

FIRST AMENDED
MEMORANDUM OF AGREEMENT
BY AND AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
UNITED STATES DEPARTMENT OF COMMERCE,
THE NATIONAL PARK SERVICE,
THE NATIONAL CAPITAL PLANNING COMMISSION
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE MODERNIZATION OF THE HERBERT C. HOOVER BUILDING
AND INSTALLATION OF PERIMETER SECURITY, WASHINGTON, D.C.

This First Amended Memorandum of Agreement ("First Amended MOA") is made as of this 26th day of June 2013, by and among the United States General Services Administration ("GSA"), which will act as the lead agency, the United States Department of Commerce ("DoC"), the National Park Service ("NPS"), the National Capital Planning Commission ("NCP"), the District of Columbia State Historic Preservation Office ("SHPO"), and the Advisory Council on Historic Preservation ("ACHP") (referred to collectively herein as the "Parties" or "Signatories" or individually as a "Party" or "Signatory") pursuant to Section 106 of the National Historic Preservation Act ("NHPA"), 16 U.S.C. § 470f, and its implementing regulations 36 C.F.R. part 800; and section 110 of the NHPA, 16 U.S.C. § 470h-2.

WHEREAS, GSA entered into a Memorandum of Agreement, dated April 21, 2010, with DoC, SHPO, and ACHP ("2010 MOA") to address the effects of the Herbert C. Hoover Building modernization project (the Undertaking) under Section 106 of the NHPA, and is adding the installation of perimeter security to the Undertaking with this First Amended MOA; and,

WHEREAS, The Herbert C. Hoover Building is located at 1401 Constitution Avenue, NW, Washington, DC ("Property"), was constructed in 1932 as the headquarters for the DoC; is listed on the National Register of Historic Places ("National Register") as a contributing structure in the Pennsylvania Avenue National Historic Site ("PANHS") and the Federal Triangle Historic District, which were listed on the National Register in 1965 and 1968, respectively; and is within the L'Enfant Plan, which was listed on the National Register in 1997; and,

WHEREAS, GSA entered into a Delegation Agreement with the DoC on December 14, 1989, re-delegated on August 22, 1994, and again on November 26, 1997, for the ongoing management and operation of the Property ad infinitum or until either agency seeks to change the Delegation Agreement; and,

WHEREAS, GSA plans to modernize the Property in eight phases over a 15 year period. Phase one of the modernization was initiated in 2007 and completed in 2010. Phase one was determined to have no adverse effect on the Property by GSA, and such was confirmed in writing by the SHPO on December 4, 2007 (Appendix A), prior to the commencement of phase one; and,

WHEREAS, GSA received funding for Phases two and three of the Undertaking through the American Recovery and Reinvestment Act ("ARRA") and construction commenced after the 2010 MOA was executed. With this First Amended MOA, Phase three now includes installation of perimeter security per the 2013 Perimeter Security Design (Appendix B); and,

WHEREAS, GSA plans to carry out the remaining phases of the modernization of the Property, detailed in the phasing diagram and phasing summary (Appendix C), which will include an upgrade of general office space, elevator lobbies, corridors, toilet rooms; an upgrade of heating, ventilating and air conditioning ("HVAC") and interior and exterior utility systems; rehabilitation of interiors and exteriors; and courtyard landscape rehabilitation, together referred to as the Undertaking ("Undertaking"), as documented in the attached 2010 Historic Preservation Report and Submission Drawings (Appendices D and E, respectively); and,

WHEREAS, the Undertaking also includes the following outstanding design elements ("Outstanding Design Elements"): accessibility upgrades to comply with the Architectural Barriers Act ("ABA"); rehabilitation of the perimeter landscape and associated tree relocation; installation of perimeter security to comply with the Interagency Security Committee (ISC) guidelines and standards for protecting a Level IV federal building at an Anti Terrorism/Force Protection (ATFP or AT/FP) Ram Barrier Protection K4 specification; rehabilitation of the historic area currently occupied by the National Aquarium into a lower level lobby; installation of interior thermal/blast resistant windows; the conversion of the historic delivery room; and proposed construction of a new tenant space and entrance for the National Aquarium with an alternate treatment for Constitution Avenue (Appendix F) to account for the National Aquarium's tentative tenancy of that area. Designs for these Outstanding Design Elements will require additional review as set forth in Stipulation III of this First Amended MOA; and,

WHEREAS, GSA has defined the Undertaking's Area of Potential Effect (APE) (Appendix G) as the area bounded by 12th Street between Pennsylvania Avenue and Madison Drive; west on Madison Drive to 14th Street, south on 14th Street to Independence Avenue, SW; west on Independence Avenue to the alignment of 15th Street, SW; south on 15th Street, SW, to the Tidal Basin; west along the Tidal Basin to 17th Street, SW; north on 17th Street to State Place, NW; east on State Place, NW, around the White House South Lawn; north on East Executive Drive to Pennsylvania Avenue, NW; east on Pennsylvania Avenue to 15th Street, NW; south on 15th Street to F Street, NW; east on F Street to 13th Street, NW; south on 13th Street to Pennsylvania Avenue, NW; and southeast on Pennsylvania Avenue to 12th Street, NW.; and includes portions of the Federal Triangle National Historic District, the Pennsylvania Avenue National Historic Site, the Ellipse, the Washington Monument Grounds and the National Mall Historic District; and,

WHEREAS, portions of the Undertaking are proposed in Public Space (Appendix H, GSA to Ms. Karina Ricks, DDOT), and GSA has coordinated with the District of Columbia and will seek to obtain Public Space permits for the use of the property under the District's control; and,

WHEREAS, the area between the north building face and the curb between 14th and 15th Streets, NW, including areas to east and west of building face along Pennsylvania Avenue, NW, is within the PANHS and is subject to the laws, regulations and policies for the Pennsylvania Avenue Development Corporation's Pennsylvania Avenue Plan, (36 C.F.R. Part 910); and,

WHEREAS, GSA has coordinated with NPS for work proposed within the PANHS and will act as lead agency for NPS compliance with Section 106 of the NHPA, and will obtain a construction permit from NPS for this work; and,

WHEREAS, NCPC will review the Undertaking pursuant to the National Capital Planning Act of 1952 and has designated GSA lead agency for NCPC's compliance with Section 106 of the NHPA pursuant to 36 CFR § 800.2(a); and,

WHEREAS, GSA conducted an Environmental Assessment (EA) for the Undertaking in 2010 and is conducting a Supplemental EA for the revised Undertaking, and has coordinated Section 106

consultation with the National Environmental Policy Act (NEPA) in accordance with 36 C.F.R. § 800.8(a); and,

WHEREAS, GSA determined that the Undertaking will have an adverse effect on historic properties within the APE (Appendix I, revised Determination of Effects Letter); and has the potential to adversely affect archaeological resources including the Washington Canal (51SE047), a National Register-eligible site. A survey to identify the presence of the Washington Canal within the Property has not been conducted, and it is not known if remains of the Washington Canal are present. GSA determined that due to the potential proximity of the National Register-eligible site, monitoring during ground-disturbing activities for the Undertaking is necessary; and,

WHEREAS, the Signatories agree that a flexible, phased approach to the identification and evaluation of archaeological resources, starting with geo-archaeological consultation, and the application of the criteria of adverse effect, as appropriate; and,

WHEREAS, GSA identified in consultation that there are no federally recognized Indian tribes in the District of Columbia and GSA, in consultation with the SHPO, will make a good faith effort to identify and contact other appropriate Indian tribes that may attach religious and cultural significance to any historic property that may be affected by the Undertaking; and,

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), GSA notified the ACHP of the GSA's adverse effect determination with the specified documentation, and the ACHP chose to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii); and,

WHEREAS, GSA identified, after consultation pursuant to 36 C.F.R. § 800.3(f), the following as Consulting Parties: the United States Commission of Fine Arts (CFA), the National Aquarium, the Smithsonian Institution, , the D.C. Department of Transportation (DDOT) and the D.C. Office of Planning (Consulting Parties). The following organizations were also invited to participate as consulting parties, but did not respond: the Downtown Business Improvement District (BID), the United States Internal Revenue Service, the JW Marriott Hotel, the National Coalition to Save Our Mall, the National Trust for Historic Preservation, the Ronald Reagan Building and International Trade Center, the U.S. Capitol Historical Society, the United States Environmental Protection Agency, the Willard Inter-Continental Washington Hotel, the Advisory Neighborhood Commission 2F, Committee of 100 on the Federal City, and the D.C. Preservation League; and,

NOW THEREFORE, the Signatories agree that the Undertaking will be implemented in accordance with the following Stipulations, to take into account the Undertaking's effects on historic properties.

STIPULATIONS

GSA will ensure that the following Stipulations ("Stipulations") are implemented:

I. General Requirements

The Undertaking for the Property will be executed in accordance with the Historic Preservation Report and Submission Drawings, attached as Appendices D and E respectively, which detail the design approach, treatment of affected character-defining features, and specific mitigation, minimization and avoidance measures, which are summarized in Stipulation II.B.

- A. Applicable Codes and Standards. The Undertaking was planned and developed and will be executed in a manner consistent with the recommended approaches contained in the Secretary of the

Interior's Standards for the Treatment of Historic Properties, the Submission Drawings (Appendix E), GSA's Technical Preservation Guidelines, (<http://www.gsa.gov/portal/category/21119>), Stipulation II.B.1., regulations associated with Stipulation IV. as applicable, and prevailing applicable codes.

- B. Qualifications. GSA will ensure that all historic preservation and archaeology work performed by GSA or on its behalf pursuant to this MOA will be accomplished by or under the direct supervision of a person or persons who meet(s) or exceed(s) the pertinent qualifications in the Secretary of the Interior's Standards and Guidelines, As Amended and Annotated (http://www.nps.gov/history/local-law/arch_stnds_9.htm) in those areas in which the qualifications are applicable for the specific work performed.

II. Undertaking Scope

In accordance with Stipulation I. of this First Amended MOA, GSA will carry out the Undertaking, which will have an adverse effect on historic property within the APE. As part of the Undertaking, GSA will also carry out actions for avoiding, minimizing, and mitigating adverse effects caused by the Undertaking, as noted below and in the 2010 Historic Preservation Report, Modernization Submission Drawings, and 2013 Perimeter Security Design (Appendices D, E, and B, respectively).

A. Description of Adverse Effects

1. Additions.

- a. Courtyard One Electrical Equipment Enclosure. The courtyard contained a one-story building with roof-top mechanical units. An enclosed three-story structure was added to the top of the existing one-story building to house electrical equipment that was located in the basement and other areas throughout the Property.
- b. National Aquarium Relocation and Addition. The relocated National Aquarium is proposed to be below-grade, occupying approximately 10,000 gross square feet of the southern quarter of the Property at Constitution Avenue. The relocated National Aquarium entrance on Constitution Avenue is proposed to occupy the area currently between the building and the sidewalk, and between the two existing granite staircases. The historic area-way, directly adjacent to the building, will be filled in with new construction associated with the addition; original below-grade façade material will be removed, and original below-grade window openings will be altered. In the event that the National Aquarium does not occupy space due to funding limitations, GSA has developed an alternative treatment for Constitution Avenue to provide perimeter security (Appendix F), which will be reviewed in accordance with Stipulation III.

2. Façade Alterations.

- a. Courtyard Window Removal and Replacement. GSA will remove five windows from Courtyard Three and two windows from Courtyard Four, along with a minimal amount of the adjacent wall material, so as to create at-grade door openings.
- b. Installation of ABA Ramps. ABA compliant ramps are proposed by GSA for the Property's main 14th Street entrance and at two of the Property's entrance locations on 15th Street. All alterations at the entries will be executed to maximize retention of original materials and maintain visual consistency with historic materials.

3. Interior Alterations.
 - a. Historic National Aquarium/Lower Level Lobby. The National Aquarium will be relocated to the Constitution Avenue end of the building; the historic space currently occupied by the National Aquarium will be converted into a lower level lobby, adjacent to the Ronald Reagan Building and International Trade Center tunnel entrance. An opening will be created in the existing south wall of the historic space to create access to the new lower level lobby.
 - b. Historic Delivery Room. GSA will convert this space adjacent to the main library for an alternate use, which will be executed to maximize retention of original materials where possible.
 - c. Lobby Security Area. The 14th Street entry vestibule will be altered so that a security screening area can be created off of the main 14th Street lobby; an interior vestibule wall will be removed.
 - d. Blast Window Installation. GSA will install interior thermal/blast resistant windows on street-facing windows on the property.
 - e. Toilet Rooms, Floors Two Through Seven. The upper floor toilet rooms will be demolished and reconfigured to accommodate ABA requirements and to meet energy and water conservation goals.
4. Landscape Alterations and Site Work.
 - a. Landscape Alterations. GSA's perimeter landscape rehabilitation includes replacement of non-historic material in the planting beds and grounds with low turf or ground cover and boxwood hedges and relocation of Willow Oaks. The perimeter landscape rehabilitation is based on the original planting scheme (Appendix J) from 1935. Depending on the level of construction impacts, site conditions and tree health, the historic magnolias planted in the 1930's will be retained, relocated within the APE, or replaced with new magnolias. The perimeter landscape rehabilitation will occur in accordance with Stipulations II.B. and III., in coordination with installation of ABA ramps (Stipulation II.A.2.b), site and utility work (Stipulation II.A.4.b), perimeter security and prior to ground disturbance in the vicinity of the planting beds and grounds.
 - b. Site and Utility Work. This work includes trenching and utility installation at existing utility locations, footings for ABA ramps, excavations for the relocated National Aquarium entrance and perimeter security footings. The site and utility work is not an outstanding design element. GSA will ensure that all work will be executed in accordance with Stipulation II.B.1.
 - c. Perimeter Security Work. This work includes installing bollards, fencing, security sidewalk treatments, seating nodes, and bicycle racks. In the event that the National Aquarium does not occupy space along Constitution Avenue, GSA has developed a perimeter security alternate treatment for that area, for review in accordance with Stipulation III.

B. Avoidance, Minimization, and Mitigation Measures

1. Avoidance

- a. Seismic Analysis and Movement Monitoring. A seismic analysis of the Property will be conducted, if deemed necessary by GSA, prior to any ground-disturbing activity on the Property. Movement monitoring will be implemented as warranted thereafter at both the Property and other historic properties within the APE. GSA will consider the results of the seismic analysis or analyses, as the case may be, so

that the structural integrity of the Property and other National Register-listed or -eligible properties within the APE is/are not compromised.

- b. Archaeological Monitoring. Due to the potential proximity of the National Register-eligible site, the Washington Canal (51SE047), GSA will conduct archaeological monitoring during ground-disturbing activities for the Undertaking, and will follow Stipulation IV.B.
- c. Protective Measures. Protective measures will be taken to protect historic features such as masonry, bronze work and landscaping as appropriate. The protective measures will apply to all construction and staging activities.

2. Minimization

- a. Additions and Alterations. In the Courtyard One electrical equipment enclosure area, the historic windows will be retained in place with opaque glazing replacing extant clear glazing, with the exception of floors two and four on the north end of the enclosure, where the windows will be removed and stored, and the window openings converted to doors designed in keeping with extant non-historic compatible doors at the Property. The effect of the proposed National Aquarium entrance will be minimized in part through sensitive design; the installation of ABA compliant ramps will be executed to maximize retention of original materials and maintain visual consistency with historic materials. The Courtyard Window Removal and Replacement will be conducted so as to allow for minimal removal of adjacent wall material, the windows will be replaced with doors designed in keeping with extant non-historic compatible doors at the Property, and the original windows will be stored at the Property.
- b. Landscape Rehabilitation. Per Stipulation II.A.4.a., during the perimeter landscape rehabilitation, the historic magnolia trees will be maintained in place when minimally impacted by construction activity, relocated on site to avoid significant impacts when the health of the tree permits, or relocated within the APE when site conditions do not allow on site replanting. When significant impacts are anticipated and the health of the tree will not allow relocation or site conditions do not allow relocation on site, new magnolias will be planted on site to maintain the historic character of the landscape, and such will be reviewed in accordance with Stipulation III. Where perimeter security features will impact the existing four Willow Oaks on Pennsylvania Avenue, the affected trees will be relocated to adjacent abandoned tree pits within the APE. .
- c. Interior Rehabilitation and Alteration. Within the historic National Aquarium space, GSA will rehabilitate and/or replace the historic finishes in-kind. GSA will retain the original bronze tank frames as part of an interpretive program for the space. Within the Historic Delivery Room, a limited number of shelves will be retained by GSA in the stack room, as a reference to the original use of the room. In the auditorium, a mural restoration will occur, along with rehabilitation of lighting and finishes. Previously altered areas within the Property, including the library with its vaulted ceiling and skylight, the corridors, elevator lobbies, and the toilet rooms will also be rehabilitated. For the toilet rooms, on floors two through seven, historic materials will be salvaged for use in the rehabilitation of the first floor historic toilet rooms.
- d. Courtyard Landscape Rehabilitation. In Courtyards Three and Four, the landscaping will be rehabilitated, with fountains and footpaths restored by GSA.

3. Mitigation

- a. Documentation. Within 90 days following the signing of this First Amended MOA, GSA will compile a bound collection of labeled historic and contemporary photographs that will be given to the SHPO and the DoC and made available at the GSA National Capital Region Resource Library, for future research and study. This documentation will also be digitized and made available on a publically accessible website administered by GSA.
- b. Interior Interpretation. Prior to the commencement of construction in the historic space currently occupied by the National Aquarium, GSA will develop an interpretive program about that space, utilizing salvaged original bronze tank frames, in consultation with the SHPO. The interpretive materials will be placed in the new lower level lobby, designed per Stipulation II.A.3.a., and will also be placed on display in the relocated National Aquarium on the Property. This documentation will also be digitized and made available on a publically accessible website administered by GSA.
- c. Exterior Interpretation. GSA will develop interpretive information on the history and agencies that were historically part of the DoC and are depicted in the iconography on the building facade. Interpretive efforts will include at a minimum ten plaques or other site fixtures that will be incorporated into the perimeter security elements, at seating nodes, and/or in other pedestrian gathering locations. Interpretive concept materials will be submitted to the SHPO in accordance with Stipulation III. within 90 days of execution of this First Amended MOA. GSA will install interpretive signage and make the content available on publicly accessible websites administered by GSA within 60 days of completion of the perimeter security installation.

III. Design Review and Consultation for Outstanding Design Elements

- A. Project Document Review. For all Outstanding Design Elements, GSA will prepare and submit project documents and drawings at the 35 and 65 percent design development stage to the SHPO for review and consultation. SHPO will provide written comments within 30 calendar days.
- B. Site Visits. If necessary for review, the SHPO may request a site visit within the reviewing period. GSA will accommodate this request within two business days.
- C. Consideration of Written Comments. GSA will consider timely written comments, to the fullest reasonable extent. Comments will be incorporated into the Submission Drawings (Appendices B, E, and F). GSA will make written comments available to the other Signatories, and, upon request, any Consulting Parties.
- D. Objections to Comments. Should GSA object to any comments, GSA will provide the SHPO with a written explanation of its objection, and will initiate consultation with the same to resolve the objection. If no agreement is reached within ten calendar days following SHPO's receipt of GSA's written explanation, GSA will request the ACHP to review the dispute pursuant to Stipulation V.
- E. Failure to Comment. If the SHPO does not provide written comments within the agreed upon timeframes noted above, GSA may assume that the SHPO does not have any comments

regarding the project documents, and GSA may proceed in accordance with its project documents.

IV. Emergencies, Archaeology and Unanticipated Adverse Effects

- A. Unanticipated Adverse Effects. If GSA determines that the Undertaking or changes to the Undertaking scope have caused or may result in unanticipated adverse effects to the Property prior to completion of the Undertaking, GSA will ensure that the SHPO and the ACHP are notified of such unanticipated adverse effects within five calendar days of GSA's learning of such unanticipated adverse effects, and will comply with 36 C.F.R. § 800.13(b).
- B. Archaeology. In the event of an unanticipated discovery or an archaeological discovery associated with the Washington Canal (51SE047), which is eligible for the National Register, during Undertaking construction or excavation, GSA will notify the SHPO within 24 hours to initiate consultation and proceed in accordance with the *Guidelines for Archaeological Investigations in the District of Columbia* (1998 as amended), and 36 C.F.R. § 800.13(b) to determine the level and type of recording or recovery, as necessary.
- C. Emergencies. GSA will ensure that, in the case of an immediate rescue and salvage operation on the Property that is required because of an emergency (i.e., a disaster or emergency declaration by the President or the Mayor of Washington, DC, or another threat to life or property) (Emergency) that may adversely affect the Property, GSA will use its best efforts to notify the SHPO and the ACHP of such operations within two calendar days after the commencement of such operations. If GSA proposes such an emergency undertaking, which GSA determines may have an adverse effect on the Property, as an essential and immediate response to an Emergency declaration, GSA will notify the SHPO and the ACHP and afford the SHPO and the ACHP an opportunity to comment within three calendar days of such notification. If GSA determines that circumstances do not permit three calendar days for comment, then GSA will notify the SHPO and the ACHP and invite comments within the time available. GSA will consider, as applicable in light of the urgency of the circumstances, any comments received in reaching a decision on how to proceed with the emergency undertaking.

These emergency procedures apply only to undertakings that may have an adverse effect on the Property and that will be implemented within thirty calendar days after the Emergency occurs. GSA may request an extension of the period of applicability from the SHPO and the ACHP prior to the expiration of the thirty calendar days.

Nothing in this Agreement will be deemed to prevent GSA from taking immediate rescue and salvage operations to preserve life or property, such operations being exempt from Section 106 review per 36 C.F.R. § 800.12(d).

V. Dispute Resolution

Objections: Should any Party to this First Amended MOA object to any action carried out or proposed by GSA with respect to the implementation of this First Amended MOA, GSA will consult with the objecting Party to resolve the objection.

1. If, after initiating such consultation, GSA determines that the objection cannot be resolved through consultation, GSA will forward all documentation including without limit, documentation of GSA's responses to the objections, as submitted by the Party or Parties

relevant to the objection, to the ACHP. Within 30 days after receipt of all adequate documentation, the ACHP will exercise one of the following options:

- a. Upon receipt of documentation from GSA, the ACHP will review and advise GSA on the resolution of the objection. GSA will reach a final decision regarding the dispute after taking into account any timely advice provided by the ACHP, and all timely comments from the Parties to the First Amended MOA, and providing a written response to such advice and comments.
 - b. If the ACHP does not provide written advice to GSA regarding the dispute within 30 days after receipt of adequate documentation, GSA may proceed to render a final decision regarding the dispute. In reaching its decision, GSA will take into account all timely comments regarding the dispute from the Parties to this First Amended MOA. Prior to reaching a final decision on the dispute, GSA will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any Signatory or Signatories, and provide them with a written response, GSA will then proceed according to its final decision.
2. GSA's responsibility to carry out all other actions subject to the terms of this First Amended MOA that are not subject to the dispute, remain unchanged. GSA will notify all Parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation.

VI. Amendments

If any Signatory to this First Amended MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that Party will immediately consult with the other Parties to develop an amendment to the First Amended MOA. The amendment will be effective on the date a copy signed by all of the original Signatories is filed with the ACHP. If the Signatories cannot agree to appropriate terms to amend the First Amended MOA, within 30 days (or another time period agreed to by all Signatories), any Signatory may terminate the First Amended MOA in accordance with Stipulation VII.

VII. Termination

If this First Amended MOA is not amended following the consultation set out in Stipulation VI., it may be terminated by any Signatory through written notice to the other Signatories. Within 30 days following termination, GSA will notify the Signatories if it will initiate consultation to execute a new First Amended MOA with the Signatories under 36 C.F.R. § 800.6 or request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7(c), and proceed accordingly.

VIII. Availability of Funds

This First Amended MOA is subject to applicable laws and regulations. As to the Signatories only, fulfillment of this First Amended MOA is subject, pursuant to the Anti-Deficiency Act, 31 U.S.C. 1341 et seq., to the availability of funds. This First Amended MOA is not an obligation of funds in advance of an appropriation of such funds, and it does not constitute authority for the expenditure of funds. If a Signatory does not have sufficient funds available to fulfill the stipulations of this First Amended MOA, such Signatory will so notify the other Signatories and will take such actions as are necessary to comply with all requirements of 36 C.F.R. part 800. Nothing in this First Amended MOA will be deemed to

authorize an expenditure of funds in violation of the Anti-Deficiency Act. GSA will make a reasonable and good faith effort to obtain the funding necessary to implement this First Amended MOA.

IX. Duration

This First Amended MOA will be null and void if its terms are not carried out within 15 years from the date of its execution. Prior to such time, GSA may consult with the other Signatories to reconsider the terms of this First Amended MOA and amend it in accordance with Stipulation VI.

X. Monitoring and Reporting

Following the execution of this First Amended MOA until it expires or is terminated, GSA will, at the completion of each phase, provide the Signatories to this First Amended MOA a summary preservation report detailing work undertaken pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in GSA's efforts to carry out the terms of this First Amended MOA.

XI. Signatures and Effective Date

Execution of this First Amended MOA by the Signatories, and implementation of its terms evidence that GSA, NCPC, and NPS have taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment. This First Amended MOA will be effective as of the latest date of the signature of any Signatory hereto, which such Signatory will insert such date in the first paragraph on the first page of this First Amended MOA.

(See Following Pages for Signatures)

APPENDICES

Appendix A	Phase I SHPO Concurrence Letter, December 4, 2007
Appendix B	Perimeter Security Drawings
Appendix C	Phasing Diagram
Appendix D	Historic Preservation Report
Appendix E	Modernization Submission Drawings
Appendix F	Alternative Treatment for Constitution Avenue
Appendix G	Revised Area of Potential Effect
Appendix H	GSA Letter to DDOT, March 15, 2010
Appendix I	Determination of Effects Letter, March 26, 2013
Appendix J	1935 Planting Scheme

FOR THE U.S. GENERAL SERVICES ADMINISTRATION

By: 
Julia E. Hudson
Regional Administrator
National Capital Region

05-16-13
Date

FOR THE U.S. GENERAL SERVICES ADMINISTRATION

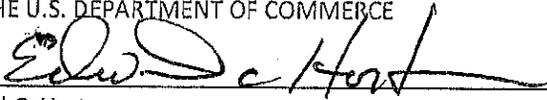
By: Beth L. Savage

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

5/29/13
Date

FOR THE U.S. DEPARTMENT OF COMMERCE

By: _____



Edward C. Horton

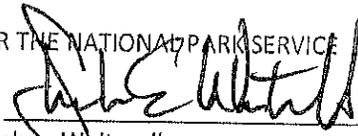
Acting Director for Administrative Services

Date

5/20/2013

FOR THE NATIONAL PARK SERVICE

By:



Stephen Whitesell

Regional Director, National Capitol Region

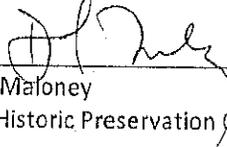
FOR THE NATIONAL CAPITAL PLANNING COMMISSION

By:  _____

Marcel Acosta

Executive Director, National Capital Planning Commission

FOR THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER

By: 
David Maloney
State Historic Preservation Officer

5/17/2013
Date

FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____
John M. Fowler
Executive Director



6/26/13
Date