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**MEMORANDUM OF AGREEMENT
AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA HISTORIC PRESERVATION OFFICE,
THE NATIONAL CAPITAL PLANNING COMMISSION,
AND
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
REGARDING THE DEVELOPMENT OF THE
INTERAGENCY SECURITY COMMITTEE (ISC) LEVEL 5
PERIMETER SECURITY IMPROVEMENTS
AT ST. ELIZABETHS NATIONAL HISTORIC LANDMARK,
WASHINGTON, DC**

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This Memorandum of Agreement ("MOA") is made as of this ^{4th} day of March 2010, by and among the United States General Services Administration ("GSA"), the Advisory Council on Historic Preservation ("ACHP"), the District of Columbia Historic Preservation Office ("DCHPO"), the National Capital Planning Commission ("NCPC"), and the United States Department of Homeland Security ("DHS") (all referred to collectively herein as the "Signatories" or individually as a "Signatory" or as the "Parties" or individually as a "Party"), pursuant to Sections 106 and 110 of the National Historic Preservation Act ("NHPA"), 16 U.S.C. §§ 470f and 470h-2(f), and the Section 106 implementing regulations at 36 C.F.R. Part 800 and pursuant to the Programmatic Agreement ("PA") (Exhibit 1) among GSA, ACHP, DCHPO, the United States Federal Highway Administration ("FHWA"), NCPC, and DHS regarding the Redevelopment of St. Elizabeths National Historic Landmark ("NHL"), Washington, DC, dated December 9, 2008, which contemplated a multi-phased redevelopment project and the execution of one or several separate Memoranda of Agreement ("MOAs") per 36 C.F.R. § 800.6, of which this is the second for Phase I ("Phase I"); and

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WHEREAS, the Undertaking (hereinafter defined) contemplated by this MOA is part of a larger undertaking, addressed in the PA and the Master Plan ("Master Plan"), which proposes GSA's redevelopment of the entire West Campus ("West Campus") of St. Elizabeths ("St. Elizabeths") and the North Campus Parcel ("North Campus Parcel") of the East Campus ("East Campus") for use as a high-security federal campus for the DHS Headquarters, and FHWA's and GSA's implementation of certain new roadway and interchange construction within portions of United States National Park Service ("NPS") parkland known as Shepherd Parkway ("Shepherd Parkway"), to provide ingress and egress to the West Campus; and

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WHEREAS, the purpose of this MOA is to ensure continued compliance with NHPA, including Sections 106 and 110(f), whereby GSA shall carry out consultation for each phase of development and, prior to any effort that may directly or adversely affect the Site (hereinafter defined) shall to the maximum extent possible, undertake planning and actions as may be necessary to minimize harm while satisfying the programmatic requirements of DHS and shall afford the DCHPO, ACHP, and Consulting Parties (hereinafter defined) a reasonable opportunity to comment, respectively; and

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WHEREAS, St. Elizabeths is located in the Southeast quadrant of Washington, D.C. ("D.C.") and includes the 176-acre West Campus and an adjacent 173-acre East Campus (Exhibit 2). GSA has determined the Area of Potential Effect ("APE") (Exhibit 3) as defined in 36 C.F.R. § 800.16(d) for the Undertaking includes both physical and visual areas; and

52 WHEREAS, to satisfy DHS's high-security programmatic requirements, GSA proposes to
53 develop a site, which follows the perimeter and is within the West Campus of St. Elizabeths (the
54 "Site") (Exhibit 4), for the new Interagency Security Committee ("ISC") Level 5 Perimeter Security
55 Improvements ("Perimeter Security Improvements"); and

56
57 WHEREAS, GSA's proposed Perimeter Security Improvements within the Site include
58 development of: 31,713 gross square feet ("GSF") of new vertical construction for Guard Booths,
59 and six (6) Entry Control Points ("ECP(s)"), for which there are two (2) extant gatehouses,
60 Buildings 21 and 78 (together, approximately 1,900 GSF); access improvements associated with
61 the Security Perimeter Fence ("Security Perimeter Fence") at the ECPs; a Security Perimeter
62 Fence with an inner and outer fence/barrier system, vehicle barriers, lighting, and surveillance
63 equipment; a Security Perimeter Fence patrol path; and associated site work within the Limit of
64 Disturbance (as defined herein); collectively referred to, together with the items set forth in the
65 following clause, herein as the Undertaking ("Undertaking"); and

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67 WHEREAS, the Undertaking also includes the adaptive use of NHL Contributing
68 Buildings including Building 77 (Comfort Station) and Buildings 21 (Gatehouse 1 and Comfort
69 Station) and 78 (Gatehouse 2), the latter two of which will become two (2) of the six (6) ECPs;
70 demolition of Contributing Building 70 (Employee Cafeteria); rehabilitation (approximately 3,300
71 linear feet), dismantling (approximately 99 linear feet), and reconstruction (approximately 86
72 linear feet) of the historic masonry wall along Martin Luther King Jr. Avenue, a Contributing
73 Landscape Feature; fill of the historic underpass between the West Campus and the East
74 Campus at Martin Luther King Jr. Avenue, which will become Gate 3, a Contributing Landscape
75 Feature; and rehabilitation of additional Contributing Landscape Features associated with the
76 site work within the Limit of Disturbance (hereinafter defined); and

77
78 WHEREAS, GSA, as property owner and lead agency for this Undertaking, is responsible
79 for the ongoing stabilization, maintenance, upkeep and ongoing protection of the West Campus
80 in accordance with the Maintenance Program and the separate National Capital Region
81 Programmatic Agreement and throughout redevelopment and in perpetuity as long as the West
82 Campus remains in its control and jurisdiction *provided that* if GSA proposes to transfer the West
83 Campus or any portion thereof to any non-federal entity, such an undertaking would be subject to
84 the provisions of 36 C.F.R. Part 800; and

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86 WHEREAS, GSA has applied the Criteria of Adverse Effect (36 C.F.R. § 800.5(a)(1)) and
87 found that the Undertaking shall have an adverse effect on the St. Elizabeths NHL, including
88 Contributing Buildings as listed: Building 20 (a-h) (Greenhouses); Building 21 (Gatehouse 1 and
89 Comfort Station); Building 70 (Employee Cafeteria); Building 77 (Comfort Station); and Building
90 78 (Gatehouse 2); and

91
92 WHEREAS, GSA has applied the Criteria of Adverse Effect (36 C.F.R. § 800.5(a)(1)) and
93 found that the Undertaking shall have an adverse effect on the St. Elizabeths NHL, including
94 Contributing Landscape Features as listed: the West Campus Cemetery; the historic masonry
95 wall; the historic underpass between the West Campus and the East Campus at Martin Luther
96 King Jr. Avenue; and various other features which are individually listed in a table entitled "St.
97 Elizabeths West Campus Contributing Features Affected by Security Perimeter Fence
98 Construction" (Exhibit 5), which is based on information developed for the St. Elizabeths West
99 Campus Master Plan Final Environmental Impact Statement ("FEIS") and derived from the St.
100 Elizabeths West Campus CLR and LPMP; and

102 WHEREAS, GSA notified DCHPO and ACHP of its adverse effect determination for this
103 Undertaking in accordance with the PA, and GSA has continued its ongoing consultation with
104 DCHPO, ACHP and Consulting Parties to fulfill GSA, DHS and NCPC obligations under NHPA;
105 and
106

107 WHEREAS, to complete the Undertaking, GSA and DHS have entered into ten-year
108 preliminary Occupancy Agreements (OA) for Phase I of the project prior to occupancy of the Site
109 and are reviewing additional preliminary OAs for future phases wherein DHS shall occupy the
110 West Campus together with the North Campus Parcel of the East Campus of St. Elizabeths
111 creating a high-security ISC Level 5 facility that meets DHS' program and functional
112 requirements consistent with the Master Plan; and
113

114 WHEREAS, GSA submitted the final Master Plan to NCPC and the U.S. Commission of
115 Fine Arts ("CFA") on November 10, 2008 and approval was granted on November 20, 2008 by
116 CFA and on January 8, 2009 by NCPC at their regularly scheduled meetings; and
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118 WHEREAS, the components of DHS to be housed at St. Elizabeths, which shall achieve
119 the DHS co-location requirement of 4.5 million GSF of office space to house 14,000 DHS
120 employees plus 1.5 million GSF of parking to provide 3,594 employee spaces and 640 visitor
121 and official vehicle spaces, by utilizing both the West Campus and the North Campus Parcel of
122 the East Campus of St. Elizabeths, are those included in the DHS National Capital Region
123 Housing Plan and as set forth in the Master Plan; and
124

125 WHEREAS, in accordance with Section III.B (Modifications to Master Plan) of the PA,
126 GSA, through the ongoing Section 106 process, and in response to the conditions set forth by
127 NCPC in January 2009, has refined the Master Plan in an effort to minimize and/or mitigate the
128 adverse effects of this Undertaking on the West Campus by (a) locating the Perimeter Security
129 Perimeter Fence System in the vicinity of the Cemetery to a western location parallel to the
130 access roadway, retaining the Cemetery within the secured perimeter; (b) reconfiguring plans for
131 Gates 1 and 2; (c) restoration of landscape in the area of disturbance and demolition of Building
132 70; (d) relocating Gate 4 closer to the southwest boundary of the West Campus; (e) adding a
133 new entrance gate (Gate 5) to separate the Child Care Center entrance from the Gate 4
134 employee entrance; (f) reducing the parking area at the Child Care Center (Gate 5) to minimize
135 impacts in the proximity of the Cemetery; (g) combining the warehouse and screening entrances
136 to create a single point of entry at Gate 6; and (h) aligning plans for the Perimeter Security
137 Fence System at the eagle zone with the topography of the site, all of which are reflected in the
138 final Security Perimeter Design Approval Submission Package (Exhibit 6); and
139

140 WHEREAS, the final Perimeter Security Improvements Design Approval Submission
141 Package was reviewed by the Consulting Parties and it was agreed that the content of this
142 submission reflects the modifications to the Master Plan and other agreements reached in
143 consultation for this Undertaking; and
144

145 WHEREAS, GSA acknowledges that future phases of the larger redevelopment outlined
146 in the PA may require further refinements to the Master Plan and that those refinements shall be
147 addressed in ongoing consultation relative to the particular undertaking being considered and
148 from which the modification is resulting; and
149

150 WHEREAS, GSA has identified in accordance with 36 C.F.R. § 63.2 the existing
151 contributing landscape features ("Contributing Landscape Features") (Exhibit 5) on the Site that
152 contribute to the character and significance of the NHL and proposes to retain, to the maximum

153 extent possible, Contributing Landscape Features and to otherwise be guided by landscape
154 restoration, treatment and maintenance guidelines outlined in the *Preservation, Design &*
155 *Development Guidelines* ("Design Guidelines"), the Cultural Landscape Report ("CLR") and the
156 associated Historic Landscape Preservation and Management Plan ("LPMP") (Exhibit 7); and
157

158 WHEREAS, GSA has recently stabilized, repaired and repointed the brick portion of the
159 historic masonry wall along Martin Luther King Jr. Avenue in accordance with the Secretary of
160 Interior standards, providing a journeyman craftsman training opportunity in lime putty mortar
161 application under the tutelage of an expert masonry preservation specialist; and
162

163 WHEREAS, GSA, in accordance with Section III.D.1.a of the PA, completed Historic
164 American Landscape Survey ("HALS") on January 12, 2010 for the overall West Campus
165 documentation inclusive of the historic masonry wall along Martin Luther King Jr. Avenue and
166 each of the historic entry gates associated with this Undertaking (Exhibit 8); and
167

168 WHEREAS, GSA, in accordance with Section III.D.1.c of the PA, completed Historic
169 Structure Reports ("HSRs") and Building Preservation Plans ("BPPs") for each of the
170 Contributing Buildings associated with this Undertaking: Buildings 20 (a-h), 21, 70, 77 and 78
171 (Exhibit 9); and
172

173 WHEREAS, GSA completed a Geophysical survey work plan and an archaeological
174 resource assessment that identified the parking lot east of Buildings 72, 73, 74 and 75 as having
175 potential for archaeological sites, on which the DCHPO concurred (Exhibit 10) and the
176 implementation of that work plan has resulted in the identification of three subsurface anomalies
177 (Exhibit 11); and
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179 WHEREAS, because the Site, as part of a larger undertaking addressed in the PA, is
180 large and development at St. Elizabeths shall occur in phases, and predevelopment activities
181 may include excavation of soil and other ground-disturbing activities, the Signatories agree that a
182 flexible phased approach to the identification and evaluation of archaeological resources,
183 pursuant to 36 C.F.R. § 800.4(b)(2), and to the application of the criteria of adverse effect,
184 pursuant to 36 C.F.R. § 800.5(a)(3) is appropriate; and
185

186 WHEREAS, completion of this Undertaking is necessary for the occupancy of the United
187 States Coast Guard ("USCG") building, which is being developed in accordance with the
188 Memorandum of Agreement among the United States General Services Administration, the
189 Advisory Council on Historic Preservation, the District of Columbia Historic Preservation Office,
190 the National Capital Planning Commission, and the United States Department of Homeland
191 Security regarding the development of the United States Coast Guard Headquarters at St.
192 Elizabeths National Historic Landmark, Washington, DC executed on December 18, 2009
193 ("USCG MOA") and to respond to deadlines associated with the American Recovery and
194 Reinvestment Act ("ARRA"); and
195

196 WHEREAS, the footprint of the new Perimeter Security Improvements and the area
197 immediately surrounding the footprint (See Exhibit 4, "Constructing Staging Plan") are
198 designated as Limit of Disturbance ("LOD") areas (Exhibit 4) for this Undertaking; and
199

200 WHEREAS, pursuant to 36 C.F.R. § 800.3(f), GSA identified and consulted with, in
201 addition to the Signatories identified above, the following Consulting Parties: Advisory
202 Neighborhood Commissions 8A, 8B, 8C, 8D, and 8E, American Society of Landscape Architects,
203 Anacostia Historical Society, Brookings Institution, Committee of 100 on the Federal City,

204 Cultural Landscape Foundation, D.C. Preservation League, District of Columbia Office of
205 Planning, Friends of St. Elizabeths, Institute for Public Representation at Georgetown University
206 Law Center, National Association of Olmsted Parks, Medical and Professional Society of St.
207 Elizabeths Hospital, National Coalition to Save Our Mall, National Historic Landmark Stewards
208 Association, National Museum of Civil War Medicine, National Trust for Historic Preservation,
209 Office of Councilmember Marion Barry, Representative Eleanor Holmes Norton, St. Elizabeths
210 Hospital (DC Department of Mental Health), U.S. Commission of Fine Arts, U.S. Department of
211 the Interior, U.S. National Park Service, (referred to collectively herein as the "Consulting
212 Parties"); and
213

214 WHEREAS, in accordance with the PA, GSA has consulted with the DCHPO to conclude
215 there are no federally recognized tribes in the District of Columbia, Maryland or Virginia nor are
216 there any tribes who have relocated to a different area that reasonably have any documented
217 historic ties to the Site. If any federally recognized tribe should come forward to demonstrate
218 historic ties to the Site, and be interested in developing consultation procedures for projects
219 resulting from any undertaking that has not already been approved pursuant to the PA and this
220 MOA that may affect historic properties with which the tribe has historic ties, it may consult with
221 GSA to develop such procedures pursuant to 36 C.F.R § 800.2 (c)(2)(ii)(E); and
222

223 WHEREAS, GSA, in accordance with Section III.C.1.b of the PA, continued consultation
224 for the redevelopment of St. Elizabeths since approval of the Master Plan in January 2009.
225 Consultation for the development of the Security Perimeter Fence was initiated on October 9,
226 2008 (Exhibit 12). GSA, in accordance with Section III.C.1.c of the PA, invited NCPC and CFA
227 to participate in this consultation and worked with both agencies to determine appropriate
228 submittal dates for the final Design Approval Submission Package; and
229

230 WHEREAS, GSA, in accordance with Sections III.C.2, III.C.3 of the PA, has consulted on
231 and provided design submissions for the Undertaking to the Signatories and Consulting Parties
232 for review. In accordance with Section III.C.4 of the PA, GSA has reviewed and taken all
233 Signatory and Consulting Party comments into consideration; and
234

235 WHEREAS, GSA, in accordance with Section III.C.5 of the PA, has conducted
236 consultation for this Undertaking to facilitate the execution of a signed MOA concurrent with final
237 design submissions to NCPC; and
238

239 WHEREAS, in accordance with the 30-day submission requirement requested by NCPC
240 for this Undertaking, GSA has submitted the Design Approval Submission Package (Exhibit 6) to
241 NCPC on February 26, 2010, for consideration at the April 1, 2010 NCPC meeting; and
242

243 WHEREAS, CFA approved the Master Plan on November 20, 2008, and shall submit the
244 March 4, 2010 Design Approval Submission Package for this Undertaking at its March 18, 2010
245 meeting; and
246

247 WHEREAS, in connection with GSA's statutory compliance related to the presence of
248 bald eagles occupying a nesting territory within the Shepherd Parkway property adjacent to the
249 Site, on March 16, 2009, the United States Fish and Wildlife Service ("FWS") issued a letter
250 (submitted in accordance with the provisions of the Bald and Golden Eagle Protection Act (16
251 U.S.C. 668-668c)) successfully finalizing GSA's compliance for the proposed Undertaking
252 (Exhibit 13), stating that FWS "is in agreement with the proposed plan ("Alternative 5" for the
253 DHS Headquarters Consolidation at the St. Elizabeths Campus, as also approved by NCPC on
254 January 8, 2009), clearing and fence construction outside the nesting season (December 15 to

255 June 15) and elimination of the southern helipad. By implementing these measures the bald
256 eagle[s] will continue to use their current nesting territory despite minor modifications to the nest
257 protection buffer.” *Provided further* that the activities set forth in this MOA related to the
258 Undertaking are consistent with Alternative 5 and FWS’ approval; and
259

260 WHEREAS, GSA shall continue to provide an opportunity for public involvement in the
261 development of future Undertakings of the project in accordance with the PA and 36 C.F.R. §
262 800.2(d) and § 800.6(a) (4); and
263

264 WHEREAS, GSA shall continue to make consultation and non-sensitive project-related
265 documents accessible to the public through a project website. This MOA includes Sensitive-But-
266 Unclassified (“SBU”) related elements which are included within specific exhibits of this MOA.
267 Any exhibits considered to be SBU, or marked as such, may not be released to any party who
268 does not have a valid and demonstrated “Need to Know”. Nor shall any SBU material be
269 released to a media source or published on any public web site that is not accredited to support
270 SBU materials in accordance with SBU guidelines and procedures (Exhibit 14); and
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272 WHEREAS, GSA shall ensure that the Undertaking is carried out in accordance with the
273 Master Plan, the Preservation Design and Development Guidelines, the LPMP, the
274 Archaeological Resources Management Plan, and the Secretary of the Interior’s Standards
275 (collectively “Governing Documents”) and in consultation with DCHPO, ACHP and Consulting
276 Parties. GSA worked collaboratively with the Consulting Parties to evaluate alternatives or
277 modifications to the Undertaking that would avoid, minimize or mitigate adverse effects per 36
278 C.F.R. § 800.6(a); and
279

280 WHEREAS, GSA, in accordance with Section III.D.1.f of the PA, completed the LPMP for
281 the West Campus which acknowledges the ever-changing existence of the cultural landscape
282 and inter-relationship of treatment and ongoing maintenance (Exhibit 15); and
283

284 NOW THEREFORE, the Signatories agree that the Undertaking shall be implemented in
285 accordance with the following stipulations (“Stipulations”) in order to take into account the effect
286 of the Undertaking on Contributing Buildings and Contributing Landscape Features.
287

288 **STIPULATIONS**

289 GSA shall ensure that the following measures are carried out:
290

291 **I. GENERAL REQUIREMENTS**

292 **A. Documentation**

- 293 1. Historic American Buildings Survey (“HABS”): In accordance with mitigation
294 measures agreed upon with the DCHPO and NPS guidance, and Section III.D.1.a of
295 the PA, GSA shall prepare HABS documentation for Buildings 20 (a-h), 21, 70, 77
296 and 78 in preparation for construction of the Security Perimeter Fence.
297
- 298 2. Archaeological Resources Management Plan (“ARMP”): In accordance with
299 mitigation measures agreed upon with DCHPO and Section III.D.1.g of the PA, GSA
300 is preparing an ARMP for the St. Elizabeths West Campus.
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303

- 304 3. As discussed in consultation, GSA shall notify the National Historic Landmarks
305 program of its plans to demolish Contributing Building 70 (Employee Cafeteria) to
306 determine appropriate HABS level documentation.
307

308 **B. Alterations to Project Documents**

309
310 In accordance with Section IX.A of the PA, GSA shall carry forth the following practices
311 and procedures regarding Alterations to Project Documents associated with this
312 Undertaking:
313

314 If GSA desires any material or substantial additions or deletions from the Design
315 Approval Submission Package (Exhibit 6) or other documents that have been reviewed
316 and commented on pursuant to the MOA, which material or substantial changes,
317 additions and/or deletions GSA determines may result in potential adverse effects, GSA
318 shall furnish the Signatories and the Consulting Parties with a statement of the requested
319 material changes, additions and/or deletions, submitting with such statement appropriate
320 plans, specifications or other documentation showing in detail the nature of the material
321 changes, additions and/or deletions requested. If the changes are found to cause or
322 constitute adverse effects on historic properties and/or resources, GSA shall then consult
323 further regarding these potential effects in accordance with Section III.C.1 of the PA.
324

325 **C. Construction Staging**

326
327 As stipulated in the PA, GSA shall ensure that all construction contractors and teams
328 selected to perform work that may result in adverse effects to Contributing Buildings or
329 Landscape Features, follow the Construction Staging Plan ("Construction Staging Plan")
330 approved by GSA.
331

332 The Construction Staging Plan for this Undertaking ("Security Perimeter Fence
333 Construction Staging Plan") (Exhibit 4), which was developed in consultation with the
334 Consulting Parties and is consistent with GSA Master Specifications, Building and Life
335 Safety Codes, and construction best practices, identifies Contributing Buildings,
336 Contributing Landscape Features and archaeological sites potentially affected by the
337 Undertaking and associated construction staging activities, and outlines the following
338 measures to avoid and minimize harm to these resources while providing the necessary
339 access and flexibility to efficiently and effectively complete the Undertaking. GSA shall
340 ensure that the following measures shall be taken to address these requirements:
341

- 342 1. Site Access and Vehicular Circulation: GSA shall ensure that general construction
343 vehicular access to the construction site shall occur over the Temporary Construction
344 Access Road established as part of the USCG Construction Staging Plan (USCG
345 MOA Exhibit 2) at Gate 6.
346
- 347 2. Temporary Construction Trailers: Office trailers shall be located within the LOD as
348 indicated on Exhibit 4 for the duration of construction for this Undertaking. GSA shall
349 ensure that the area be restored per Exhibit 5 at the end of the construction phase
350 once all temporary trailers have been removed.
351
- 352 3. Protection of Contributing Landscape Features: GSA shall ensure that the protection
353 measures recorded in Exhibit 5 are carried out for the resources identified in the
354 LPMP and potentially affected by this Undertaking.

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4. Protection of Human Burials: GSA shall ensure that measures are in place so that construction activities shall not affect human burials within the Cemetery.
 5. Protection of Archaeological Resources: A professional archaeologist shall be on site during initial excavation of areas agreed upon by DCHPO and GSA and shall provide appropriate documentation as required per the PA, this MOA, and, upon completion, the ARMP.
 6. Protection of the Eagle Zone: The eagle habitat shall be protected according to the FWS regulations as long as the nest remains active. This includes no construction activities within the 660 foot radius of the eagle's nest during the nesting season, December 15th through June 15th of each year, which GSA shall be responsible for monitoring and managing.

370 II. UNDERTAKING SCOPE

371
372 The Perimeter Security Fence improvements shall be constructed within and around the
373 perimeter of the West Campus. In conjunction with the Perimeter Security Fence, the
374 West Campus will be served by six (6) Entry Control Points ("ECPs"); each shall be
375 designed to accommodate specific user(s).
376

377 The elements of the Perimeter Security improvements are described below by location
378 and are in accordance with the NCPC Design Approval Submission (Exhibit 6).
379

380 A. Perimeter Security Fence System, Guard Booths and Patrol Path

381
382 The Perimeter Security Fence System shall consist of a double fence barrier located
383 within the boundaries of the West Campus. There shall be a minimum clear zone
384 between the inner and outer fence to enhance detection and allow adequate
385 response time to a security incident. The existing historic masonry wall shall be
386 rehabilitated and used as the outer fence barrier along Martin Luther King Jr. Avenue.
387

388 The inner perimeter fence shall consist of a 'no climb' chain link material and 'no
389 climb' picket material in more visible areas of the site.
390

391 There shall be a patrol path provided for security patrols along the inside of the
392 Security Perimeter Fence and within the Site. Each segment of the path shall be
393 designed to allow security vehicle circulation and surveillance of the Security
394 Perimeter Fence. The patrol path will consist of a combination of existing roadways,
395 sidewalks and a newly created security patrol path designed for electrical vehicle
396 and/or pedestrian use and will consist of a pervious material, where applicable,
397 approximately 7.5 feet in width and will require grading in some portions of the path
398 as described in Exhibit 6.
399

400 B. Entry Control Points

401
402 There shall be six (6) ECPs providing access to the West Campus from surrounding
403 roadways. The gates at each ECP have been designed to meet the requirements
404 necessitated by the specific users of the entry such as VIPs, employees, visitors,

405 maintenance, service/deliveries, etc. The gate design considers mode of
406 transportation (e.g., arrival by vehicle, bus, pedestrian, bicycle) and volume arriving at
407 each ECP during varying traffic volume situations (e.g., shift change, special events,
408 off-hours, peak business hours).

409
410 Each ECP shall be served by a gatehouse or guard booth which shall serve as the
411 central control center for each ECP by providing shelter for security personnel and
412 controls for vehicle barriers, traffic control devices, access controls, lighting, utilities
413 and surveillance equipment. Each inspection area shall be equipped with a
414 processing office that is ADA compliant. The following identify the ECPs:

415
416 1. ECP #1 – Employee/VIP Entrance Gate 1

417
418 ECP #1 (Gate 1) shall be located at the northeast corner of the West Campus,
419 entered from Martin Luther King Jr. Avenue and shall serve as both VIP entry and one
420 of the employee entries. This ECP shall have three (3) vehicular traffic lanes total into
421 an underground garage (the underground garage will be addressed in a subsequent
422 MOA and is not a component of this Undertaking).

423
424 Components of this ECP include: The adaptive reuse of existing Building 21
425 (Gatehouse 1 and Comfort Station); incorporation of a new gate compatible with the
426 historic gate at the historic gate entry location; dismantling of approximately 41 linear
427 feet and reconstruction of approximately 41 linear feet of the historic masonry wall
428 associated with the creation of the new gate entry; addition of a new gate to
429 accommodate the new access entry into the future underground parking garage;
430 rehabilitation and repair of the historic masonry wall as necessary; demolition of the
431 Greenhouse Buildings 20 (a-h); construction of a new supplemental gatehouse; and
432 incorporation of new bollards at the gate entry, all of which are shown in Exhibit 6.

433
434 2. ECP #2 – Visitor Entrance Gate 2

435
436 ECP #2 (Gate 2) shall be located along the eastern boundary of the West Campus,
437 entered from Martin Luther King Jr. Avenue south of ECP #1. This entrance shall be
438 utilized for visitor access and will host the visitors' center on the West Campus. This
439 ECP shall have three (3) vehicular traffic lanes total into an underground visitor
440 garage (the underground visitor garage will be incorporated in a subsequent MOA
441 and is not a component of this Undertaking).

442
443 Components of this ECP include: The adaptive reuse of existing Buildings 77
444 (Comfort Station) and 78 (Gatehouse 2); incorporation of a new gate compatible with
445 the historic gate at the historic gate entry location; dismantling of approximately 10
446 linear feet of the historic masonry wall to accommodate the new access entry into the
447 parking garage; rehabilitation and repair of the historic masonry wall as necessary;
448 construction of a new visitor center; and incorporation of new bollards at the gate
449 entry, all of which are shown in Exhibit 6.

450
451 3. ECP #3 – Emergency Access Entrance Gate 3

452
453 ECP #3 (Gate 3) shall be located at the southeast corner of the West Campus south
454 of ECP #2 entered from Martin Luther King Jr. Avenue. This entrance shall have two

455 (2) vehicular traffic lanes to be utilized as one of the emergency vehicle ingress and
456 egress points for the West Campus.
457

458 Components of this ECP include: Incorporation of a new above grade access gate off
459 of Martin Luther King Jr. Avenue compatible with the historic gate at the historic gate
460 at Gate 1; rehabilitation and repair of the historic masonry wall as necessary;
461 dismantling of approximately 48 linear feet of the historic masonry wall along Martin
462 Luther King Jr. Avenue and reconstructing approximately 45 linear feet of the historic
463 masonry wall to form walls lining a portion of the entrance drive leading to the new
464 gate; infill of the historic underground vehicle and pedestrian tunnel to the East
465 Campus; addition of a new gate added to accommodate the new above grade access
466 entry off of Martin Luther King Jr. Avenue; demolition of Building 70; incorporation of a
467 new guard booth and a vehicle barrier system, all of which are shown in Exhibit 6.
468

469 4. ECP #4 – Employee Entrance Gate 4
470

471 ECP #4 (Gate 4) shall be located at the southwest corner of the West Campus. This
472 entrance shall provide entry into the West Campus from the proposed access road
473 running parallel to I-295 along the west boundary of the West Campus; and will serve
474 as a permanent entrance for employees. This ECP shall include commuter bus stops
475 and a new gatehouse, all of which are shown in Exhibit 6.
476

477 5. ECP #5 – Child Care Facility Entrance Gate 5
478

479 ECP #5 (Gate 5) shall be located adjacent to the childcare facility along the western
480 boundary of the West Campus. This entrance shall include a child care drop-off
481 parking area for ten (10) short-term parking spaces; an access point for emergency
482 vehicles; and a new gatehouse, all of which are shown in Exhibit 6.
483

484 6. ECP #6 – Warehouse/Large Vehicle Screening Facility Gate 6
485

486 ECP #6 (Gate 6) shall be located near the north corner of the West Campus. This
487 entrance shall provide for a truck/large vehicle inspection area with a holding area
488 sized to accommodate peak periods of truck demands and serve as the warehouse
489 entrance facility. The new warehouse facility will be incorporated in a subsequent
490 MOA and is not a component of this Undertaking. This ECP shall include a new
491 guard booth, all of which are shown in Exhibit 6.
492

493 **III. AVOIDANCE, MINIMIZATION AND MITIGATION MEASURES**
494

495 GSA shall carry out actions for avoiding, minimizing, and mitigating adverse effects, as
496 noted below. GSA shall fund increased costs and complete the work associated with the
497 avoidance, minimization and/or mitigation measures outlined in this MOA, which exceed
498 the cost of DHS minimum requirements for ISC Level 5 Perimeter Security
499 Improvements.
500

501 A. Contributing Buildings
502

503 The Contributing Buildings expected to be affected by this Undertaking include: Building
504 20 (a-h) Greenhouses; Building 21 (Gatehouse 1 and Comfort Station); Building 70

505 (Employee Cafeteria); Building 77 (Comfort Station); and Building 78 (Gatehouse 2).
506 Exhibit 15, and in accordance with the Design Approval Submission Package (Exhibit 6),
507 documents character defining features and treatment plans for the Contributing Buildings
508 that may be adversely affected by this Undertaking.

509
510 In accordance with the attached exhibits 6 and 15, GSA shall carry out actions for
511 avoiding, minimizing and mitigating effects, including but not limited to:

512
513 1. Avoidance:

514
515 GSA shall take the following actions to avoid unanticipated adverse effects, in
516 accordance with the Governing Documents to the maximum extent possible while
517 meeting operational and security requirements throughout the course of the
518 Undertaking:

- 519
520 i. The Perimeter Security Fence System shall be routed to avoid
521 Contributing Landscape Features to the greatest extent possible;
- 522
523 ii. GSA shall avoid, to the greatest extent possible, placement of security
524 elements and features, described and presented in consultation, that
525 would compromise or obscure views to/from Contributing Buildings,
526 particularly in the areas along the immediate approach to and through
527 gates from Martin Luther King Jr. Avenue;
- 528
529 iii. GSA shall adaptively reuse, to the greatest extent possible, extant
530 Contributing Buildings to support the security and operational needs of
531 DHS at each gate entry, avoiding unnecessary demolition;
- 532
533 iv. GSA shall avoid, to the greatest extent possible, abutting or securing
534 fencing or other security elements and features to Contributing Buildings;
- 535
536 v. In lieu of replacement, GSA shall repair and preserve, to the greatest
537 extent possible, the exterior materials and details associated with the
538 exterior walls and roofs on the Contributing Buildings to be adaptively
539 reused (Buildings 21, 77 and 78) ;
- 540
541 vi. GSA shall develop an appropriate system to protect, support and
542 otherwise not adversely affect the Contributing Buildings to be adaptively
543 reused (Buildings 21, 77 and 78). GSA shall adopt a Construction
544 Protection Plan ("CPP") for the Undertaking which includes but is not
545 limited to the installation of electronic sensing devices to detect any
546 potential vibration or shifting of these contributing buildings during
547 construction. This proactive effort is being taken as an added protective
548 measure to ensure the safety, security, and stability of these buildings and
549 their immediate environs and to ensure disturbances are limited. The CPP
550 shall provide for an engineer and/or historical architect meeting the
551 proposed *Secretary of the Interiors Historic Preservation Professional*
552 *Qualifications Standards 62 Fed. Reg. 33,707 (June 20, 1997)* to
553 supervise implementation of the CPP. Vibrations shall be monitored to
554 ensure that vibration levels do not exceed 0.2 inches/second. In the event
555 the vibration threshold is exceeded, the CPP shall provide a process to

556 ensure that construction work is stopped until such time as the qualified
557 professionals have determined that modifications have been made in the
558 construction activities to assure that no damage shall occur to historic
559 properties.
560

561 2. Minimization:

562
563 GSA shall complete the Undertaking in accordance with the attached (Exhibit
564 15) which includes the following actions to *minimize* adverse effects to
565 Contributing Buildings to the maximum extent possible while meeting
566 operational and security requirements throughout the course of the
567 Undertaking:
568

- 569 i. To the extent exterior wall or roof elements are unable to be repaired or
570 preserved on the Contributing Buildings to be adaptively reused (Buildings
571 21, 77 and 78), GSA shall rehabilitate and or restore these elements with
572 like materials and features to the extent possible;
573
- 574 ii. Should it be necessary to abut or secure fencing or other security
575 elements, such as lighting or other integral surveillance equipment to
576 Contributing Buildings, elements will be installed so as not to damage
577 original materials and secured within mortar joints and/or other discreet
578 areas not visible to the public;
579
- 580 iii. Heights of new vertical construction elements (gatehouses, screening
581 facilities and the visitor center) associated with the Perimeter Security
582 Fence shall be in relation to the heights of the surrounding structures in an
583 effort to minimize visual effects to, from and within the site;
584
- 585 iv. New construction shall be informed by the Governing Documents and, in
586 particular, the Design Guidelines, taking cues from St. Elizabeths
587 regarding form, materials, setting, approach and movement to/through
588 existing campus road and pathways, respecting and/or preserving that
589 experience to the greatest extent possible.
590

591 3. Mitigation:

592
593 GSA shall take the following actions to *mitigate* adverse effects to Contributing
594 Buildings to the maximum extent possible while meeting operational and
595 security requirements throughout the course of the Undertaking:
596

- 597 i. GSA shall restore the steel gate at the pedestrian opening inside the
598 perimeter wall at Building 78 (Gatehouse 2);
599
- 600 ii. During construction of the project and in accordance with Section
601 III.D.2.d.b.1 of the PA, GSA shall post two interpretive panels for the public
602 to view at the exterior of the Site. The panels will describe the history and
603 significance of the site and its rehabilitation plans and be posted
604 throughout construction as a communication tool about activities beyond
605 the historic masonry wall;
606

607 iii. The DHS visitors' center located at Gate 2 shall incorporate a permanent
608 interpretive exhibit reflecting the history of St. Elizabeths for DHS-screened
609 visitors accessing the Site. Given that this visitors' center is not a general
610 public entry, interpretive materials presented along its interior will repeat
611 panels selected for display as part of the overall interpretive program for
612 the larger site which will be accessible along screened tours scheduled in
613 accordance with the Public Access Program.
614

615 B. Contributing Landscape Features
616

617 Contributing Landscape Features potentially adversely affected by the various levels of
618 disturbance (both temporary and permanent) proposed by this Undertaking were
619 individually identified and charted in a table entitled "St. Elizabeths West Campus
620 Contributing Landscape Features Affected by Security Perimeter Fence Construction"
621 (Exhibit 5). The table is based on information developed for the St. Elizabeths West
622 Campus Master Plan FEIS. Both this table and the FEIS table were derived from the St.
623 Elizabeths West Campus CLR and LPMP. An overlay of the location of the LOD was
624 used to determine which of the CLR and LPMP's Contributing Features had the potential
625 to be affected by construction activity. Cultural Landscape Features within the LOD were
626 evaluated for potential adverse effects.
627

628 In accordance with the attached Exhibits 5 and 6, GSA shall carry out actions for
629 avoiding, minimizing and mitigating effects, including but not limited to:
630

631 1. Avoidance:
632

633 GSA shall take the following actions to *avoid* unanticipated adverse effects to
634 Contributing Landscape Features, in accordance with the Landscape Preservation
635 Management Plan Contributing Landscape Features to the maximum extent
636 possible while meeting operational and security requirements throughout the
637 course of the Undertaking (Exhibit 5):
638

- 639 i. Landforms adjacent to construction and other areas of disturbance shall be
640 protected during construction;
- 641 ii. GSA shall avoid, to the greatest extent possible, intervention or
642 modification to the historic masonry wall, and limit such effects to where
643 absolutely necessary to accommodate traffic flow, safety and accessibility
644 requirements;
- 645 iii. Erosion and sediment control shall serve to stabilize and therefore protect
646 landscape during construction;
- 647 iv. The Cemetery grounds, headstones, fence and Contributing Landscape
648 Features shall be protected via temporary fencing throughout construction
649 of the Perimeter Security Fence. Efforts shall be undertaken to reduce, to
650 the greatest extent possible, the amount of dust and air-borne pollutants to
651 the area, and conditions shall be monitored on a regular basis. For added
652 protection, and to address life-safety concerns, the Cemetery shall be off
653 limits to public access until construction of the Perimeter Fence is
654 complete, with the exception of monitoring, on a regular basis, ongoing
655 protection, and to address life-safety concerns, the Cemetery shall be off
656 limits to public access until construction of the Perimeter Fence is
657 complete, with the exception of monitoring, on a regular basis, ongoing

658 protection measures, conditions, unanticipated discoveries and/or adverse
659 effects;

660
661 v. GSA's CPP, referenced above in Section III.A.1.vi, will also apply to the
662 historic masonry wall to monitor, as an added protective measure,
663 potential adverse effects to the historic masonry wall that may result from
664 vibrations.
665

666 2. Minimization:

667
668 GSA shall complete the Undertaking in accordance with the attached (Exhibit 5)
669 which include the following actions to *minimize* adverse effects to Contributing
670 Landscape Features to the maximum extent possible while meeting operational
671 and security requirements throughout the course of the Undertaking:
672

- 673 i. The Perimeter Security Fence System shall be routed to preserve trees
674 and Contributing Landscape Features as much as possible;
- 675
676 ii. Use of routed fence line to minimize impacts to critical root zones and use
677 of the canopy of high branching existing large trees in secondary clear
678 zone to reduce visible footprint of the perimeter line;
- 679
680 iii. Utilize existing freestanding walls and buildings in a manner that preserves
681 the historic fabric;
- 682
683 iv. Where modifications to the historic masonry wall are necessary, GSA will
684 reconstruct modified sections in accordance with the Governing
685 Documents and in a fashion as compatible with original appearance as
686 possible;
- 687
688 v. Locate gate entry control facilities to create opportunities for natural
689 surveillance;
- 690
691 vi. Landscape design shall incorporate the November 10, 2008 Security
692 Master Plan guidelines to include strategic placement and selection of
693 plant materials and site furnishings to minimize opportunity for hiding
694 places and preserve for lines of sight for natural and electronic
695 surveillance;
- 696
697 vii. Temporary construction fencing and/or netting, whichever is least invasive
698 and will protect the tree root system, shall be placed along and around
699 significant specimens to identify, protect the specimen(s), avoid and/or
700 minimize effects to the greatest extent possible;
- 701
702 viii. Clearance of the selected understory vegetation and debris in portions of
703 the area between the fence and the plateau (required to maintain proper
704 security along the severe slope area between the fence and plateau to
705 allow for the relocation of the perimeter fence boundary on the western
706 location parallel to the access roadway) will be coordinated with the LPMP
707 and all vegetation shall be cut and not pulled;
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- ix. Relocation of the Perimeter Security Fence from a more eastern location illustrated in the Master Plan, to a western location parallel to the access roadway, retains the Cemetery within the secured perimeter and allows the proposed security perimeter for the larger site to continue essentially parallel to the access road;
 - x. Substantial reconfiguration of Gate 1 and the associated entrance to the underground parking garage to preserve the ceremonial entrance into the site to the extent possible;
 - xi. Reconfiguration and refinements in designs for Gates 1, 2, 4, 5 and 6 to minimize visual effect to, from and within the Site, and in particular response to Consulting Party concerns regarding the effect of this construction;
 - xii. Collectively, the refinements of the Security Perimeter Fence shall minimize visual and physical effects to, from and through the Site.

727 3. Mitigation:

728
729 GSA shall complete the Undertaking in accordance with the attached Exhibits 5
730 and 6 which illustrate the following actions to *mitigate* adverse effects to
731 Contributing Landscape Features to the maximum extent possible while meeting
732 operational and security requirements throughout the course of the Undertaking:

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- i. Woodland cover with associated views shall be replanted, where possible;
 - ii. Landscapes features disturbed shall be replanted, wherever possible, per the LPMP;
 - iii. In areas used temporarily to support construction and/or constructing staging, Contributing Landscape Features shall be restored upon completion of construction;
 - iv. Views adversely affected by the Security Perimeter Fence shall be mitigated by refinements in design beyond the level approved in the Master Plan, including using decorative outer fencing in high visibility areas, use of a cable barrier system in place of a bollard barrier system and location of the fence along the western boundary location parallel to the access roadway.

750 **C. Archaeology**

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759
1. Artifacts: Artifacts recovered from the interiors of buildings or from surface or ground-disturbing activities prior to or during construction phases, including Pre-Construction Activities, shall be evaluated by a qualified historic preservation, archaeology and/or cultural resources specialist in consultation with the DCHPO, and in accordance with "Unanticipated Discoveries" Exhibit 14 of the PA.
 2. Archaeological Resources Management Plan: GSA has issued a Notice to Proceed for the commencement and execution of an ARMP in accordance with mitigation

760 measures agreed upon with DCHPO and Section III.D.1.g of the PA. GSA shall
761 continue to consult with DCHPO on the elements associated with this plan. It is
762 anticipated that a draft of this plan for DCHPO review shall be prepared by Spring
763 2010.
764

765 3. Archaeological investigations:

- 766
- 767 a. Archaeological investigations (Exhibit 11) conducted by GSA have identified
768 anomalies consistent with buried foundations beneath a paved parking lot in the
769 area between Martin Luther King Jr. Avenue and Buildings 70, 72, 73, 74, and 75.
770 As a result of consultation with the DCHPO, GSA shall have a professional
771 archaeologist monitor the installation of the Security Fence in this area.
772
 - 773 b. Archaeological investigations have identified a feature near Building 16 (Pumping
774 Station) recommended for Phase II investigation. GSA will conduct the Phase II
775 investigations prior to the commencement of ground-disturbing activities for this
776 Undertaking and will consult with the DCHPO on the results of the investigation.
777
 - 778 c. Archaeological investigations have not been conducted in the vicinity of Building
779 70 (Employee Cafeteria). If it is determined that the demolition will result in
780 ground-disturbing activities, GSA will conduct an investigation to determine
781 whether archaeological resources are present and will consult with the DCHPO on
782 the findings of said investigation.
783
 - 784 d. Two separate archaeological investigations have been conducted in the vicinity of
785 the Greenhouses. No archaeological sites were located as a result of either
786 investigation, and no additional investigations are recommended.
787
 - 788 e. The majority of the Perimeter Security Fence patrol path is located on existing
789 roads or other paved areas, in areas previously surveyed for archaeological
790 resources, or in areas previously disturbed. If it is determined that the path
791 installation will result in ground-disturbing activities in any area not previously
792 surveyed, GSA will conduct an investigation(s) to determine whether
793 archaeological resources are present and will consult with the DCHPO on the
794 findings of said investigation(s).
795

796 **IV. PUBLIC ACCESS**

797
798 In accordance with the PA and the USCG MOA, GSA continues to work with DHS to
799 develop a Public Access Program ("Access Program") for St. Elizabeths that respects the
800 operational and functional needs of DHS and shares the experience, exceptional history
801 and significance of the West Campus with the general public. The Public Access
802 program is not applicable to this MOA with the exception of the In-Construction period in
803 which GSA shall coordinate limited West Campus access through DHS Security once
804 construction has commenced for this Undertaking in accordance with DHS' access and in
805 accordance with screening procedures outlined in Section III of the USCG MOA.
806

807 **V. UNANTICIPATED ADVERSE EFFECTS AND CASUALTY LOSS**

808 A. Unanticipated Adverse Effects
809

810
811 An unanticipated adverse effect is accidental, or previously not considered, damage or
812 destruction of a Contributing Building or Landscape Feature or Archaeological Resource
813 at the Site. Should any contributing features be subject to unanticipated adverse effects,
814 GSA shall immediately notify the DCHPO and ACHP. GSA shall ensure that the
815 Signatories and Consulting Parties are notified of the unanticipated adverse effect within
816 one (1) business day of its learning of such unanticipated adverse effects. GSA shall
817 enter into Consultation in accordance with the PA, Section III.C.
818

819 B. Casualty Loss

820
821 GSA shall ensure that, if there is damage to a Contributing Building or Landscape
822 Feature or Archaeological Resource resulting from casualty loss, GSA shall preserve,
823 repair or rehabilitate as appropriate and in accordance with the approved Master Plan, its
824 Design Guidelines, Landscape Preservation Management Plan, and the Secretary's
825 Standards, unless it is not feasible. If it is not feasible to preserve, repair or rehabilitate
826 as required, GSA shall:
827

- 828 1. Engage in consultation with the Signatories and the Consulting Parties, as
829 appropriate, on alternatives consistent with the Secretary's Standards;
- 830
831 2. Bear the cost and expense and responsibility of developing and implementing a
832 construction and/or treatment plan;
- 833
834 3. If the Signatories and Consulting Parties fail to respond to GSA's request for
835 comments on proposed treatment plans within thirty (30) calendar days, or within an
836 agreed upon timeframe, assume consent to the proposed treatment/alternative.
837

838 **VI. DISPUTE RESOLUTION**

839 A. For Signatories

- 840
841 1. Objection: Should any of the Signatories to this MOA object in writing to GSA
842 regarding any action proposed to be carried out with respect to the Undertaking or
843 implementation of this MOA, GSA shall consult with the objecting Party to resolve the
844 objection. If, after initiating such consultation, GSA determines that the objection
845 cannot be resolved through consultation, GSA shall forward all documentation
846 relevant to the dispute to the ACHP, including GSA's proposed response to the
847 objection. Within fourteen (14) calendar days or within an agreed upon timeframe
848 after receipt of all pertinent documentation, the ACHP shall:
849
850 a. Advise GSA that the ACHP concurs in GSA's proposed response to the objection,
851 whereupon GSA shall respond to the objection accordingly;
852
853 b. Provide GSA with recommendations. Such recommendations must be considered
854 by GSA, but are not binding. Once GSA takes these recommendations into
855 account and responds, GSA can proceed to make a final decision regarding the
856 dispute; or
857
858

- 859 c. Refer the dispute to ACHP membership for comment pursuant to 36 C.F.R.
860 §800.7(c), and shall notify GSA about such referral. The resulting comment must
861 be considered by GSA, but is not binding. GSA shall take into account, and
862 respond to, the resulting comment in accordance with 36 C.F.R. § 800.7(c) and
863 Section 110 (l) of the NHPA, and then proceed to make a final decision regarding
864 the dispute.
865
- 866 2. Failure to Comment: Should the ACHP not exercise one of the above options within
867 fourteen (14) calendar days or within an agreed upon timeframe after receipt of all
868 pertinent documentation, GSA may proceed with its proposed response to the
869 objection.
870
- 871 3. Subject of Dispute: GSA shall take into account any ACHP recommendation or
872 comment provided in accordance with this Stipulation with reference only to the
873 subject of the dispute; GSA's responsibility to carry out all actions under this MOA
874 that are not the subject of the objection shall remain unchanged and in full force and
875 effect.
876

877 B. For Consulting Parties

- 878
- 879 1. Objection: A Consulting Party may object in writing to GSA, with copies to the other
880 Signatories and Consulting Parties regarding any action proposed to be carried out
881 with respect to the Undertaking or implementation of this MOA. GSA shall take such
882 an objection into account and may consult about it with the objecting party, other
883 Consulting Parties and Signatories as it deems appropriate. GSA shall then respond
884 to the objecting party in writing, with copies to the Signatories. If GSA subsequently
885 determines that the objection cannot be resolved through consultation, GSA shall
886 notify the objecting party, the DCHPO, and ACHP which of the following options it
887 shall exercise:
888
- 889 a. Seek the assistance of the ACHP in resolving the objection, pursuant to
890 Stipulation VI.A above; or
891
- 892 b. Provide a formal written response to the objection within 30 days of notice to the
893 objecting party.
894

895 **VII. AMENDMENTS**

896
897 Modifications to this MOA shall be carried forth in accordance with consultation
898 processes and procedures outlined in Stipulation III.C.I of the PA. This MOA may be
899 amended when such an amendment is agreed to in writing by all Signatories. The
900 Signatories to this MOA recognize that some modifications may be minor and may not
901 result in adverse effects. GSA shall ensure that the extent and effect of each modification
902 is identified and the appropriate level of review agency involvement is determined. The
903 amendment shall be effective on the date a copy signed by all of the Signatories is filed
904 with the ACHP.
905

906 **VIII. TERMINATION**

907

- 908 A. Proposal to Terminate: If for any reason, a Signatory determines that the terms of this
909 MOA cannot be implemented or that this MOA is not being properly implemented, in
910 accordance with the NHPA, the Signatory may propose that this MOA be terminated.
911
912 B. Notification: The Signatory proposing to terminate this MOA shall so notify all other
913 Signatories, explaining the reasons for the proposed termination and affording them at
914 least thirty (30) calendar days or within an agreed upon timeframe to consult and seek
915 alternatives to termination.
916
917 C. Termination Due to Failure to Agree: If such consultation fails and the Signatories cannot
918 agree on an alternative to termination, this MOA may thereafter be terminated by the
919 Signatories. In the event of termination, GSA shall ensure that each action that would
920 otherwise be covered in this MOA is reviewed in accordance with 36 C.F.R. Part 800.
921
922 D. Responsibilities upon Termination: If this MOA is terminated, then the Signatories shall
923 take such actions as are necessary to comply with all requirements of 36 C.F.R. Part 800.
924

925 IX. ADMINISTRATION OF AGREEMENT

926
927 Cooperation: During the implementation of this MOA, and until the Signatories agree in
928 writing that the terms of this MOA have been fulfilled; each Party agrees to cooperate
929 with the other Parties to facilitate the satisfaction of their respective obligations under this
930 MOA. The Parties agree to work in good faith with the other Parties to meet their
931 respective obligations in a timely manner.
932
933

934 X. EFFECTIVE DATE OF AGREEMENT

935
936 This MOA shall become effective when executed by the last of the Signatories ("Effective
937 Date").
938

939 XI. DURATION OF AGREEMENT

940
941 This MOA shall be in effect for six (6) years from the date of its execution. If its terms
942 have not been carried out within that time, or if the Undertaking is not completed, or in the
943 event that mitigation related to necessary response actions for a new or previously
944 unknown security threat must be applied, GSA shall consult with the other Signatories to
945 amend the MOA in accordance with Stipulation VI herein.
946

947 XII. MISCELLANEOUS

- 948
949 A. Monitoring: The ACHP and the DCHPO may monitor any activities carried out pursuant
950 to the MOA. GSA shall cooperate with the DCHPO and ACHP in carrying out these
951 monitoring responsibilities.
952
953 B. Availability of Funds: This MOA is subject to applicable laws and regulations. As to the
954 Signatories only, fulfillment of this MOA and all of the provisions herein are subject,
955 pursuant to the Anti-Deficiency Act, 31 U.S.C. § 1341 *et seq.*, to the availability of funds.
956 This MOA is not an obligation of funds in advance of an appropriation of such funds, and

957 it does not constitute authority for the expenditure of funds. If a Signatory does not have
958 sufficient funds available to fulfill the stipulations of this MOA, such Signatory shall so
959 notify the other Signatories and shall take such actions as are necessary to comply with
960 all requirements of 36 C.F.R. Part 800. Nothing in this MOA shall be deemed to
961 authorize an expenditure of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341
962 *et seq.* GSA, DHS and ACHP shall make reasonable and good faith efforts to seek
963 funding for implementing this MOA.

964
965 C. Recitals: The recitals (Whereas clauses) are incorporated herein as a substantive part of
966 this MOA.

967
968 D. Definitions: Certain capitalized terms' definitions that are not contained in this MOA may
969 be found in the PA for the DHS Headquarters of December 9, 2008 (Exhibit 1).

970
971 E. Authority of Signers: Each Signatory hereto represents that the person or persons
972 executing this MOA on behalf of such Signatory has full authority to do so.

973
974 F. Emergency Actions: In addition to Section IX.D of the PA, the provisions of this MOA
975 shall not restrict or otherwise impede DHS from taking immediate actions deemed
976 necessary to protect life and property in order to deter, detect or otherwise respond to a
977 credible terrorist threat or attack upon the St. Elizabeths Campus. Should such action be
978 deemed necessary by DHS, any adverse impacts, should they occur, will be addressed
979 through Article V.

980
981

982 **XIII. COMMUNICATIONS WITH CONSULTING PARTIES**

983

984 A. GSA shall provide Consulting Parties with address and contact information for the
985 appropriate office within GSA for the receipt of any comments provided by them under
986 this MOA.

987

988 B. GSA shall maintain a list of Consulting Party contacts, presumably by e-mail, which shall
989 be updated by the Consulting Parties with changes should they occur.

990

991 **XIV. SIGNATURES**

992

993 Execution and implementation of this MOA by the Signatories, and implementation of its
994 terms, shall evidence that GSA has afforded the ACHP and DCHPO an opportunity to
995 comment on the Undertaking and its effects, and that GSA has taken into account the
996 effects of the Undertaking on historic properties in compliance with 36 C.F.R. Part 800
997 and Sections 106 and 110 of the NHPA.

998

999 [signatures follow]

1000

1001 GENERAL SERVICES ADMINISTRATION

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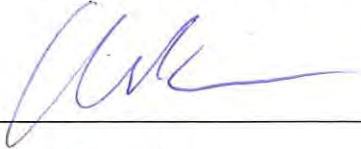
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By:


William B. Bush
Regional Commissioner
Public Buildings Service
National Capital Region

Date:

3/02/10

1012 GENERAL SERVICES ADMINISTRATION

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By:




Date:

3/2/10

Beth L. Savage
Director, Center for Historic Buildings
Federal Preservation Officer

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District Of Columbia STATE HISTORIC PRESERVATION OFFICER



By:

David Maloney
State Historic Preservation Officer

3/3/2010

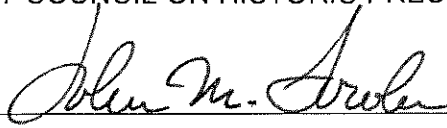
Date:

1103 ADVISORY COUNCIL ON HISTORIC PRESERVATION

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1107 By:

Date:

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John M. Fowler
Executive Director

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1111 NATIONAL CAPITAL PLANNING COMMISSION

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3/3/10

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By:

Date:

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Marcel C. Acosta

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Executive Director

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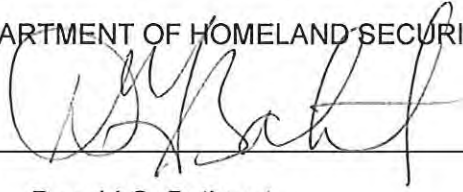
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DEPARTMENT OF HOMELAND SECURITY



By:

Donald G. Bathurst
Chief Administrative Officer

1 MAR 2010

Date:

EXHIBIT LIST

- 1210
1211
1212 Available online at www.stelizabethswestcampus.com and in hard copy form from the Library
1213 and Archives at the U.S. General Services Administration, National Capital Region, Regional
1214 Office Building, 7th & D Streets SW, Room 2021, Washington DC 20407-000; Phone (202) 358-
1215 3086; Fax (202) 708-4925
1216
1217 Exhibit 1 Programmatic Agreement
1218 *(Exhibit can be found on the project website at*
1219 *http://www.stelizabethswestcampus.com/document_center/index.php)*
1220
1221 Exhibit 2 Regional Plan
1222
1223 Exhibit 3 Area of Potential Effect (APE)
1224
1225 Exhibit 4 Construction Staging Plan (inclusive of Site Area and LOD)
1226 *Exhibit is considered SBU. For permissions and access to this exhibit in*
1227 *accordance with Exhibit 14, please contact GSA.*
1228
1229 Exhibit 5 Contributing Landscape Features
1230
1231 Exhibit 6 February 26th NCPC Preliminary/Final Design Submission
1232 *Exhibit is considered SBU. For permissions and access to this exhibit in*
1233 *accordance with Exhibit 14, please contact GSA.*
1234
1235 Exhibit 7 Landscape Preservation and Management Plan
1236 *(Exhibit can be found on the project website at*
1237 *http://www.stelizabethswestcampus.com/document_center/index.php*
1238 *under the Historic Preservation/Section 106 Landscape Preservation and*
1239 *Management Plan 75% Draft Report header)*
1240
1241 Exhibit 8 Historic American Landscape Survey (HALS)
1242 *(Exhibit can be found on the project website at*
1243 *http://www.stelizabethswestcampus.com/document_center/index.php)*
1244
1245 Exhibit 9 Historic Structures Reports (HSRs) and Building Preservation Plans (BPPs)
1246 *(Exhibit can be found on the project website at*
1247 *http://www.stelizabethswestcampus.com/document_center/index.php)*
1248
1249 Exhibit 10 DCHPO Geophysical survey work plan concurrence
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1251 Exhibit 11 Geophysical Survey
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1253 Exhibit 12 October 9, 2009 Consultation Letter
1254
1255 Exhibit 13 March 16, 2009 U.S. Fish and Wildlife Service (FWS) Letter to GSA
1256
1257 Exhibit 14 Sensitive But Unclassified Guidelines and Procedures
1258
1259 Exhibit 15 Contributing Buildings Features and Treatment Recommendations