Phase 2) would continue this work through additional community engagement and the preparation of the final context statement.

The City of Los Angeles, hereafter the Participant, will contract with a consultant team that meets the Secretary of the Interior's Professional Qualifications for history and/or archaeology as set forth at 36 CFR part 61, Appendix A, as appropriate, and that preferably includes First Peoples representation and experience in historic preservation, community engagement, tribal consultation, historic and prehistoric archaeology. This team, working with Tribal partners and the community, will develop a First Peoples Historic Context that would become a part of the citywide historic context statement.

All work shall be performed, and deliverables produced in accordance with the Secretary of the Interior's Standards for Preservation Planning, Identification, Evaluation and Registration when such standards are applicable.

PROGRESS REPORTS:

Participant shall submit to the State Office of Historic Preservation (OHP) regular progress reports, with specific deliverables in accordance with the following schedule. A work plan will be developed to be included as part of the contract.

Progress reports will include any deliverables specified in the work plan, detail the work accomplished to date, and identify and discuss any problems or issues that have the potential to adversely affect the scope or progress of the project.

OHP may ask for additional progress reports or drafts of work papers during the project period.

OHP reserves the right to withhold disbursements of up to half the grant amount until the final products have been determined to meet the Secretary of the Interior's Standards. Participant may submit billings for partial payment as the work progresses.

PROJECT FUNDING

Total costs supported by Federal grant P23AF01255 (CFDA 15.904) under the National Historic Preservation Act of 1966: **Forty thousand dollars and no cents (\$40,000.00).**

Minimum contribution of the Participant to match Federal grant funds:

Twenty-six thousand six hundred and sixty-seven dollars and no cents (\$26,667.00).

AGENCY

STATE DEPARTMENT OF PARKS AND RECREATION

BY

TITLE

STATE HISTORIC PRESERVATION OFFICER

DATE

PARTICIPANT

CITY OF LOS ANGELES

BY

TITLE

DATE

REPORT SCHEDULE

13 October 2023: On or before this date, Participant shall submit to OHP a draft consultant scope, for OHP's review and comment prior to distribution.

1 December 2023: On or before this date, Participant shall submit to OHP a progress report which provides evidence that the following has been completed:

- After receiving OHP comment, Participant has released a bid letter (RFP)
- Consultant has been selected
- Participant has executed the grant contract
- Participant has convened a kick-off meeting

22 March 2024: On or before this date Participant shall submit a progress report which will include the following:

- A brief summary of the results of research and community outreach to date
- A discussion of any problems encountered to date

21 June 2024: On or before this date Participant shall submit a progress report which will include:

- A brief summary of historic survey efforts
- A brief summary of workshops and additional community outreach to date
- A discussion of any problems encountered to date

25 October 2024: On or before this date Participant shall submit:

- A brief summary of Lavendar Heights survey efforts
- A brief summary of historic context statement work completed to date
- A brief update on workshops and community outreach to date
- A discussion of any problems encountered to date

6 December 2024: On or before this date Participant shall submit a progress report discussing the completion of any project related products, progress of ongoing work, and any issues for final products due in January 2025.

24 January 2025: On or before this date Participant shall submit all final products and a final performance report that summarizes the outcome of the project efforts, comparing actual accomplishments to planned objectives, a discussion of lessons learned, and an explanation of how project will be incorporated into local historic preservation planning efforts.

9 February 2025: On or before this date Participant shall submit the final Request for Reimbursement (DPR 417), with all claims for project costs incurred prior to the end of the project period (19 January 2025).

FINAL PRODUCTS, TO BE SUBMITTED ELECTRONICALLY, WILL INCLUDE:

- Final Performance Report (referenced above)
- Final LGBTQ+ Historic Context Statement and associated Survey Documentation.

The attached General and Special Provisions (12 pages) are incorporated and made a part hereof. Additionally, the budget as submitted in the grant application, with revisions if approved by OHP, is incorporated by reference and made a part hereof.

GENERAL PROVISIONS

I. GENERAL

A. Performance

1. The Participant agrees to complete the project in accordance with this agreement.
2. The Participant shall perform all work and supply material necessary to complete the project described in the paragraph entitled "Project Scope:" on p.1 of this agreement within the period specified. Failure of the Participant to render satisfactory progress or to complete this or any other project which is subject to federal assistance under this program to the satisfaction of the OHP may be cause for suspension of all obligations of Interior and the State of California (State) under this agreement.
3. However, failure of the Participant to comply with the terms of this agreement shall not be cause for the suspension of all such obligations if, in the judgement of the OHP, such failure was due to no fault of the Participant. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for assistance under this agreement.

B. Cost Sharing/Matching Requirement.

1. At least 40 percent non-Federal cost-share/match is required for costs incurred under this Agreement. A minimum of 40 percent in eligible non-Federal cost share/match as identified on the cover page of this agreement, that is allowable and properly documented, must be expended for work approved under Scope of Work during the Period of Performance in addition to the Federal grant share.
2. Non-monetary contribution may constitute part or all of the Participant's match. Valuation of such contribution shall be set forth by the OHP.
3. Failure to expend the required non-Federal matching share will result in the disallowance of costs reimbursed, and/or the deobligation of remaining unexpended funds.
4. Non-Federal cost share or match must meet the same requirements as the Federal share.
5. The OHP shall not pay federal funds hereunder if the Participant has used financial assistance under any other federal program or activity (not including federal revenue sharing funds, community block grants, and any other federal funds allowable as match) as a match on the project.

C. Agreement Amendment. This agreement may be amended only by agreement in writing executed by both of the parties hereto.

D. Agreement Termination

1. The Participant may, upon written notice to the OHP, unilaterally terminate this agreement at any time prior to the commencement of the project.
2. The OHP may, upon written notice to the Participant, unilaterally terminate this agreement at any time prior to the commencement of the project.
3. The project shall be deemed commenced when the Participant makes any expenditure or incurs any obligations with respect to the project.
4. After the project commences, the Participant and the OHP may terminate the agreement by mutual consent, in which case they shall negotiate termination conditions.

E. Non-Compliance. If the Participant materially fails to comply with the terms of the agreement, the OHP shall provide written notice of non-compliance, which states the nature of the deficiency. If the Participant is still not in compliance in thirty (30) days after receipt of the notice, the OHP may in addition to other remedies: (1) withhold cash payments until deficiency is removed; (2) terminate the agreement and make no further payments hereunder; (3) disallow costs; and (4) disqualify the Participant from further subgrants.

- F. **Indemnification.** The Participant hereby waives all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of, or in any way connected with or incident to this agreement, except claims arising from the concurrent or sole negligence of the State, its officers, agents, and employees. The Participant shall indemnify the State and its officers, agents, and employees against and hold the same free and harmless from any and all claims, demands, damages, losses, costs, and/or expenses of liability due to, or arising out of, either in whole or in part, whether directly or indirectly, the organization, development, construction, operation, or maintenance of the project. Participant shall waive and indemnify State only in proportion to and to the extent that such claims, damages, losses, costs, and/or expenses of indemnification are caused by or result from the negligent or intentional acts or omission of Participant, its officers, agents, or employees.
- G. **Severability.** This agreement shall be governed by the laws of the State of California. If any provision of the agreement, including without limitation these General Conditions shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any other way be affected or impaired.
- H. **Survival.** Any and all provisions which, by themselves or their nature, are reasonably expected to be performed after the expiration or termination of this Agreement shall survive and be enforceable after the expiration or termination of this Agreement. Any and all liabilities, actual or contingent, which have arisen during the term of and in connection with this Agreement shall survive expiration or termination of this Agreement.
- I. **Partial Invalidity.** If any provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement or the application of such provision to the parties or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- J. **Captions and Headings.** The captions, headings, article numbers and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and in no way shall be construed as defining or limiting the scope or intent of the provision of this Agreement nor in any way affecting this Agreement.

II. PROJECT EXECUTION

- A. **Standards.** The Participant shall carry out its work in accordance with the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation", including standards for planning, identification, evaluation, registration, historical documentation, architectural and engineering documentation, archaeological documentation, historic preservation projects, and professional qualifications, as published in the Federal Register, September 29, 1983 (Vol. 48, No. 190), pp. 44716 et seq..
- B. **Qualifications.** If the project scope requires research in history, architectural history, or archeology, the Participant shall ensure that the principal investigator meets the applicable Secretary of the Interior's professional qualifications standards. If the project scope requires architectural plans, the Participant shall ensure that the architect producing those plans meets the applicable Secretary of the Interior's professional qualifications standards. If the project scope requires an expert practitioner in another field, the Participant shall ensure that such expert meets standards of education and experience similar to those of the Secretary of the Interior's professional qualifications standards.
- C. **OHP Review.**

1. After selection of an employee or contractor to perform professional work outlined in the previous paragraph, but before making any financial commitment to that person, the Participant shall submit the person's resume to the OHP for review. The OHP shall either approve or disapprove use of the person on the project within twenty (20) working days after receipt of the resume. The Participant may consider failure of the OHP to respond within the period to constitute approval.
2. When requested to do so by the OHP, the Participant shall make available to the OHP draft reports, studies, plans, drawings, or other preliminary documents prepared during the project. The Participants shall permit periodic site visits by the OHP to ensure that work is progressing on scheduled and according to applicable instructions and standards.

D. Reporting.

1. As outlined in this agreement, or date approved by the OHP, the Participant shall furnish to the OHP all final work products mentioned in the project scope and elsewhere in this agreement.
2. Participant shall submit progress reports and interim work products on the dates indicated in this agreement. Progress reports shall be in such form and contain such information as the OHP instructs.
3. The OHP shall not be obligated to provide federal funds for work products that, in the opinion of the OHP, do not conform to the terms of this agreement or to the applicable Secretary of the Interior's Standards.
4. As outlined in this agreement, the Participant shall furnish to the OHP a final performance report, acceptable to the OHP, which compares actual accomplishments to planned objectives and, if appropriate, gives reasons that the objectives were not met as planned. The OHP shall provide further instructions for form the form and content of the final report.

III. FINANCIAL ADMINISTRATION

A. Financial Management. The Participant shall use a financial management system that: permits the preparation of financial reports required herein, permits the preparation of financial reports required herein, provides an accounting of funds expended on the project, and follows the standards set forth by the Office of Management and Budget Circulars referenced herein. The Participant shall expend funds only on allowable costs as set forth in the budget established in the approved project notification.

B. Determination of Value of Goods and Services. Goods in the form of equipment, whether owned, purchased, leased, or donated, will be valued on a use basis of actual costs of operation or of purchase or lease or prevailing costs of goods if donated. Residual market value of purchased equipment shall be credited to project costs upon completion. Goods in the form of supplies and material will be valued at actual direct costs to Participant or, if donated, according to the prevailing costs in the marketplace. Services will be valued in the actual amounts of salaries, wages, and direct overhead costs expended on the project.

C. Volunteer Services.

1. Volunteer services will be valued for contribution purposes at the rates paid for similar technical skills and work in other activities. Specific procedures for the Participant in establishing the value of in-kind contributions from non-Federal third parties are set forth below:
2. Valuation of Volunteer Services: Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteered service maybe counted as cost sharing or matching if the service is an integral and necessary part of an approved program.
3. Rates for Volunteer Services: Rates for volunteers should be consistent with those paid for similar work in other activities of state and local government. In those instances in which the

required skills are not found in the Participant's organization, rates should be consistent with those paid for similar work in the 15 labor markets in which the Participant competes for the kind of services involved. Volunteers with no historic preservation education or experience may claim only the minimum wage rate.

4. **Volunteers Employed by Other Organizations:** When an employer, other than the Grantee, furnishes the services of an employee, these services shall be valued at the employee's regular rate of any (exclusive of fringe benefits and overhead costs), provided these services are in the same skill for which the employee is normally paid. This rate shall not exceed the maximum daily rate of compensation for a GS-18 position in the federal civil service, as established by law.

D. Billing.

1. Taking into account a four-to-six-week delay between the time a payment request is submitted to the OHP and the time the OHP provides the requested federal funds, the Participant shall submit its payment requests so as to minimize the time elapsing between receipt and disbursement of funds.
2. The Participant shall have sufficient working capital to ensure that the project progresses on schedule even though payments from the OHP are unexpectedly delayed.
3. When seeking reimbursements, the Participant shall base its billings upon financial records for both the federal and nonfederal shares of project costs which are supported by appropriate documentation. All reimbursement requests shall be accompanied by copies of timesheets, cancelled checks, receipts, etc., for OHP's verification before payment.
4. The Participant shall submit billings during the project period for this agreement. The final billing statement with documentation sufficient for audit dated prior to end of the contract period, shall be submitted with the Final Report as described in this agreement.
5. Participant may also submit supplemental billing statements during the project period with progress reports but must include an itemization of expenditures or receipts or timesheets of work completed.
6. The Participant shall submit billings on the billing statement form (DPR 417) prescribed by the OHP. The OHP need not make payment on billings submitted in other formats. The Participant shall submit billings in duplicate, each with an original signature, to: Office of Historic Preservation, Department of Parks and Recreation, ATTN: Fiscal and Grants Coordinator, 1725 23rd Street, Suite 100, Sacramento CA 95816. The Participant shall ensure that the billing form bears the signature of the Participant's project representative.
7. After reviewing each billing for accuracy and appropriateness, the OHP shall pay the least of the following: (a) sixty percent of the amount of the total project costs incurred during the billing period shown on the billing; (b) the amount of cash outlays made during the billing period as shown on the billing; and (c) the amount of federal grant funds available for support of the project as shown in the project funding section of this agreement.
8. The OHP will not reimburse more than ninety (90%) percent of allocated grant funds until the OHP has verified completion of the project, and if necessary, until an audit approval has been received by the OHP for the Audits Section of the Department of Parks and Recreation.

E. Approved Indirect Rate. The federally negotiated indirect rate plus administrative costs to be applied against this agreement shall not by statute 54 U.S.C. 302902, commonly known as Section 102(e) of the NHPA, exceed 25 percent of the total project cost. Indirect costs will not be allowable charges against this agreement unless specifically included as a line item in the approved budget incorporated into this agreement. If indirect costs are allowable charges, a copy of the Participant's approved negotiated indirect rate shall be provided to the OHP.

F. Pre-Award Incurrence of Costs. The Participant shall be entitled to costs incurred on or after Start date. In accordance with 2 CFR 200.458, such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the

written approval of the Awarding agency. Pre-award costs shall only be applied to the non-Federal cost share and are not eligible for reimbursement.

IV. CHANGES

- A. **Budget.** The Participant and OHP understand that the Participant is permitted to re-budget within the approved direct cost budget to meet unanticipated requirements and may make program changes to the project.
- B. **OHP Approval.** Notwithstanding the provisions of the foregoing paragraph, the Participant shall obtain from the OHP prior approval for: (a) any substantive revision of the scope, objectives, or budget of the project; (b) extension of the need for federal funds; (c) changes in key persons, including all persons filling positions for which the incumbent must meet the Secretary of the Interior's professional qualifications standards; (d) additional contracts or hiring to perform activities that are central to the project; and (e) new or revised performance or reporting milestones. The Participant shall make requests for such changes in writing. The OHP shall approve or disapprove in writing. If appropriate, the Participant and the OHP shall amend this agreement to include approved changes.

V. REPORTS AND RECORDS

- A. **General.** All Participant financial and programmatic records, supporting documents, statistical records, and other grants-related records shall be maintained and available for access in accordance with 2 CFR 200-200.337 and the Historic Preservation Fund Grants Manual.
- B. **Service Records.** Records of personal services contributions, whether paid or volunteer, shall include timesheets bearing the signature of the person whose time is contributed and of the supervisor verifying that the record is accurate. "Personnel Activity Reports" as specified in OMB Circular A-21 and its successors shall be acceptable as documentation of time spent on this project by "professional" and "professorial" staff. Volunteer records shall show the actual hours worked, the specific duties performed, and the basis for determining the rate of contribution. These records shall be included with the audit material. The Participant shall keep such records, maps, and reports as the OHP and Interior prescribe, including records that fully disclose the dispositions by the Participant of federal grant funds, total cost of the project, the amount and nature of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.
- C. **Financial Records.** During its regular office hours, the Participant shall make financial records available to the OHP, Interior, the Comptroller General of the United States, or any of their duly authorized representatives for the purpose of inspection, copying, and audit. The Participant shall provide copies of such records to the OHP if requested to do so by the OHP and shall retain such records for three years following project termination. Project records shall be retained by Participant for three years following project completion or longer until notification that the Federal audit covering the project has been closed.
- D. **Single Audit Act.** If a local government, the Participant shall comply with the Single Audit Act of 1984, and furnish the OHP with a copy of the audit report within thirty (30) days after issuance. If a university or nonprofit organization, the Participant shall comply with the audit requirements of OMB Circular A-133. The Participant shall reimburse the OHP for costs disallowed during an audit.
- E. **Publications.** In regard to all copyrightable material, which are produced as a deliverable under this project, including but not limited to books reports, plans, photographs, drawings, films,

recordings, videotapes, and computer programs, which are produced as part or result of this project, the Participant must grant the United States of America a royalty-free non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use of others, of all copyrightable material first produced or composed under this Agreement by the Participant, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

1. Any publications resulting from the project shall contain the following statements: "The activity which is the subject of this (type of publication) has been financed in part with Federal funds from the National Park Service, Department of the Interior, through the California Office of Historic Preservation. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior or the California Office of Historic Preservation, nor does mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the California Office of Historic Preservation. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally-assisted programs on the basis of race, color, sex, age, disability, or national origin. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127
2. The Participant shall provide three copies of all publications to the OHP no later than at the end of the project period.

VI. OTHER REQUIREMENTS

- A. **OMB Circulars and Other Regulations.** The following Federal Regulations are incorporated by reference into this Agreement (full text can be found at <http://www.ecfr.gov>):
 1. **Administrative Requirements:**
 - a. 2 CFR 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"
 2. **Determination of Allowable Costs:**
 - a. 2 CFR 200, Subpart E, "Cost Principles"
 3. **Audit Requirements:**
 - a. 2 CFR 200, Subpart F, "Audit Requirements"
 4. **Code of Federal Regulations/Regulatory Requirements:**
 - a. 2 CFR 182 and 1401, "Government-wide Requirements for a Drug-Free Workplace"
 - b. 2 CFR 180 and 1400, "Non-Procurement Debarment and Suspension" (previously located at 43 CFR, 42, "Government wide Debarment and Suspension (NonProcurement)")
 - c. 43 CFR 18, "New Restrictions on Lobbying"
 - d. 2 CFR 175, "Trafficking Victims Protections Act of 2000"
 - e. FAR Clause 52.203-12, Paragraphs (a) and (b), "Limitation on Payments to Influence Certain Federal Transactions"
 - f. 2 CFR 25, "System for Award Management (www.SAM.gov) and Data Universal Numbering System (DUNS)"
 - g. 2 CFR 170, "Reporting Subawards and Executive Compensation" or FFATA (Refer to XII.B.11)
- B. **Non-Discrimination.** All activities pursuant to this Agreement shall be in compliance with the requirements of Executive Order 11246, as amended; Title VI of the Civil Rights Act of 1964, as amended, (78 Stat. 252; 42 U.S.C. §2000d et seq.); Title V. Section 504 of the Rehabilitation Act of 1973, as amended, (87 Stat. 394; 29 U.S.C. §794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 U.S.C. §6101 et seq.); and with all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities religion, age, or sex.

- C. **Lobbying Prohibition.** 18 U.S.C. §1913, Lobbying with Appropriated Moneys, as amended by Public Law 107-273, Nov. 2, 2002. No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere, with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violation of section 1352(a) title 31. In addition to the above, the related restrictions on the use of appropriated funds found in Div. F, §402 of the Omnibus Appropriations Act of 2008(P.L. 110-161) also apply.
- D. **Anti-Deficiency Act.** Pursuant to 31 U.S.C. §1341 nothing contained in this Agreement shall be construed as binding the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress, for the purposes of this Agreement for that fiscal year, or other obligation for the further expenditure of money in excess of such appropriations.
- E. **Minority Business Enterprise Development.** Pursuant to Executive Order 12432 it is national policy to award a fair share of contracts to small and minority firms. NPS is strongly committed to the objectives of this policy and encourages all recipients of its Grant Agreements to take affirmative steps to ensure such fairness by ensuring procurement procedures are carried out in accordance with the Executive Order.
- F. **Assignment.** No part of this Agreement shall be assigned to any other party without prior written approval of the OHP and the Assignee.
- G. **Member of Congress.** Pursuant of 41 U.S.C. §22. No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or adopted by or on behalf of the United States, or to any benefit to arise thereupon.
- H. **Agency.** The Participant is not an agent or representative of the United States, the Department of the Interior, NPS, or the State, nor will the Participant represent its self as such to third parties. NPS and State employees are not agents of the Participant and will not act on behalf of the Participant.
- I. **Non-Exclusive Agreement.** This Agreement in no way restricts the Participant or OHP from entering into similar agreements or participating in similar activities or arrangements, with other public or private agencies, organizations, or individuals.
- J. **No Employment Relationship.** This Agreement is not intended to and shall not be construed to create an employment relationship between NPS or OHP and Participant or its representatives. No representative of Participant shall perform any function or make any decision properly reserved by law or policy to the Federal government.
- K. **No Third-Party Right.** This Agreement creates enforceable obligations between NPS, OHP and Participant. Except as expressly provided herein, it is not intended nor shall it be construed to

create any right of enforcement by or any duties or obligation in favor of persons or entities not a party to this Agreement.

- L. **Foreign Travel.** The Participant shall comply with the provisions of the Fly American Act (49 U.S.C. 40118). The implementing regulations of the Fly American Act are found at 41 CFR 301-10.131 through 301-10.143.

M. **Public Information and Endorsements**

1. Participant shall not publicize or otherwise circulate promotional material (such as advertisement, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts or other publications) which states or implies governmental, Departmental, bureau, or government employee endorsement of a business, product, service, or position which the Participant represents. No release of information relating to this award may state or imply that the Government approves of the Participant's work product to be superior to other or services.
2. Participant must provide a digital copy of any public information releases concerning this award that refer to the Department of the Interior, National Park Service, OHP or Historic Preservation Fund. Specific text, layout photographs, etc. of the proposed release may be submitted for prior approval.
3. As stipulated in 36 CFR 800, public views and comments regarding all Federally-funded undertaking on historic properties must be sought and considered by the authorizing Federal agency. Therefore, the grantee is required to post a press release regarding the undertaking under this grant in on or more major newspapers or news sources that cover the area affected by the project within 30 days of receiving the signed grant agreement. A copy of the posted release must be submitted to NPS within 30 days of the posting.
4. The grantee must transmit notice of any public ceremonies planned to publicize the project or its results in a timely enough manner so that NPS, Department of the Interior, Congressional or other Federal officials can attend if desired.

- N. **Publications of Results of Studies.** No party will unilaterally publish a joint publication without consulting the other party. This restriction does not apply to popular publications of previously published technical matter. Publications pursuant to this Agreement may be produced independently or in collaboration with other; however, in all cases proper credit will be given to the efforts of those parties contribution to the publication. In the event no agreement is reached concerning the manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

O. **Audit Requirements**

1. Non-Federal entities that expend \$750,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Amendments of 1996 (31 U.S.C. 7501-7507) and 2 CFR 200, Subpart F.
2. Non-federal entities that expend less than \$750,000 for a fiscal year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).
3. Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. Additional audit requirements applicable to this agreement are found at 2 CFR 200, Subpart F, as applicable. Additional information on single audits is available from the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb/Default.aspx>.

- P. **Procurement Procedures.** A full description of procurement standards can be found in 2 CFR 200.317-200.326.
- Q. **Prohibition on Text Messaging and Using Electronic Equipment Supplied by the Government while Driving.** Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, was signed by President Barack Obama on October 1, 2009. This Executive Order introduces a Federal Government-wide prohibition on the use of the text messaging while driving on official business or while using Government-supplied equipment. Additional guidance enforcing the ban will be issued at a later date. In the meantime, please adopt and enforce policies that immediately ban text messaging while driving company-owned or -rented vehicles, government-owned, or leased vehicles, or while driving privately owned vehicles when on official government business or when performing any work for or on behalf of the government.
- R. **Seat Belt Provision.** The Participant is encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.
- S. **Participant Employee Whistleblower Rights and Requirement to Inform Employees of Whistle-blower Rights.**
1. This award and employees working on this financial assistance agreement will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistle-blower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act of Fiscal Year 2013 (P.L. 112-239).
 2. The Participant shall inform its employees in writing, in the predominant language of the workplace, of employee whistleblower rights and protections under 41 U.S.C. 4712.
 3. The Participant shall insert the substance of this clause, including this subsection (3), in all subawards or subcontracts over the simplified acquisition threshold, 42 CFR 52.203-17 (as referenced 42 CFR 3.908-9).
- T. **Reporting Executive Compensation**
1. Participant must report all subaward and executive compensation data pursuant to the Federal Funding Accountability and Transparency Act (FFATA) of 2006 and associate amendments (P.L. 109-282, as amended by section 6202(a) of P.L. 110-252 (see 31 U.S.C. 6101 note)). Refer to <https://www.fsrc.gov/> for more information.
- U. **Conflict of Interest**
1. The Participant must establish safeguards to prohibit its employees from using their positions for purposes that constitute or present the appearance of a personal or organizational conflict of interest. The Participant is responsible for notifying the Awarding Officer in writing of any actual or potential conflicts of interest that may arise during the life of this award. Conflicts of interest include any relationship or matter which might place the Participant or its employees in a position of conflict, real or apparent, between their responsibilities under the agreement and any other outside interests. Conflicts of interest may also include, but are not limited to, direct or indirect financial interests, close personal relationships, positions of trust in outside organizations, or decision-making affecting the award that would cause a reasonable person with knowledge of the relevant facts to question the impartiality of the Participant and/or Participant's employees and Sub-recipients in the matter.
 2. The Awarding Officer and the servicing Ethics Counselor will determine if a conflict of interest exists. If a conflict of interest exists, the Awarding Officer will determine whether a mitigation plan is feasible. Mitigation plans must be approved by the Awarding Officer in writing.

3. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 CFR §200.338, Remedies/or Noncompliance, including suspension or debarment (see also 2 CFR part 180).

V. Minimum Wages Under Executive Order 13658 (January 2015)

1. Definitions. As used in this clause:
 - a. "United States" means the 50 states and the District of Columbia.
 - b. "Worker"
 - i. Means any person engaged in performing work on, or in connection with, an agreement covered by Executive Order 13568; and
 - ii. Whose wage under such agreements are governed by the Fair Labor Standards Act (29 U.S.C. chapter 8), the Service Contract Labor Standards statute (41 U.S.C. chapter 67), or the Wage Rate requirements (Construction) statute (40 U.S.C. chapter 31, subchapter IV);
 - iii. Other than individuals employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in 29 CFR 541.
 - iv. Regardless of the contractual relationship alleged to exist between the individual and the employer.
 - v. Includes workers performing on, or in connection with, the agreement whose wages are calculated to special certificates issued under 29 U.S.C. §214(c).
 - vi. Also includes any person working on, or in connection with, the agreement and individually registered in a bona fide apprenticeship or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship.
2. Executive Order Minimum Wage rate.
 - a. The Participant shall pay to workers, while performing in the United States, and performing on, or in connection with, this agreement, a minimum hourly wage rate of \$10.60 per hour beginning January 1, 2016.
 - b. The Participant shall adjust the minimum wage paid, if necessary, beginning January 1, 2016, and annually thereafter, to meet the Secretary of Labor's annual E.O. minimum wage. The Administrator of the Department of Labor's Wage and Hour Division (the Administrator) will publish annual determination in the Federal Register no later than 90 days before the effective date of the new E.O. minimum wage rate. The Administrator will also publish the applicable E.O. minimum wage on <https://sam.gov/content/wage-determinations> (or any successor Web site) and on all wage determinations issued under the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute. The applicable published E.O. minimum wage is incorporated by reference into this agreement.
 - c. The Participant may request a price adjustment only after the effective date of the new annual E.O. minimum wage determination. Prices will be adjusted only if labor costs increase as a result of an increase in the annual E.O. minimum wage, and for associated labor costs and relevant subaward costs. Associated labor costs shall include increases or decreases that result from changes in social security and unemployment taxes and workers' compensation insurance, but will not otherwise include any amount for general and administrative costs, overhead, or profit.
 - i. Subrecipients may be entitled to adjustments due to the new minimum wage, pursuant to paragraph (b)(2). Participants shall consider any Subrecipient requests for such price adjustment.
 - ii. The Awarding Officer will not adjust the agreement price under the clause for any costs other than those identified in paragraph (b)(3)(i) of this clause, and will not provide duplicate price adjustments with any price adjustment under clauses

- implements the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute.
- d. The Participant warrants that the prices in this agreement do not include allowance for any contingency to cover increased costs for which adjustment is provided under this clause.
 - e. The Participant shall pay, unconditionally to each worker, all wages due free and clear without subsequent rebate or kickback. The Participant may make deductions that reduce a worker's wages below the E.O. minimum wage rate only if done in accordance with 29 CFR §10.23, Deductions.
 - f. The Participant shall not discharge any part of its minimum wage obligation under this clause by furnishing fringe benefits or, with respect to workers whose wages are governed by the Service Contract Labor Standards statute, the cash equivalent thereof.
 - g. Nothing in this clause shall excuse the Participant from compliance with any applicable Federal or State prevailing wage law or any applicable law or municipal ordinance establishing a minimum wage higher than the E.O. minimum wage. However, wage increases under such other laws or municipal ordinances are not subject to price adjustment under this subpart.
 - h. The Participant shall pay the E.O. minimum wage rate whenever it is higher than any applicable collective bargaining agreement(s) wage rate.
 - i. The Participant shall follow the policies and procedures in 29 CFR 10.24(b) and 10.28 for treatment of workers engaged in an occupation in which they customarily and regularly receive more than \$30.00 a month in tips.
3. This clause applies to workers as defined in Section 1.b of this agreement condition. As provided in that definition:
 - a. Workers are covered regardless of the contractual relationship alleged to exist between the Participant or Subrecipient and the worker;
 - b. Workers with disabilities whose wages are calculated pursuant to special certificates issued under 29 U.S.C. 214(c) are covered; and
 - c. Workers who are registered in a bona fide apprenticeship program or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship, are covered.
 4. This clause does not apply to:
 - a. Fair Labor Standards Act (FLSA) - covered individuals performing in connection with contracts covered by the E.O., *i.e.* those individuals who perform duties necessary to the performance of the agreement, but who are not directly engaged in performing the specific work called for by the agreement, and who spend less than 20% of their hours worked in a particular workweek performing in connection with such agreements;
 - b. Individuals exempted from the minimum wage requirements of the FLSA under 29 U.S.C. §213 (a) and (b), unless otherwise covered by the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute. These individuals include but are not limited to:
 - i. Learners, apprentices, or messengers whose wages are calculated pursuant to special certificates issued under 29 U.S.C. §214(a).
 - ii. Students whose wages are calculated pursuant to special certificates issued under 29 U.S.C. §214(b).
 - iii. Those employed in a bona fide executive, administrative, or professional capacity (29 U.S.C. §213(a)(1) and 29 CFR 541).
 5. Notice. The Participant shall notify all workers performing work on, or in connection with, this agreement of the applicable E.O. minimum wage rate under this clause. With respect to workers covered by the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, the Contractor may meet this requirement by posting, in a prominent and accessible place at the worksite, the applicable wage determination under those statutes. With respect to workers whose wages are governed by the FLSA, the Participant shall post notice, utilizing the poster provided by the Administrator, which can be

obtained at www.dol.gov/whl/govcontracts, in a prominent and accessible place at the worksite. Participants that customarily post notices to workers electronically may post the notice electronically provided the electronic posting is displayed prominently on any Web site that is maintained by the Participant, whether external or internal, and customarily use for notices to workers about terms and conditions of employment.

6. Payroll Records

- a. The Participant shall make and maintain records, for three years after completion of the work, containing the following information for each worker:
 - i. Name, address, and social security number,
 - ii. The worker's occupation(s) and classification(s);
 - iii. The rate or rates of wages paid;
 - iv. The number of daily and weekly hours worked by each worker;
 - v. Any deductions made; and
 - vi. Total wages paid.
 - b. The Participant shall make records pursuant to paragraph (e)(1) of this clause available for inspection and transcription by authorized representatives of the Administrator. The Participant shall also make such records available upon request of the Contracting Officer.
 - c. The Participant shall make a copy of the agreement available, as applicable, for inspection or transcription by authorized representatives of the Administrator.
 - d. Failure to comply with this paragraph (e) shall be a violation of 29 CFR §10.26 and this agreement. Upon direction of the Administrator or upon the Awarding Officer's own action, payment shall be withheld until such time as the noncompliance is corrected.
 - e. Nothing in this clause limits or otherwise modifies the Participant's payroll and recordkeeping obligations, if any, under the Service Contract Labor Standards statute, the Wage Rate Requirements (Construction) statute, the Fair Labor Standards Act, or any other applicable law.
7. Access. The Participant shall permit authorized representatives of the Administrator to conduct investigations, including interviewing workers at the worksite during normal working hours.
 8. Withholding. The Awarding Officer, upon his or her own action or upon written request of the Administrator, will withhold funds or cause funds to be withheld from the Participant under this or any other Federal agreement with the same Participant, sufficient to pay workers the full amount of wages required by this clause.
 9. Disputes. Department of Labor has set forth in 29 CFR §10.51, Disputes concerning the Participant's compliance with Department of Labor regulations at 29 CFR §10. Such disputes shall be resolved in accordance with those. This includes disputes between the Participant (or any of its Subrecipients) and the contracting agency, the Department of Labor, or the workers or their representatives.
 10. Antiretaliation. The Participant shall not discharge or in any other manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to compliance with the E.O. or this clause, or has testified or is about to testify in any such proceeding.
 11. Subcontractor compliance. The Participant is responsible for Subrecipient compliance with the requirements of this clause and may be held liable for unpaid wages due Subrecipient workers.

W. **Patents and Inventions.** Participants of agreements which support experimental, developmental, or research work shall be subject to applicable regulations governing patents and inventions, including the government-wide regulations issued by the Department of Commerce at 37 CFR 401, Rights to Inventions Made by Non-profit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements. These regulations do not apply to any agreement made primarily for educational purposes.