



INSTRUCTIONS FOR COMPLETING THE APPLICATION TO OBTAIN HISTORIC LIGHT STATION PROPERTY

The National Historic Lighthouse Preservation Act (NHLPA) of 2000 (16 U.S.C. § 470w-7), an amendment to the National Historic Preservation Act of 1966, provides a mechanism for the disposal of historic light stations. NHLPA recognizes the cultural, recreational, and educational value of these historic resources by allowing these properties to be transferred at no cost to Federal agencies, State and local governments, nonprofit corporations, educational agencies, or community development organizations. The eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes to the general public at reasonable times and under reasonable conditions.

Eligible entities are defined as any department or agency of the Federal government, any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that agrees to comply with conditions set forth in the NHLPA and is financially able to maintain the historic light station with those conditions.

The NHLPA involves several Federal agencies that play different roles in transferring surplus historic light stations to new owners. The U.S. Coast Guard (USCG) or other Federal agency identifies and reports excess historic light stations to the General Services Administration (GSA), providing adequate advanced notice time for prospective applicant agencies and groups to plan and organize preservation efforts. GSA issues a Notice of Availability to interested parties, conducts environmental reviews in compliance with the National Environmental Policy Act and the Coastal Zone Management Act as applicable, and develops and executes conveyance documents. In the event that no applicant is approved to receive the historic light station, GSA may sell the property in accordance with procedures outlined in the NHLPA (16 U.S.C. § 470w-8). The National Park Service (NPS) of the Department of the Interior, acting on behalf of the Secretary of the Interior (Secretary), provides applications to interested parties, and reviews and evaluates submitted applications. The Secretary recommends a single suitable no-cost approved applicant to GSA.

Copies of the National Historic Lighthouse Preservation Act of 2000 may be obtained by contacting the Maritime Heritage Program, National Park Service, 1849 C Street NW (2261), Washington, DC 20240 Attention: NHLPA or on the web at <http://www.nps.gov/maritime/nhlpa/reference.htm>.

A. APPLICATION PROCEDURES

This document provides guidance for preparing an application, which will become, if accepted by the Federal government, a legally binding document that controls the use and preservation of the property. The application, therefore, must contain complete and accurate information.

This package contains:

- Application Procedures
- Application
- Resolution/Certification of Authority to Acquire Property
- Environmental Analysis of Probable Impacts with Environmental Questionnaire
- Appendices

An applicant must submit **five (two originals and three copies)** completed applications. Each application will be judged on the merits of its entirety.

Joint applications may be submitted as long as the roles and responsibilities of each party are clearly defined, and there is one lead entity that is designated to become the grantee should the application be approved and forwarded to GSA for conveyance.

This application and its acceptance by the NPS shall constitute the entire agreement between the applicant and the Federal government regarding the application for the conveyance of a historic light station for education, park, recreation, cultural, or historic preservation purposes. The property must be used solely and continuously for the purposes stated in the application, and cannot be sold, leased, rented, mortgaged, encumbered, conveyed, assigned, exchanged, or disposed of without the prior written consent of the NPS. The applicant may be required to furnish additional data, maps, reports, and information as may be requested by the NPS or GSA in order for these agencies to comply with any Federal laws triggered by this application.

Submission of false information may be subject to either civil penalties (31 U.S.C. § 3729) or criminal penalties (18 U.S.C. § 287).

Please mail the five completed applications to:

[Insert NPS regional office address here]

For light stations to be conveyed with historic Fresnel lenses, a separate Historic Fresnel Lens Treatment Plan must be completed and included as an addendum to the application. The NPS regional office will forward the Fresnel Lens plan to the United States Coast Guard for review and comment. An accepted Historic Fresnel Lens Treatment Plan will become an official part of the application.

B. EVALUATION OF APPLICATIONS

The NPS will evaluate the applications for completeness; past performance; ability to carry forward the goals of the NHLPA; compliance with the Secretary of the Interior’s “Standards for the Treatment of Historic Properties” (36 CFR 68); and most importantly, compliance with legal requirements of the NHLPA and the National Historic Preservation Act. Applications should be clear and concise. Avoid use of legal or technical jargon. The application, once accepted, becomes a legally binding principal planning document for the light station. The SHPO of the state in which the light station is listed will be provided with copies of all submitted applications and asked to provide comments. These comments will also be considered in the NPS review.

SCORING: The following point assignments will be made for each section:

Title Page – Complete / Incomplete

Executive Summary – Complete / Incomplete

Property Description – Complete / Incomplete

Preservation and Maintenance Plan – 25 points

- Higher priority will be given to proposals that best demonstrate comprehensive planning for the long-term preservation of the historic features of the property and competency in developing treatment and maintenance plans. Clarity and attention to detail count. The proposed plan must meet the Secretary of the Interior’s “Standards for the Treatment of Historic Properties,” 36 CFR part 68. For information on where to obtain copies of the Standards, please see Appendix B. For light stations that include a Fresnel lens, a detailed preservation plan for the lens must be included. The US Coast Guard will review the lens preservation plan.

Use Plan – 25 points

- Higher priority will be given to proposals that will reach large public audiences, either in visitation or programmatically; raise funds in ways compatible to the character of the property; provide adequate revenue for preservation, operation, and education; and provide for safe, enjoyable, educational, park, recreational, cultural, or historic preservation uses of the property, including distance and virtual experiences for isolated sites or for those where visitation is physically challenging or prohibitive.

Financial Plan – 25 points

- Higher priority will be given to proposals that demonstrate reasonable, well-founded estimates of the financial needs to accomplish the organization’s plans and its capabilities to meet those needs; the demonstrated ability of the Applicant to provide funding to rehabilitate and maintain the light station in perpetuity; and past and/or current performance on similar projects and grant administration and completion.

Management Plan – 25 points

- Higher priority will be given to those entities that demonstrate a strong capability and history of successful preservation management. Other considerations include demonstration of successful management of educational, conservation, and recreational programs and projects as well as the success of past, present, and planned partnerships between the applicant and other government or non-profit organizations. Newly formed organizations may benefit from partnerships with an established agency, municipality, or other organizations with a recognized reputation for the successful management of similar programs. Insurance, both liability and property damage, will be considered an important aspect of a strong management plan.

Application Covenant Agreement – Complete / Incomplete NOTE: The application will not be accepted without a signed Covenant Agreement.

Resolution/Certification of Authority to Obtain Property – Complete / Incomplete NOTE: The application will not be accepted without a signed Resolution/Certification.

Environmental Analysis – Reviewed separately by GSA.

Historic Fresnel Lens Treatment Plan – Reviewed separately by USCG.

NPS REVIEW: The following are guidelines employed by the NPS in evaluating applications and a making recommendation for ownership.

1. Each part of the Master Plan (preservation and maintenance; use plan; financial plan; and management plan) is given a numerical score between 0 and 25. The scale is as follows:
 - 16 to 25 points – Recommendable** – ranges from 16 points (Very Good) to 25 points (Excellent)
 - 11 to 15 points – Potentially Acceptable** – Average
 - 0 to 10 points – Unacceptable** – ranges from 0 points (Unsatisfactory) to 10 points (Below Average)
2. Individual plan scores from each of the three reviewers are combined and the average calculated. There will be four averaged scores per application representing each of the four plans.
3. Each application is then placed in one of three categories:

Category 1 Recommendable

- No individual plan is scored below 16 points.

- Placement in Category 1 does not necessarily indicate that the applicant will be recommended immediately. There may be minor questions or clarifications that need to be addressed before the review committee can make a recommendation for ownership.

Category 2 Potentially Acceptable

- Any application that does not meet the requirements of Category 1 but has at least three individual plans scored at 11 points or higher.

Category 3 Unacceptable

- Any application where two or more individual plans are scored at 10 points or below.

4. Only Category 1 applications are eligible for consideration for transfer of the property.

a. If one, or more than one, application for a historic light station is rated as Category 1, NPS will obtain any additional information or clarifications necessary to complete its review from all Category 1 applicants. All other applications are given no further consideration. Based on the final scores for each individual plan, the review committee will make a final recommendation.

b. If no applications are rated as Category 1, the NPS will ask all applicants to submit a revised application within thirty (30) to sixty (60) calendar days addressing all the deficiencies as identified by the review committee. The revised applications will be scored and ranked a second time within thirty (30) calendar days. Only those applications that are rated as Category 1 will be eligible for consideration (see “a.” above). Should no application still be rated as Category 1, all revised applications will be rejected.

C. APPLICATION GUIDELINES

Guidelines are provided at the beginning of each section of the application. Please read carefully before preparing the application.

The application should:

- be concise;
- be printed in a font size not smaller than 11 point;
- provide page breaks between each section, including each section of the Master Plan, and
- conform to the sequence outlined below.

The application must be bound in such a way that pages can be removed as changes, corrections and/or additions are made. Recommended binding methods include a three-ring binder or loose pages clipped together in the top left-hand corner. Spiral, comb or any other binding method where individual pages cannot be removed is **not** acceptable.



APPLICATION TO OBTAIN HISTORIC LIGHT STATION PROPERTY

This application is a legally binding document and serves as the basis for the continued operation and use of the light station after a non-cost transfer under the National Historic Lighthouse Preservation Act of 2000, 16 U.S.C. § 470w-7. If awarded the historic light station, the grantee must submit all Preservation Plans, Historic Structures Reports, drawings and specifications to the National Park Service and the appropriate State Historic Preservation Office (SHPO) for review and approval prior to commencement of any work. Approval of conceptual plans or concepts within this application is not a substitute for approval of documents, drawings, or specifications noted above.

1. TITLE PAGE

Name of applicant organization and representative:

Name of prospective transferee (if different from applicant organization):

Physical address of applicant agency: street, city, state, zip code:

Daytime telephone number of applicant agency and/or representative:

Mailing address (if different from physical address):

Name of historic light station property and GSA control #:

Physical address of property: street, city, county, state, zip code:

2. COVENANT AGREEMENT

See Appendix A. Complete and sign. Insert after Title Page.

3. EXECUTIVE SUMMARY

Provide a general statement that summarizes in **one page** the overall goals of this project, describing the intended use and future plans. Include a statement of why the Applicant(s) should be the recipient of the property.

4. PROPERTY DESCRIPTION AND SUPPORTING DOCUMENTATION

Do not include copies of newspaper articles, etc. as a means of conveying information – they will not be read for content. They may be attached, however, as an appendix to document local interest, the visibility of the lighthouse, or community involvement.

- Provide a physical description of the historic light station, including character defining features of the historic buildings and structures and key geographic features (topography, vegetative cover, water bodies, and other natural features). The text must identify cultural and natural property features, including historic structures, buildings, archeological features or sites, and general landscape.
- Discuss the historical value of this particular property (i.e. integrity of workmanship, materials, character, role, and setting). If the property is listed in the National Register of Historic Places, do not repeat information found in the nomination but reference the enclosed nomination.
- Indicate where the principal access roads are located to and within the property, as well as public parking areas, if applicable.
- Describe the relationship of the property to adjacent properties and surrounding uses.

Supporting documentation must include:

- a map or site plan;
- a set of exterior and interior photographs for each structure and the overall setting of the subject property that adequately documents spaces and features addressed in the “Property Description” and “Preservation and Maintenance Plan.” These need not be professional photographs but should be clear, color or black and white, 35mm prints. Digital prints may be submitted ONLY if printed on photo paper or an archivally stable paper that meets the standards of the National Archives and Records Administration. Poloroid images are not acceptable. A map of the site (may be a free hand drawing or duplicate of an existing drawing) indicating the direction of the photographs should be included; and
- a copy of the National Register of Historic Places nomination form or a copy of the Determination of Eligibility.

5. MASTER PLAN FOR THE HISTORIC LIGHT STATION

The following narrative describes the strategy to meet the requirements for the Master Plan. Point values assigned to each category are listed on page 3 & 4 of the “Instructions” document.

a. **Preservation and Maintenance Plan**

*Provide plans for the preservation and maintenance of the historic light station property in graphic and narrative form. Detailed plans and specifications are not expected, but it must be clear that the Applicant has fully recognized areas of historic significance and will plan to minimize the impact of any proposed work on these significant areas. All proposed work must meet the Secretary of the Interior’s *Standards for Rehabilitation*.*

Preservation:

- For each historic building/structure and landscape feature of the property, describe its condition and how it will be repaired, rehabilitated, restored or preserved -- include the impacts of new utilities, handicap accessibility, parking and other modifications. Please refer to the Americans with Disabilities Act and *Preservation Brief 32: Making Historic Properties Accessible* for information on physical and/or programmatic access. For archeological areas, describe security and maintenance to stabilize the site, control vegetal growth, or avoid damage. Describe how hazardous materials including but not limited to lead paint and asbestos will be handled. All remediation must conform to State regulations. List the increments and time schedules for phased preservation work and the estimated cost of each increment.
- Provide **summaries** of the findings of any supporting documentation (such as historic structures reports and engineering studies) used in the development of plans. (NPS may request full copies of these reports at a later date.)
- Describe the recent (within the past five years) preservation planning experience and qualifications of the team members who will be developing, managing, and/or implementing the preservation plan. If the applicant has no or limited preservation experience, a commitment to consult with or hire a qualified architectural or preservation firm must be included. Potential firms must be identified and evidence of initial discussions should be provided.

Maintenance:

- Describe the cyclical maintenance plan for both the built and natural environment. Describe the recent (within the past five years) preservation planning experience and qualifications of the team members or outside consultants who will be developing, managing, and/or implementing the maintenance plan.

Attach additional pages.

b. **Use Plan**

Describe in detail the planned use of the historic light station.

- Describe the educational, park, recreation and/or cultural use of the property and how this will be implemented. Include estimated time the historic light station will be open to the general public. Discuss how the proposed use will meet both Federal and State accessibility laws and regulations. Please refer to the Americans with Disabilities Act and *Preservation Brief 32: Making Historic Properties Accessible* for information on physical and/or programmatic access. Differentiate between public-use activities and revenue-producing activities. Establish the suitability of the property for the proposed uses and the compatibility of the proposed revenue producing activities with the historical and/or architectural character of the property. Identify any portions of the property to which public access will be denied or restricted, such as the support areas and USCG controlled areas.
- Compare the planned use of this site with work your organization has performed in the past.

Attach additional pages.

c. **Financial Plan**

Demonstrate the Applicant's financial ability to acquire, develop, maintain, and operate the historic light station for the proposed use.

- Provide a statement of current assets and cash flow. **Identify projected income** from all sources, including income from fundraising, specific grants, cash and in-kind matching funds with specific dollar amounts. **Identify projected expenses** for repair, rehabilitation, recurring maintenance, insurance, and administration and operation of the historic light station as identified in the preservation and maintenance plan. Supporting information on how these numbers were determined should be included. Applicants with little lighthouse experience may wish to consult with owners/managers of similar lights in order to obtain a sound basis for their estimates.
- In a table format, identify sources of funding and their current status, i.e. potential, pledged, pending, awarded, or secured. If a funding source is potential or pending, address contingency plans if those funds are not realized.
- Provide either audited financial statements or financial statements reviewed by a certified public accountant for the past three (3) years.
- For non-profit organizations, provide IRS Form 990, "Return of Organization Exempt from Income Tax" for the last three (3) years.

- Provide budget summaries for the next five (5) years, describing the preservation and on-going maintenance and operation costs needed to bring the property to optimal condition and to maintain it in that condition.
- Any estimates for insurance must be supported by information provided by a qualified insurance agent. Both liability insurance for visitors, volunteers, and staff as well as property damage insurance are clearly elements of a sound management plan for any historic site. Evidence of this insurance shall be provided in the Application. The amounts shall be determined by the Applicant in consultation with their insurance agent.
- Specify any capital already invested in the preservation, maintenance, operation or educational use at this light station.
- List all sites with which the Applicant has a financial, management, or operational commitment and the annual dollar amount and/or days for each.

Attach additional pages.

d. **Management Plan**

Provide a management plan that includes organizational structure, stewardship history and capability, and administrative procedures.

- Describe the Applicant's organizational structure. If submitting a joint application (i.e., multiple organizations forming a partnership to manage the light station), describe how each organization will contribute to the effort; how the organizations will work together and make decisions; and which organization will own the lighthouse. For joint applications, all partners must provide a written statement that defines roles, responsibilities, and financial commitments. Newly-formed organizations may not have the required knowledge and experience to be successful candidates and may wish to consider forming a partnership with an established organization with expertise that can complement areas in which the new organization is deficient.
- Describe past performance of the Applicant and any partner(s) on all grant projects within the past five years, including source and amount of grant, a description of project, how any match was met, and if completed within the grant period.
- Describe the past performance of the Applicant and any partner(s) on any preservation, educational, cultural or recreation projects within the past five years.
- Identify any other involvement the Applicant has had with any light stations made available through NHLPA, including those offered through public sales.
- If the Applicant currently holds a license or lease with the USCG for the historic light station property, provide a copy of the insurance binder or certificate. If the Applicant does not hold a license or lease, provide a copy of an insurance estimate for the property.

- Include letters of support from outside organizations; please note that in order for these letters to enhance your application in any substantive way, they must specify the type of support to be provided (e.g., technical assistance, financial commitments, shared space, advertising, willingness to create an exhibit or other interpretive material, fund-raising, transportation, etc.). Letters should be from organizations that are providing narrowly defined assistance to the applicant or joint applicants – please do not provide letters that indicate general support of your application efforts.

In addition, non-profit corporations must provide:

- evidence of qualifying state non-profit status;
- corporate by-laws;
- corporate officers by name and title;
- description of succession plan; and
- number of existing members -- DO NOT include a list of members.

Attach additional pages.

6. RESOLUTION/CERTIFICATION OF AUTHORITY TO ACQUIRE PROPERTY

The Applicant must submit a certified copy of a resolution, certificate of authority, or similar public document executed by its governing body, that states its desire and ability to acquire surplus Federal property, and designates the person legally authorized to apply for the property. A sample format is available at the end of this document (**see Appendix A**). The resolution or certification to acquire property must contain the following:

- a. A statement that the application is being made for acquisition of the property under the provisions of the National Historic Lighthouse Preservation Act (16 U.S.C. § 470w-7) and procedures promulgated thereunder.
- b. Identification of the name, location, acreage, and General Services Administration Control Number, if applicable, of the property requested.
- c. An authorization to acquire the property exclusively for education, park, recreation, cultural, or historic preservation purposes for the general public.
- d. A certification that the Applicant is authorized, willing, and able to assume liability and responsibility for the development, maintenance, and operation of the property.
- e. A designation by title of a specific official to act as the authorized representative in all matters pertaining to the transfer of the property.
- f. A certification that the Applicant is willing and authorized to pay the administrative expenses incident to the transfer.

7. ENVIRONMENTAL ANALYSIS OF PROBABLE IMPACTS:

The National Environmental Policy Act of 1969 (NEPA) (P.L.91-190) requires an analysis of the probable environmental effects of the proposed project. The Applicant shall complete the following Environmental Questionnaire and furnish sufficient information to demonstrate that it has considered all environmental impacts cited in the questionnaire. The transfer process will be deferred pending receipt of such information, since required assessment of the environmental impact of any particular project cannot be initiated without prior submission of such data by the Applicant. Applicants are cautioned that conformance with these procedures shall not obviate the need for compliance with applicable State and local environmental use and review requirements. The GSA will examine the information and determine whether the analysis is acceptable. In the event that preparation of further documentation is necessary, the Applicant may be requested to furnish additional materials to the GSA in order to prepare an Environmental Assessment or Environmental Impact Statement.

APPENDIX A:

Includes:

1. Copy of NHLPA Covenant Agreement
2. Environmental Questionnaire
3. Sample resolution or certification to acquire property

NHLPA COVENANT AGREEMENT

The undersigned _____, hereinafter referred to as the
(state or local government; or non-profit)

Applicant or Grantee, acting by and through _____,
Name and Title

Street Address, City/Town, Zip Code

hereby applies for the conveyance, without monetary consideration, for use for education, park, recreation, cultural or historic preservation purposes, from the United States of America pursuant to the National Historic Lighthouse Preservation Act of 2000 and in accordance with the rules and regulations of the General Services Administration, hereinafter referred to as GSA, the

(name of historic light station)

This property is more fully described in the Application attached hereto and made a part hereof.

Enclosed is a resolution or certification as to the authority of the undersigned to execute this application and to do all other acts necessary to consummate the transaction.

The undersigned agrees that this application is made subject to the following terms and conditions:

The Applicant(s) understand(s) and agree(s) that the Application is made, and the conveyance of the property shall be accomplished by an instrument, or instruments, in a form satisfactory to the Administrator of the GSA without warranty, express or implied, and shall contain substantially, but may not be limited to, the following reservations, restrictions, and conditions, which may be enforced through a reversionary right in the property reserved to the United States of America. In accordance with 16 U.S.C. § 470w-7 (b)(3)(A), the Administrator will be issuing the quitclaim deed on behalf of the United States.

I. HISTORIC PRESERVATION and OTHER USES.

a. Compliance with this Application. This application and its acceptance by the Federal government shall constitute a binding agreement in its entirety between the grantee and the Federal government, which shall remain in effect unless written modifications are agreed upon by both parties.

b. Limitations on Sale, Conveyance, etc. The grantee shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, **unless** such sale, conveyance, assignment, exchange or encumbrance is approved by the National Park Service prior to its execution.

c. Commercial Activities. The grantee may conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, provided that such commercial activities are approved by the National Park Service.

d. Reversionary Interest of the United States. The conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the grantee in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, shall at the option of the GSA Administrator, revert to the United States and be placed under the administrative control of the Administrator, if:

1. the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the application;
2. the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;
3. the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with the NHLPA, the Secretary of the Interior's "Standards for the Treatment of Historic Properties," 36 CFR part 68, and other applicable laws;
4. the grantee sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the National Park Service;
5. the grantee conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the National Park Service;
6. or at least 30 days before the reversion, the Administrator of GSA provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

See 16 U.S.C. § 470w-7(c)(3).

II. COMPLIANCE

- a. The Government and any representative it may so delegate, shall have the right of entry upon the premises at any time to conduct periodic inspection to ensure compliance with the terms and conditions of the conveyance. The failure of any agency of the United States to exercise any right, term, covenant, condition or remedy granted under either this instrument or a deed of conveyance from the United States for a historic light station shall not be deemed to be a waiver of the same or any other term, covenant, condition, right or remedy. No term, covenant, condition, right or remedy shall be deemed to have been waived by the United States unless such waiver is in writing executed by a duly authorized representative of the United States.
- b. Beginning no later than two years from the date of conveyance, the Grantee shall prepare reports describing the preservation, management and use of the historic light station, and provide financial statements from its operation. The time frames and specific materials requested will be determined by the National Park Service region in which the light station is located working in conjunction with the State Historic Preservation Officer. The National Park Service will contact the Grantee no later than three months prior to any report being due with specific requirements.

III. FEDERAL AIDS TO NAVIGATION

- a. The United States will continue to own, operate and maintain, and have the right to install, remove, relocate, or replace, any “Federal aid to navigation,” upon any property conveyed under the NHLPA. A Federal aid to navigation is defined as any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.
- b. The United States Coast Guard (USCG) is the Federal agency responsible for operating and maintaining any Federal aid to navigation located upon the property. The eligible entity to which the property is conveyed shall not interfere, or allow interference in any manner, with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the USCG.
- c. In those instances in which a Federal aid to navigation remains upon the property conveyed, the United States has the right to reserve:
 1. Easements for the operation and maintenance of such aid to navigation, including but not limited to, an easement for the arc of visibility if a lighted aid to navigation or an easement to produce sound if a fog horn or other sound based aid to navigation;

2. Unrestricted easements for access upon, through, over, and across the property at any time, including but not limited to, the right of ingress and egress in, to, and through the interior of the lighthouse structure; and

3. Easements for utility, power, and communication lines.

d. The United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with 16 U.S.C. § 470w-7(c) to the extent that it is not possible to provide advance notice.

e. The United States shall retain a reversionary interest (*i.e.*, title to the property conveyed would revert to the United States) and may exercise said interest in the event the property or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation.

IV. GENERAL TERMS AND CONDITIONS

a. This application and its acceptance shall constitute the entire agreement between the grantee and the United States of America, unless modified and approved in writing by both parties. This agreement becomes legally binding once the quitclaim deed or other instrument of conveyance for the property is executed or delivered by the United States.

b. The description of the property set forth herein is believed to be correct, but any error or omission shall not constitute ground or reason for nonperformance of the agreement resulting from the acceptance of this application.

c. If any portion of the property is situated on bottomlands, the United States will convey only an interest in the structure described in the published Notice of Availability. No submerged lands shall be conveyed by the transfer of ownership of the light pursuant to Section (d)(4) of the National Historic Lighthouse Preservation Act. Bottomlands are held by the state where the property is located. It is incumbent upon the selected recipient to secure the necessary rights to the bottomland from the state.

d. If an application for the conveyance of a historic light station is approved, then, the Property will be conveyed without consideration via a quitclaim deed “AS IS” and “WHERE IS” without representation, warranty, or guaranty as to quantity, quality, character, condition, size or kind, or that the property is in condition or fit to be used for the purpose intended. No claim for any adjustment upon such grounds will be considered after this application has been accepted.

e. The grantee shall save, hold harmless, defend, and indemnify the United States, its employees, agents, and representatives from any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that arises from the grantee’s or the grantee’s employee’s, agent’s, or representative’s use or

occupancy of the property and/or the grantee's failure to comply with the terms and conditions of the conveyance.

f. The grantee shall obtain the required authorization from the U.S. Army Corps of Engineers District office having the jurisdictional responsibility for access and utilization of lighthouse structures located on U.S. Army Corps of Engineers navigation structures (i.e. breakwalls, jetties, piers, etc).

g. The grantee shall pay all taxes imposed on this transaction and shall obtain at its own expense and affix to all instruments of conveyance and security documents such revenue and documentary stamps as may be required by Federal and local law. All instruments of conveyance and security documents shall be recorded at the grantee's expense within 30 days of their receipt in the manner prescribed by local recording statutes.

h. The grantee shall provide the General Services Administration with a certified copy of the instrument of conveyance within 30 days of the date of recordation which indicates the date, location, and book and page number of its recording.

i. The grantee further covenants and agrees for itself, its successors, and assigns, to comply with the provisions of the Federal Disaster Protection Act of 1973 (87 Stat. 975); Executive Order 11988, relating to the evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution; and Executive Order 11990, relating to the protection of wetlands, where and to the extent said Act and Orders are applicable to the property herein conveyed, and the approved Applicant shall be subject to any use restrictions issued under said Act and Orders.

j. In support of eligibility to acquire the property under NHLPA, grantee submits the "Master Plan" for the historic light station as part of the application attached hereto. The "Master Plan" may be amended from time to time at the request of either the grantee or the Federal government, with the written concurrence of the other party. Such amendments will be added to, and become a part of, the original "Master Plan." As part of the review of any amendments, the Federal government is required to comply with Section 106 of the National Historic Preservation Act, as amended, and the National Environmental Policy Act, as amended. The Applicant further agrees that it will furnish such data, maps, reports, and information as may be requested by the Federal government to comply with these, and any other, laws as required.

k. The grantee further covenants and agrees for itself, its successors and assigns, to comply with all Federal laws relating to nondiscrimination in connection with any use, operation, program, or activity on or related to the property requested in this application, including, but not limited to:

1. All requirements imposed by or pursuant to the regulations of the U.S. Department of the Interior (43 C.F.R. Part 17);

2. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d-1), which prohibits discrimination on the basis of race, color, or national origin;
3. The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap;
5. The Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151), which requires facilities located on the property to be accessible to the physically handicapped; and
6. The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), which requires that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from the participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

l. The grantee shall, within three months of the date of the recording of the instrument of conveyance, erect and forever maintain a conspicuous sign or signs near the principal point or points of access to the property that states: “The United States of America donated this property to the *name of grantee* for preservation and public use through the National Historic Lighthouse Preservation Act. This program is administered by the National Park Service.”

m. The grantee agrees that all income from the property shall be used for preservation and maintenance of the property according to the grantee’s Master Plan. While a reasonable amount of excess income may be carried forward from year to year to meet preservation and maintenance costs, all other excess income must be used for historic preservation, educational, or recreational purposes enunciated in the transfer agreement.

V. REVERSION

a. Title to the property transferred shall revert to the United States of America at its option for non-compliance with any of the terms and conditions of the conveyance. In the event that there is a breach of any of the conditions and covenants herein contained by the grantee, its successors and assigns, whether caused by legal or other inability of the grantee, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title, and interest in and to the said premises shall revert to and become the property of the United States at its option. The United States, in addition to all other remedies for such breach, shall have the right of entry upon said premises, and the approved Applicant, its successor and assigns, shall forfeit all right, title, and interest in said premises and in any and all of the tenements, hereditaments, and appurtenances thereunto belonging.

b. The grantee, by its acceptance of the deed, covenants and agrees for itself, and its successors and assigns, that in the event the United States exercises its power to terminate the grantee's estate in the property then the approved Applicant shall provide protection to and maintenance of said property at all times until such time as the title is actually reverted, including the period of any notice of intent to revert. Such protection and maintenance shall, at a minimum, conform to the standards prescribed by the GSA in its Federal Property Management Regulations in effect at the time of the reversion. Prior to any such reversion, the grantee further agrees to complete and submit to the United States an environmental assessment of the property that sufficiently documents and evaluates its condition in regard to the release of hazardous substances as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended [42 U.S.C. § 9601(14)].

Date

Signature

Name - printed

Title

Address of Applicant

ACCEPTANCE BY THE GOVERNMENT

Accepted by and on behalf of the United States of America this _____ day of _____, 20____.

GENERAL SERVICES ADMINISTRATION

By: _____
Signature

Name - printed

Title

Environmental Questionnaire

Provide a narrative explanation of the probable environmental effects of the proposed program of use and preservation occurring in each of the following 12 areas of importance. The environment should be considered as the area that the proposed project would both impact and serve. The greatest detail should concern the probable environmental impact of the project on the particular property and its surrounding community, both in the short and long term. This section should broadly and briefly discuss the geography of the area, wildlife, water and air quality, area population, and potential users of the service to be provided, the economy of the area, and any current environmental concerns.

1. Please describe the specific property that will be directly affected in terms of its current use and proposed use. If the land is in a natural state, please provide a brief description with respect to plant and animal life.
2. Describe the surrounding area. Is it primarily residential, industrial, agricultural, etc.? Is the property in a rural, urban, or suburban area? Has the area been formally zoned for specific uses? Please provide a map of the immediate area covering approximately one square mile.
3. If the proposed action is in a floodplain or affects a floodplain, please list all pertinent restrictions (with citations) on land use under Federal, State, and local laws and regulations, and any actions the Applicant proposes to mitigate foreseeable adverse effects.
4. Will the proposed action directly or indirectly affect a wetland? Please list any pertinent Federal, State, and local wetland regulations and any actions the Applicant proposes to mitigate foreseeable adverse effects.
5. Will the proposed action have a direct or indirect effect on any Federally or State-listed endangered species? If so, please describe any impacts as well as any actions the Applicant proposes in order to mitigate foreseeable adverse effects.
6. Is it reasonably foreseeable that the proposed activity will have a direct or indirect effect on natural resources, land uses, or water uses in the coastal zone? If so, describe how the Applicant will comply with the State's enforceable and mandatory coastal zone policies. Please describe any impacts as well as any actions the Applicant proposes in order to mitigate foreseeable adverse effects.
7. Approximately how many visitors will be introduced to the area on a daily basis during operations? Approximately how many vehicles will be introduced into the area on a daily basis as a result of the operation of the facility? Will there be any identifiable increased traffic in the surrounding area as result of the proposed use of the property?

8. How much water will the Applicant use on the property in a normal day? What system will provide the water (name and address of system)? How much sewage will the Applicant generate on a daily basis? Will the sewage be handled by a sewage treatment facility? If so, please provide the name and address of the system.
9. Will the proposed use of the property likely result in the use, storage, release and/or disposal of toxic, hazardous, or radioactive materials, or in the exposure of people to those materials? If so, please describe these proposed activities.
10. Will the proposed use of the property destroy or decrease access to any known or potential archeological sites? If so, please describe any impacts as well as any actions the Applicant proposes in order to mitigate foreseeable adverse effects.
11. Will the proposed use of the property violate or require a variance from any Federal, Tribal, State or local laws pertaining to the visual environment, odors, public health, and noise? If so, please describe any impacts as well as any actions Applicant proposes in order to mitigate foreseeable adverse effects.
12. Will the proposed use of the property violate or require a variance from any Federal, Tribal, State or local laws pertaining to land, air or water pollution or land use? If so, please describe any impacts as well as any actions Applicant proposes in order to mitigate foreseeable adverse effects.

Name of the preparer: _____

Qualifications of the preparer:

Contact information including mailing address, telephone number, fax number and email:

Sample Resolution/Certification of Authority to Acquire Property

Whereas, certain real property owned by the United States of America, located in the (City/Town/Township/Village) of (name of city/town/township/village), County of (name of county), State of (name of state), has been declared surplus at the discretion of the General Services Administration, and the National Historic Lighthouse Preservation Act (16 U.S.C. § 470w-7) and policies promulgated pursuant thereto, more particularly described as follows:

(name of the surplus Federal property)

(acreage of the total property being requested under this application, if the precise acreage is not known, please provide an estimate)

(General Services Administration Control Number for the property, if applicable, otherwise, leave blank)

Whereas, (name of Applicant) needs and will use said property in perpetuity for the purposes as set forth in its application and in accordance with the requirements of said Act and any regulations and policies promulgated thereunder;

Now, Therefore, Be It Resolved, that (name of Applicant) shall make application to the National Park Service acting for the Secretary of the Interior for, and secure the transfer to, the above-mentioned property for said use and subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the National Park Service and the Federal disposal agency may require in connection with the disposal of said property under said Act and the regulations and policies issued pursuant thereto.

Be It Further Resolved that (name of Applicant) has legal authority, and is willing and able, to properly develop, maintain, operate, and assume liability of the property, and that (name and title of official) is hereby authorized, for and on behalf of the (name of Applicant) to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making, and filing of plans, applications, reports, and other documents, the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of said property, including the filing of copies of the application and the conveyance documents in the records of the governing body, and the payment of any and all sums necessary on account of the purchase price thereof or fees or costs incurred in connection with the transfer of said property for survey, title searches, recordation or instruments, or other costs identified with the acquisition of said property.

(name and address of Applicant)

I, (name of certifying official), hereby certify that I am the (title of certifying official), of the (name of Applicant); and that the foregoing resolution is a true and correct copy of the resolution adopted by the vote of a majority of the members of said (name of Applicant), present at meeting of said body on the ____ day of _____, _____, at which a quorum was present.

(Signature)

APPENDIX B

Reference Materials

The following materials can provide assistance in formulating sections of the Master Plan as required in the NHLPA application.

Item:	Available from:	
Secretary of the Interior's "Standards for Treatment of Historic Properties" (36CFR68)	National Park Service Technical Preservation Services 1201 I Street, NW (2255) Washington, DC 20005	E-mail: hps-info@nps.gov or go to http://www.nps.gov/tps/standards.htm
National Register of Historic Places Nominations	NRHP 1201 I Street NW (2280) Washington, DC 20005 or your State Historic Preservation Office (SHPO). Addresses and phone numbers can be found at http://www.ncshpo.org/shpodirectory.shtml	http://www.nps.gov/nr/ Phone: (202) 354-2211 or 354-2213 Fax: (202) 371-2229 E-mail: nr_info@nps.gov
<i>Code of Federal Regulations</i>	Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR Toll-Free: 1-888-293-6498 Fax: (202) 512-1262 E-Mail: gpoaccess@gpo.gov
National Park Service "Preservation Briefs"	National Park Service Technical Preservation Services 1201 I Street, NW (2255) Washington, DC20005	Go to: http://www.nps.gov/tps/how-to-preserve/briefs.htm for a list of all Preservation Briefs. Of special interest is Preservation Brief 32 "Making Historic Properties Accessible"