

**MEMORANDUM OF AGREEMENT
BETWEEN USDOT/MARITIME ADMINISTRATION AND
THE TEXAS STATE HISTORIC PRESEVATION OFFICER
REGARDING DISPOSITION OF THE
VESSEL *HATTIESBURG VICTORY***

Whereas, the Maritime Administration (“Maritime Administration”), an agency of the U.S. Department of Transportation, maintains the National Defense Reserve Fleet (“NDRF”) of seagoing, primarily non-combatant vessels for use in national emergencies, to assist the U.S. military in meeting its needs, and for those other purposes described in the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735-1745); and

Whereas, the National Maritime Heritage Act, as amended (16 U.S.C. 5405), legally obligates the Maritime Administration to dispose of all non-retention vessels in the NDRF; and

Whereas, the *Hattiesburg Victory* is a non-retention vessel in the NDRF currently located at the Beaumont Reserve Fleet, Beaumont, Texas; and

Whereas, in consultation with the Texas State Historic Preservation Officer (“SHPO”), the Maritime Administration has agreed that the *Hattiesburg Victory* may be eligible for listing on the National Register of Historic Places; and

Whereas, since June 2005, the Maritime Administration has listed the *Hattiesburg Victory* as a vessel available for donation through the Maritime Administration’s Ship Donation Program by the authority granted in the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271); and

Whereas, of the date of this agreement, the Maritime Administration has not received a complete donation request, business plan, or conveyance plan from a qualifying organization for the *Hattiesburg Victory*; and

Whereas, the Maritime Administration will procure the services of a ship scrapping contractor to completely dismantle the *Hattiesburg Victory* forthwith; and

Whereas, the Maritime Administration has determined that this undertaking will have an adverse effect upon those qualities of the *Hattiesburg Victory* that may qualify it for listing in the National Register of Historic Places; and

Whereas, the Maritime Administration has consulted with the SHPO pursuant to the Advisory Council on Historic Preservation’s (“ACHP”) regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act as amended, (16 U.S.C. §470 (“NHPA”), to seek ways to reduce, minimize, or mitigate any adverse effects of this undertaking, and

Whereas, the Maritime Administration has notified the ACHP of the adverse effect and requested ACHP participation pursuant to 36 CFR 800.6(a)(1), and the ACHP has declined to participate; and

NOW, THEREFORE, the Maritime Administration and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The Maritime Administration shall ensure that the following stipulations are implemented:

Stipulation I

Consideration of a Donation for Preservation Purposes

The Maritime Administration shall continue to accept and to evaluate proposals for the preservation of the *Hattiesburg Victory* through its Ship Donation Program (the "Program") for a period of 90 days after the execution of this agreement. Based on the requirements of the Program, the Maritime Administration shall give reasonable consideration to any proposals received before or during this 90-day time period. Prior to soliciting contracts for the dismantling of this vessel, the Maritime Administration shall notify the SHPO of any proposals received through the Program and the Maritime Administration's justification for accepting or rejecting the proposal.

Stipulation II

Documentation and Curation of Artifacts

Attachment 1 to this MOA is the Vessel Mitigation Plan for the *Hattiesburg Victory*. Attachment 1 lists available documentation and artifacts for the *Hattiesburg Victory*, and any additional mitigation efforts agreed to in consultation between the parties; specifically:

- A. The Maritime Administration will walk the vessel and collect any remaining ship-specific documents and records within 90 days of execution of this MOA.
- B. The Maritime Administration will consult with the SHPO on where and how best to curate and exhibit historical information and artifacts from the *Hattiesburg Victory*.

Stipulation III

Monitoring and Reporting

Each year following the execution of this MOA until it expires or is terminated, the Maritime Administration shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Maritime Administration's efforts to carry out the terms of this MOA.

Stipulation IV
MOA Amendments, Disputes, and Termination

A. *Amendments.* Either party to this MOA may propose to the other party that it be amended, whereupon the parties will consult in accordance with § 800.6(c)(7) to consider such an amendment.

B. *Disputes.* Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, either signatory may request the participation of the ACHP in resolving the dispute in accordance with the procedures outlined in § 800.9.

C. *Termination of MOA.* Either party to this MOA may terminate it by providing sixty (60) days notice to the other parties, provided that the parties will consult during the period prior to the termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination of this MOA by the SHPO, the Maritime Administration shall comply with the provisions of § 800 Subpart B.

Stipulation V
Termination of Consultation

If, after consulting to resolve adverse effects pursuant to Stipulation I, II or IV of this MOA, the Maritime Administration or SHPO determines that further consultation will not be productive, then either party may terminate consultation in accordance with the notification requirements and process prescribed by § 800.7.

Stipulation VI
Duration


This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the Maritime Administration may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation IV.A

Execution of this Memorandum of Agreement


Execution of this MOA by the Maritime Administration and SHPO and implementation of its terms evidence that the Maritime Administration has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment. The MOA shall become effective on the date of the last signature of this Agreement.

In Witness whereof, the parties hereto have caused their respective names to be signed by their duly authorized officers:

For the Maritime Administration:

By:  (date) 4/4/08
James E. Caponiti, Associate Administrator for National Security

For the Texas State Historic Preservation Officer:

By:  (date) 4/10/08
F. Lawrence Oaks, State Historic Preservation Officer

Attachment 1: Mitigation Plan for *Hattiesburg Victory*

**U.S. Maritime Administration
Mitigation Plan: SS *Hattiesburg Victory***

The *Hattiesburg Victory* is a surviving example of the World War II-era United States Maritime Commission Victory Ship design (specifically VC2-S-AP2); one of approximately 400 such vessels constructed in 1944 and 1945. It is the last such vessel remaining in the Maritime Administration's Beaumont Reserve Fleet, located in Beaumont, Texas. Several other sister vessels survive in the agency's Suisun Bay Reserve Fleet, outside Benicia, California; and three others are preserved as memorials. With the exception of minor modifications made during a test reactivation program in 1985, the *Hattiesburg Victory* is essentially unchanged from its original circa 1945 configuration.

Based on consultations with the Texas Historical Commission, this plan outlines the existing known and available technical documentation related to the *Hattiesburg Victory*, and any proposed actions for additional mitigation prior to the vessel's disposal.

1. Technical Documents

A. Ship Drawings/Plans

Ship drawings and plans required for mitigation should include at a minimum those general plans that describe the appearance, arrangement, and function of the ship, its machinery, and its hull form. The bullet list below is the minimum for the Maritime Administration's list of drawings and plans required for any vessel mitigation project.

Original construction plans for the Victory Ship class are preserved on WWII-era 35mm microfilm reels transferred by the Maritime Administration to the National Archives and Records Administration (NARA) as a permanent accession. General plans for Victory Ships are also available to the public through the Maritime Administration's Collection of Ship Plans at the Smithsonian Institution. These plans are no longer held in official Maritime Administration's records; therefore, the Smithsonian and NARA holdings represent the only known comprehensive source of drawings and plans available for mitigation. A limited number of Victory Ship drawings are available at the Maritime Administration's headquarters and in other MARAD repositories, including the archive collection of the Suisun Bay Reserve Fleet (SBRF).

- Outboard Profile *
- Inboard Profile
- General Arrangement / Booklet of General Plans
- Capacity Plan
- Lines Plans
- Body Plans
- Table of Offsets *
- Midship Section
- Shell Expansions
- Docking Plan

- Machinery Arrangement (Plan, Section and Elevation Views)
- Propeller
- Anchors *
- Cargo Handling Equipment (Rigging Plans – Plan, Section and Elevation Views)
- Mooring Arrangement and Mooring Equipment *
- Arrangement of Navigation Equipment *
- Hull Markings *
- Trim & Stability Booklet *
- Hull Scientific Plans **

**These drawings are not included in the Smithsonian collection, and are presumed to exist on the 35 mm reels held by the National Archives.*

*** Only the Hydrostatic Curves drawing is available in the Smithsonian inventory. Other hull scientific plans (floodable length curves, Bonjean curves, etc.) are presumed to exist on the 35 mm reels held by the National Archives.*

B. Manuals and Specifications

Technical Manuals for selected equipment and machinery provide required descriptions of the principal components of the ship.

General construction specifications and the baseline Builder's Trial Report for the Victory class vessels are available at the Maritime Administration's Headquarters offices. The records identified below are scheduled for transfer to NARA as permanent accessions. A limited number of primary technical manuals (propulsion equipment and principal auxiliary and navigation equipment) and operating manuals are maintained in the SBRF archive. In addition, complete operating manuals and equipment manuals for Victory Class vessels are maintained onboard the three memorial vessels.

- Construction Specifications; USMC Design VC2-S-AP2
- Builder's Trial Report (*Bluefield Victory*)

C. Certificates

Vessel certificates document the vessel in a variety of ways, from both regulatory and technical perspectives.

Contemporary certificates, including the most recent Certificate of Documentation (issued by the United States Coast Guard) are maintained in the files of the Beaumont Reserve Fleet. In consultation with the THC, the Maritime Administration has agreed to canvass the vessel and the fleet files for documents and records specific to the Hattiesburg Victory. Such documents will be inventoried, and transferred to a mutually-agreed upon repository. Documents required to be maintained by the Maritime Administration in accordance with its Records Control Schedule, will be copied as necessary. The Maritime Administration will complete this effort within 90 days of the execution date of the MOA.

2. Artifacts

The preservation of artifacts is generally included for any non-retention vessel. The Maritime Administration will provide a list of all artifacts known to have been removed from the ship and their present disposition. Such artifacts may generally include the following:

- Bell, Nameboards, Builder's Plate
- Ship's Wheel / Steering Stand
- Engine Order Telegraph
- Manufacturer's Label Plate for propulsion equipment and components.

In addition to the above, a ship survey should be undertaken to determine and identify any additional artifacts that should be preserved.

In the case of Hattiesburg Victory, a substantial number of artifacts have been removed and are currently stored at the Beaumont Reserve Fleet. These artifacts are listed in the Maritime Administration's internet-accessible PMARS (Property Management and Archive Records System) database (see www.pmars.msg.com). A copy of the broad listing is appended at the end of this document.

3. Vessel Surveys

A. Physical Surveys of the Vessel

When the technical documentation listed in Section 1 is incomplete, physical surveys of the vessel may be required to fill in those gaps. Unlike typical marine surveys for material condition or damage, the mitigation survey is required to document significant construction features of the vessel. The survey report should include narrative comments, engineering sketches, and an overall composite plan of the vessel. Photographic documentation should also be included, in a suitable archival format.

The available technical documentation for Victory Ships is complete and extensive. The complete collection of construction drawings is held in permanent accession by the National Archives. No HAERS survey of the Hattiesburg Victory is required.

B. Surveys of Public Records

The Victory Ship class is well-documented in the public domain, including extensive contemporary and historical technical literature; historical narratives that are generally available in marine libraries and for sale (Sawyer & Mitchell; Jaffe); and through vessel logbooks available under United States Coast Guard accessions at the National Archives regional centers. No additional public record survey is required for the Hattiesburg Victory beyond that identified in the agency's Section 106 assessment report.

Attachment 1
Vessel Mitigation Plan – *Hattiesburg Victory*

Nomenclature	Description	Ship	Region
<u>NAVIGATION LIGHT</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>NAVIGATION LIGHT</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>GYRO REPEATER WITH STAND</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>GYRO REPEATER WITH STAND</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>DRAWINGS, SHIPS</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>CERTIFICATES</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>LIFE RING BOUY</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>TECH MANUALS, SHIPS</u>			
<u>PARTICULARS</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>ENGINE ORDER TELEGRAPH</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>RUDDER ANGLE INDICATOR</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>WHEEL, SHIPS</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>BELL, SHIPS</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>GYRO REPEATER WITH STAND</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>CLINOMETER</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>CERTIFICATES</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>PAINTING</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>BINNACLE</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>ENGINE ORDER TELEGRAPH</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>BUILDERS PLATE</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>BELL, SHIPS</u>		<u>HATTIESBURG VICTORY</u>	BRF
<u>STEERING STAND</u>		<u>HATTIESBURG VICTORY</u>	BRF