

**AMENDMENT TO
THE 2008 PROGRAMMATIC AGREEMENT AMONG
THE ARMED FORCES RETIREMENT HOME,
THE NATIONAL PARK SERVICE,
THE NATIONAL CAPITAL PLANNING COMMISSION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE ARMED FORCES RETIREMENT HOME – WASHINGTON, D.C.
MASTER PLAN AND ON-GOING MAINTENANCE AND REHABILITATION OF
HISTORIC AND CULTURAL RESOURCES AND DEVELOPMENT ACTIVITIES
(Agreement)**

WHEREAS, the Agreement was executed on March 5, 2008; and

WHEREAS, § XIV.A.1 of the Agreement allows for any Signatory to the Agreement (Party) to propose amendment of the Agreement; and

WHEREAS, the Armed Forces Retirement Home (AFRH) wishes to clarify and improve procedures for Section 106 review of all undertakings as described in Historic Preservation Standard Operating Procedure #1 (HP SOP #1) of Chapter 6 of the Historic Preservation Plan (HPP), which is represented in Appendices B, G, and H of the Agreement; and

WHEREAS, a recodification of the National Historic Preservation Act (NHPA) became effective 19 December 2014, moving all relevant sections of the United States Code from title 16 to title 54, thus rendering out of date references in the Agreement; and

WHEREAS, AFRH has notified the other Parties and invited them to consult on an amendment; and

WHEREAS, § XIV.A.2 of the Agreement requires the written agreement of all the Parties in order to amend the Agreement, and these Parties have now consulted;

NOW, THEREFORE, on the 19th day of March, 2015, in accordance with § XIV.A of the Agreement, AFRH, the District of Columbia State Historic Preservation Officer (DCSHPO), the National Capital Planning Commission (NCPC), the National Park Service (NPS), and the Advisory Council on Historic Preservation (ACHP) agree to amend the Agreement as follows:

1. Amend Appendix G (Design Review Process) to replace the existing body of the appendix with the attached text for the Design Review Process, which is identical to the revised HP SOP #1 as found in Chapter 6 of the HPP;
2. Amend Appendix H (AFRH-W Design Review Process) to replace the existing chart with the attached chart, which corresponds with the procedure outlined in the revised HP SOP #1 as found in Chapter 6 of the HPP;
3. Amend Appendix B (Chapter 6: Implementation of the Historic Preservation Plan) to include the revised SOP #1 (as provided in Appendix G); and
4. Amend all sections of the Agreement to reflect new United States Code citations for the National Historic Preservation Act (NHPA). All previous references to title 16 shall now be replaced with title 54 and applicable associated sections.

SIGNATORIES:

ARMED FORCES RETIREMENT HOME

BY: Steven D McManus

TITLE: Chief Operating Officer

DATE: 25 Feb 2015

See following pages for signatures from:
Advisory Council on Historic Preservation
District of Columbia State Historic Preservation Officer
National Capital Planning Commission
U.S. National Park Service

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: Javier L. Payne

TITLE: Acting Executive Director / Associate General Counsel

DATE: 3-19-2015

See preceding and following pages for signatures from:
Armed Forces Retirement Home
District of Columbia State Historic Preservation Officer
National Capital Planning Commission
U.S. National Park Service

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER

BY: *J. M. [Signature]*

TITLE: *DC Historic Preservation Officer*

DATE: *2/3/2015*

See preceding and following pages for signatures from:
Advisory Council on Historic Preservation
Armed Forces Retirement Home
National Capital Planning Commission
U.S. National Park Service

U.S. NATIONAL PARK SERVICE

BY:

TITLE:

DATE:

Robert A. Vogel
Regional Director
3/17/15

See preceding and following pages for signatures from:
Advisory Council on Historic Preservation
Armed Forces Retirement Home
District of Columbia State Historic Preservation Officer
National Capital Planning Commission

NATIONAL CAPITAL PLANNING COMMISSION

BY: Mark G. A.

TITLE: Executive Director

DATE: 2/4/2015

See preceding and following pages for signatures from:
Advisory Council on Historic Preservation
Armed Forces Retirement Home
District of Columbia State Historic Preservation Officer
U.S. National Park Service

APPENDIX G: DESIGN REVIEW PROCESS

This appendix includes the full text of Historic Preservation Standard Operating Procedure #1 (HP SOP #1) from the AFRH-W Historic Preservation Plan (HPP)

POLICY

The AFRH Federal Preservation Officer (FPO) will review all activities defined in the Historic Preservation Plan (HPP) as undertakings, unless specifically “Exempt” or falling under the 2007 Memorandum of Understanding (2007 MOU) as a private action subject to District of Columbia zoning, building, or historic preservation laws and regulations and therefore not considered an undertaking. The review process followed by AFRH for undertakings at AFRH-W is based on the general process stated in Section 106 of the National Historic Preservation Act (NHPA) and its regulations. AFRH will coordinate Section 106 review with other federal project reviews required by the National Capital Planning Commission (NCPC) and the Commission of Fine Arts (CFA) pursuant to the specific review authorities of those entities and the terms of the 2007 MOU. CFA will require review of relevant actions, regardless of whether the project is intended for AFRH use or requires a building permit. NCPC will perform review in accordance with the 2007 MOU and NCPC policies and procedures for projects that involve federal buildings or federal uses at the AFRH-W. NCPC will not perform design review on projects that are privately developed for private purposes and receive a building permit, unless they deviate from the NCPC-approved AFRH-W Master Plan and so require an amendment to the Master Plan pursuant to the PA.

Section 106 review is required when an Action Agent proposes an action at AFRH-W. An Action Agent can be anyone who has the ability to propose work at AFRH-W, including but not limited to staff, residents, visitors, contractors, permittees, tenants, private developers, or other government agencies.

PROCEDURE

The two processes presented below represent a refinement of the general Section 106 Review Process to reflect AFRH’s administrative structure, AFRH-W’s maintenance management procedures (as implemented by its Office of Campus Operations (OCO)), and the review process as agreed to in the controlling Programmatic Agreement (PA). The two processes also differentiate between two major classifications of projects that result from AFRH’s intention to have a section of the campus zoned through the District of Columbia, pursuant to the 2007 MOU.

- **Process A:***
Action agent: AFRH, AFRH-W, its tenants, permittees, and/or developers
Purpose/Use: Public or private
Consistent with the AFRH-W Master Plan: Yes
Entitlements: No (land is not subject to District of Columbia zoning)
- **Process B:***
Action agent: Private developers, tenants, and/or permittees
Purpose/Use: Private
Consistent with the AFRH-W Master Plan: Yes
Entitlements: Yes (land is subject to District of Columbia zoning)

Process A allows AFRH and the DCSHPO to consult directly to avoid, minimize, or mitigate any adverse effects to the Historic District and its contributing resources for all federal undertakings at AFRH-W that are consistent with the AFRH-W Master Plan. Process A will be initiated upon execution of the appropriate AFRH-W HP SOP and may be undertaken in coordination with other procedures required by applicable HP SOPs. Process A applies to the review of all projects involving federal property for federal

uses, or projects that are privately developed for private purposes by an Action Agent (AFRH or its tenants, its permittees, or associated developers) on federally owned land at AFRH-W that is **not** subject to the District of Columbia permitting process.

Process B is for private-sector action agents performing work that is consistent with the AFRH-W Master Plan and is intended for private purposes and uses on federal land that is subject to the District of Columbia permitting process. Action agents following this process will file applications for building permits and certificates pursuant to applicable Building Code requirements, requiring review by DCSHPO and CFA as appropriate.

* Each process is only applicable if the action is consistent with the AFRH-W Master Plan. All projects, regardless of use or location, that are determined to be inconsistent with the Master Plan, shall follow the Master Plan Amendment (MPA) process outlined in the PA.

PROCESS A

Action agent: AFRH, AFRH-W, its tenants, permittees, and/or developers

Purpose/Use: Public or private

Consistent with the AFRH-W Master Plan: Yes

Entitlements: No (land is not subject to District of Columbia zoning)

Step 1: Identification of Action (required)

Step 2: Determination of Exemption (only if necessary per Step 1)

Step 3: Internal Consultation (only if necessary per Step 2)

Step 4: DCSHPO Review (only if necessary per Step 2)

Step 5: ACHP/NPS Review (only if necessary per Step 4)

Step 6: Federal Design Review (only if required, Step 6 is not necessarily sequential)

STEP 1: IDENTIFICATION OF ACTION

Who: Action Agent and Corporate Facilities Manager and/or OCO

Why: An action is proposed that could be considered an Undertaking subject to Section 106 review.

What: Determination of whether a proposed action *could* affect the Historic District

How: Upon proposal of an action, the Action Agent will notify the CFM (agency-level actions) or the OCO (campus-level actions). Notification can be initiated through many different activities, including but not limited to the request for funding or other resources, the initiation of a task force or planning team, the development of a Scope of Work or Performance Work Statement, or the submission of a maintenance request through the Computerized Maintenance Management System (CMMS). The Cultural Resources Manager (CR Manager) will consult with the CFM and OCO regularly to provide additional opportunities for the identification and tracking of activities at AFRH-W.

Upon notification of a proposed action, the CFM or OCO will determine whether the proposed action involves historic resources and/or properties at AFRH-W by using the Resource Inventory / Cultural Resource Management Database (RI/CRM Database) and following general guidelines provided in Table 6.6. The CFM or OCO (or Action Agent) should check the RI/CRM Database to determine whether resources are Contributing or Non-Contributing or whether resources are considered “recurring.”

Table 6.6: Guidance for determining the potential to affect the Historic District	
Yes (will affect)	No (will not affect)
<ul style="list-style-type: none"> • All exterior work on built or landscape resources, <i>except</i> repair and maintenance of non-contributing recurring resources • All ground disturbance • All interior work on contributing resources • Ground lease, sale, transfer, donation, demolition/removal of Contributing or Non-Contributing Resources • All new construction • All abandonment or mothballing of Contributing resources 	<ul style="list-style-type: none"> • All interior work on non-contributing resources • Lease of interior spaces for interior occupation only (no management or maintenance of building exterior) • Repair and maintenance of non-contributing recurring resources

The CMMS is programmed to automatically identify unscheduled maintenance requests that will affect the Historic District or its individual resources following the guidance in Table 6.6. The CMMS flags such requests for further review by the FPO and CR Manager through Step 2 of this process.

If the proposed action *does not* have the potential to affect the Historic District or its individual resources based on Table 6.6 of the HPP, the OCO will then instruct the Action Agent to proceed with the action unless review is required by NCPC and/or CFA (see Step 6) or other requirements not related to the HPP.

If the proposed action *does* have the potential to affect the Historic District and/or its resources, the OCO or CFM should proceed to Step 2 to determine whether the proposed action is an Exempt Activity.

STEP 2: DETERMINATION OF EXEMPTION

Who: Action Agent, CFM and/or OCO, FPO, and CR Manager

Why: The action could affect the Historic District (per Step 1).

What: Determination of whether a proposed action is exempt from DCSHPO review

How: The OCO or CFM determines whether the proposed action is an Exempt Activity using Tables 6.7, 6.8, and 6.9 of the HPP. The OCO or CFM should consult with the FPO, CR Manager, and/or RI/CRM Database as necessary to make this determination.

If the OCO and/or CFM makes a determination that the proposed action is an Exempt Activity, the OCO and/or CFM will notify the FPO and/or CR Manager of the action for concurrence and documentation in the RI/CRM Database. The OCO or CFM will then instruct the Action Agent to proceed without further review unless review is required by NCPC and/or CFA (see Step 6) or by requirements not related to the HPP.

If the OCO and/or CFM makes a determination that the proposed action is not an Exempt Activity (with FPO and/or CR Manager concurrence), the action will require review by DCSHPO. The OCO and/or CFM will notify the FPO and CR Manager to initiate internal consultation regarding the action through Step 3 of this process.

The OCO and/or CFM will notify the FPO and CR Manager prior to implementation of any Exempt Activity.

TABLE 6.7 AFRH-W EXEMPT ACTIVITIES FOR BUILT RESOURCES (BUILDINGS, STRUCTURES, AND OBJECTS)

<i>Contributing</i>	<i>Non-Contributing</i>
<ul style="list-style-type: none"> • Exterior cleaning when completed in accord with AFRH-W HP SOP for Maintenance, such as sweeping, cleaning gutters, and cleaning (with water if the water pressure does not exceed 100 PSI). • Repair of exterior and interior elements in accord with AFRH-W HP SOP for Repair when full replacement of original or character-defining elements is not anticipated, as determined by the FPO. • In-kind refinishing of interior and exterior elements (including painting of previously painted surfaces) in accord with AFRH-W HP SOP for Maintenance. • In-kind replacement of interior and exterior elements that are not original and/or character-defining and do not damage character-defining features or original finishes, as determined by the FPO. • Repair or replacement of small, functional non-original/non-historic elements when not harmful to historic material. • Repair or maintenance of existing systems (electrical, HVAC, plumbing, etc.) when work will not affect original or character-defining features. • Introduction of energy conservation measures that are not visible from the exterior and when not affecting the character of the historic resource or Historic District, as defined by the FPO. • Interior modifications associated with compliance with the Americans with Disabilities Act (ADA) of 1990 (28 CFR Part 35) when not visible from the exterior and when not affecting the character of the historic resource or Historic District, as defined by the FPO. • General housekeeping of interior spaces when following AFRH-W HP SOP for Maintenance. • All interior work on Contributing resources with a Relative Level of Significance of supporting or minor. • Implementation of a repair method previously approved in consultation with DCSHPO for the same resource. • Relocating moveable objects classified as "Recurring," such as urns, etc. as long as they remain visible within the AFRH-W Historic District and the relocation is documented in the RI/CRM Database. 	<ul style="list-style-type: none"> • Repair, maintenance, and refinishing of exterior elements • In-kind replacement of exterior elements • All interior work, including maintenance, repair, refinishing, and replacement of elements • Introduction of energy conservation measures that are not visible from the exterior or that do detract from the character of the Historic District, as determined by the FPO. • Interior modifications associated with compliance with the Americans with Disabilities Act (ADA) of 1990 (28 CFR Part 35) when not visible from the exterior and when not affecting the character of the Historic District, as defined by the FPO. • Adding new moveable site features, such as site furniture, planters, etc. as long as it is consistent with the guidelines set forth in the Master Plan. • Adding new signage as long as it is consistent with the guidelines set forth in the Master Plan and does not require review for ground disturbance.

TABLE 6.8 AFRH-W EXEMPT ACTIVITIES FOR LANDSCAPE	
<i>Contributing</i>	<i>Non-Contributing</i>
<ul style="list-style-type: none"> • Maintenance of lawn and field grasses. • Replanting of annual and perennial plants in planting beds, pots, and urns. • Cyclical pruning of trees and shrubbery. • Removal or control of invasive species trees and plant material. • Removal of damaged or dead trees and plant material with CR Manager notification prior to action and one-to-one in-kind replacement of removed trees. • Planting of new trees within existing Contributing landscape resources (allees, tree clusters, groves, wooded areas, etc.) consistent with the historic character of the resource (as defined in the HPP) and the guidelines set forth in the Master Plan, as long as new trees do not obstruct or otherwise adversely affect a Contributing viewshed. 	<ul style="list-style-type: none"> • Maintenance of lawn and field grasses. • Cyclical pruning of trees and shrubbery. • Removal or control of invasive species trees and plant material. • Removal of damaged or dead trees and plant material, with one-to-one in-kind replacement of removed trees. • Planting of new trees outside of Contributing landscape resources (tree clusters, wooded areas, etc.) consistent with the guidelines set forth in the Master Plan, as long as the new plantings do not detract from or cause damage to historic built resources. • Installation of temporary moveable site features for reasons of safety and security, including construction and security fencing, traffic control devices, etc. Temporary is defined as less than one year or with a defined termination point connected to a known future action.

TABLE 6.9 AFRH-W EXEMPT ACTIVITIES FOR ARCHAEOLOGICAL RESOURCES	
<i>Contributing (within a an identified ASZ or known archaeological site)</i>	<i>Non-Contributing</i>
<ul style="list-style-type: none"> • Maintenance work within existing boundaries of existing features (such as roads, fire lanes, mowed areas, disposal areas, and ditches) that does not involve ground disturbance. • Replanting of pre-existing planting beds • Removal of dead or damaged landscape resources that requires ground disturbance, with CR Manager notification prior to removal. • Maintenance or repair on existing underground infrastructure as long as ground disturbance does not exceed the depth of the existing infrastructure or the areas previously disturbed for installation and as long as no ground disturbance is proposed within an identified AFRH-W archaeological site (eligible or unevaluated), as defined in the most current version of the Phase 1A Assessment. 	<ul style="list-style-type: none"> • All ground disturbance outside an Archaeological Sensitivity Zone (ASZ) or known archaeological sites, as defined in the most current version of the Phase 1A Assessment.

STEP 3: INTERNAL CONSULTATION

Who: Action Agent, CFM and/or OCO, FPO, and CR Manager

Why: The action could affect the Historic District (per Step 1), is not an Exempt Activity (per Step 2), and thus requires internal preservation review prior to formal review by DCSHPO.

What: Internal consultation to identify and resolve potential effects of the action and preparation of a URR for submission to DCSHPO

How: The FPO and CR Manager will consult with the action agent, OCO, and/or CFM to determine an area of potential effect (APE), to identify historic resources within the APE, and to identify and resolve the action's potential adverse effects on the Historic District and the historic resources within the APE. The assessment of effects should take into consideration the RLS of affected resources and those features that define the historic character of both built and landscape resources, using the RI/CRM database and additional on-site assessment as needed. The FPO and CR Manager will ensure that all relevant standards and guidelines are applied to the action, including but not limited to the Secretary of the Interior's Standards for the Treatment of Historic Properties, the treatment standards provided in Tables 6.2, 6.3, 6.4, and 6.5 of the HPP, any relevant design guidelines provided in the Master Plan, and the policies and procedures provided in SOPs relevant to the specific type of undertaking. The FPO and CR Manager will make all attempts feasible to resolve potential adverse effects internally, prior to submission of formal documentation to DCSHPO.

The FPO and CR Manager should refer to the HP SOP relevant to the specific type of undertaking for additional guidance for assessment and review and to determine whether formal documentation of the resource is required per Implementation Action K.

If ground disturbance is proposed within the scope of the undertaking, the FPO and CR Manager should refer to HP SOP# 12 and 13 for specific guidance related to ground disturbance and required procedures for archaeology.

The FPO and CR Manager may elect to initiate preliminary consultation with DCSPHO, NPS (if an adverse effect to the NHL district or contributing components is anticipated), NCPC, and/or CFA (as appropriate) to guide the development of a design or treatment, to discuss the identification and assessment of effects, to determine the requirements and scope of the federal design review process, or for any other purpose determined necessary by the FPO and CR Manager.

The FPO and CR Manager will complete an Undertaking Review Request (URR) to document the action and the determination of effect (No Adverse Effect or Adverse Effect). If the FPO and CR Manager are unable to resolve all adverse effects during internal consultation, the URR may propose mitigation to resolve the adverse effect(s) as appropriate. URRs will include supporting materials as required to adequately convey the scope of the undertaking and support the assessment of effect. The FPO will then proceed with Step 4 of this process.

Some actions requiring a URR may also require the completion of documentation and/or assessment for compliance with the National Environmental Protection Act (NEPA), such as a Categorical Exclusion (CATEX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). Refer to HP SOP# 14 for guidance regarding the coordination of NEPA and Section 106.

STEP 4: DCSHPO REVIEW AND CONSULTATION

Who: FPO, CR Manager, and DCSHPO (with participation from Action Agent and CFM/CCO as necessary)

Why: The action could affect the Historic District (per Step 1), is not an Exempt Activity (per Step 2), and thus requires Section 106 review by DCSHPO.

What: Submission of URR to DCSHPO and consultation with DCSHPO as necessary

How: The FPO will sign and date the URR and submit to DCSHPO or its assigned representative. DCSHPO will review the URR based on AFRH's finding of effect and the consistency of the undertaking with the AFRH-W Master Plan, the HPP, and the PA. DCSHPO has thirty (30) calendar days from receipt of the URR to provide a response to AFRH regarding the finding of effect. Upon FPO's submission of the URR to DCSHPO, the FPO will provide a copy of the URR to the NCPC FPO to accommodate NCPC's responsibilities under Section 106 and to provide NCPC with the opportunity to review for consistency with the AFRH-W Master Plan. AFRH may make submissions to DCSHPO and NCPC electronically or in hard copy, based on AFRH, DCSHPO, and NCPC preference.

DCSHPO and AFRH may engage in consultation during DCSHPO's review of the URR. DCSHPO may also elect to take the project to the DC Historic Preservation Review Board (HPRB) for its review and comment during HPRB's monthly review meeting.

At this time, AFRH may submit for concept-level design review with NCPC and/or CFA if required and appropriate (see Step 6). Please note that AFRH cannot submit for final NCPC review until Section 106 consultation with DCSHPO is concluded and documented.

STEP 4A: IF DCSHPO CONCURS WITH THE FINDING OF EFFECT AND/OR RESOLUTION OF EFFECT OR DCSHPO DOES NOT PROVIDE A RESPONSE WITHIN 30 DAYS...

If DCSHPO concurs with a finding of No Adverse Effect or with AFRH's proposed resolution (mitigation) that accompanies a finding of Adverse Effect, DCSHPO will provide documentation of concurrence either through a counter-signed URR or through a DCSHPO-specific form. DCSHPO may choose to stipulate additional conditions in its concurrence. DCSHPO will return the documentation to the FPO.

Upon AFRH's receipt of signed documentation from DCSHPO (or if DCSHPO does not respond within 30 days of receipt of the URR), the FPO will advise the CFM and/or OCO how to proceed with the action, noting conditions, mitigation, or requirements for further design review through NCPC and/or CFA (see Step 6 of this process).

If AFRH and/or DCSHPO identify an adverse effect to the NHL district or contributing components, the FPO will notify NPS of the effect and the agreed-upon resolution in writing.

The FPO or CR Manager will document final actions in the RI/CRM Database upon conclusion of Section 106 review and federal design review (if applicable under Step 6).

STEP 4B: IF DCSHPO DOES NOT CONCUR WITH THE FINDING OF EFFECT OR PROPOSED MITIGATION...

If DCSHPO does not concur with a finding of No Adverse Effect or with proposed mitigation that accompanies a finding of Adverse Effect or if AFRH does not concur with DCSHPO's suggested conditions, the FPO and CR Manager (and OCO/CFM/Agent as appropriate) will engage in consultation

with DCSHPO to avoid, minimize, or mitigate adverse effects. Consultation may include CFA and NCPC staff as appropriate if federal design review is required for the action through Step 6. Consultation may also include formal review of the action by the HPRB, at DCSHPO's discretion.

If consultation between AFRH and DCSHPO results in the elimination or sufficient mitigation of Adverse Effects, the FPO and CR Manager will revise the URR noting changes to the proposed undertaking and submit the revised URR to DCSHPO.

If DCSHPO concurs with the revisions to the URR, DCSHPO will note concurrence by counter-signing the URR (or DCSHPO-specific form or Record of Agreement as appropriate) and returning the documentation to the FPO. The FPO will note the concurrence and any associated conditions or comments from DCSHPO. The FPO will advise the CFM and/or OCO on how to proceed with the action, noting conditions, mitigation, or requirements for further design review through NCPC and/or CFA (see Step 6 of this process).

If AFRH and/or DCSHPO identify an adverse effect to the NHL, the FPO will notify NPS of the effect and agreed-upon resolution in writing.

The FPO or CRM will document final actions in the RI/CRM Database upon conclusion of Section 106 review and federal design review (see Step 6 of this process).

STEP 4C: IF ADDITIONAL CONSULTATION WITH DCSHPO DOES NOT RESULT IN CONCURRENCE...

If consultation between AFRH (FPO, CR Manager, and Action Agent) and DCSHPO does not result in concurrence on the finding and resolution of effects, AFRH will initiate formal Section 106 Review through Step 5 of this process.

STEP 5: ACHP/NPS REVIEW

Who: FPO, CR Manager, DCSHPO, ACHP, and NPS (as appropriate)

Why: The action could affect the Historic District (per Step 1), is not an Exempt Activity (per Step 2), and DCSHPO and AFRH did not agree on the finding of effect and/or the resolution of effects in Step 4.

What: Include ACHP and NPS (as appropriate) in consultation with DCSHPO to resolve adverse effects.

How: AFRH will follow procedures for resolving objections, as set forth in the PA (Stipulation X.A-B). This process requires AFRH to initiate consultation with ACHP to resolve (avoid, mitigate, or minimize) adverse effects of the action. AFRH is also required to formally notify NPS if the proposed action will affect the National Historic Landmark (NHL) and invite NPS to participate in this stage of consultation if such adverse effects have not been resolved.

As stipulated in the PA, the period for consultation is thirty (30) calendar days, which will commence upon ACHP's receipt of notification and associated documentation from AFRH. AFRH will copy DCSHPO (and NPS as appropriate) on the notification to ACHP to inform DCSHPO (and NPS) of the commencement of this stage of consultation.

STEP 5A: IF DCSHPO AND AFRH COME TO AN AGREEMENT...

If DCSHPO, ACHP, and AFRH (and NPS as appropriate) come to an agreement within 30 calendar days, the FPO will document the agreed-upon scope, design, and/or mitigation measures in a Record of

Agreement (ROA). The FPO will submit the ROA to DCSHPO (and NPS as appropriate) along with a revised URR as necessary.

If DCSHPO (and NPS as appropriate) concurs with the ROA and URR revisions within 30 calendar days, DCSHPO (and NPS as appropriate) will note concurrence by counter-signing the ROA and URR (or DCSHPO-specific form as appropriate) and returning the documentation to the FPO.

The FPO will note the concurrence and any associated conditions or comments from DCSHPO (and NPS as appropriate). The FPO will advise the CFM and/or OCO on how to proceed with the action, noting conditions, mitigation, or requirements for further design review through NCPC and/or CFA (see Step 6 of this process).

The FPO or CR Manager will document final actions in the RI/CRM Database upon conclusion of Section 106 review and federal design review.

STEP 5B: IF DCSHPO AND AFRH DO NOT COME TO AN AGREEMENT...

If DCSHPO and AFRH are not able to come to an agreement within 30 calendar days, AFRH will initiate dispute resolution, as set forth in the PA (Stipulation X.C-F). To initiate dispute resolution, AFRH will forward all documentation from Section 106 Consultation to ACHP, along with AFRH's proposed response/decision.

Within thirty (30) calendar days after ACHP's receipt of documentation from AFRH, ACHP shall exercise one of the following options: (1) concur with AFRH; (2) provide AFRH with recommendations; or (3) refer AFRH to ACHP membership for formal comment in accordance with 36 CFR § 800.7(c).

If ACHP does not exercise one of these options within the 30-day period, AFRH may make a final decision on the action. AFRH will submit a revised URR to DCSHPO noting the final decision. DCSHPO will sign the URR noting No Agreement (or concurrence, as applicable), and return the URR to AFRH.

If ACHP does exercise one of these options within the 30-day period, AFRH shall take into account any ACHP recommendation or comment provided in accordance with the dispute resolution procedures, only when those recommendations or comments reference the subject of the objection. AFRH will take into account comments from ACHP, DCSHPO, and NPS (as appropriate) to inform a final decision. AFRH will submit a revised URR to DCSHPO noting the final decision. DCSHPO will sign the URR noting No Agreement (or concurrence, as applicable), and return the URR to AFRH.

The FPO will advise the CFM and/or OCO on how to proceed with the action, noting conditions, mitigation, or requirements for further design review through NCPC and/or CFA (see Step 6 of this process).

The FPO or CR Manager will document final actions in the RI/CRM Database upon conclusion of Section 106 review and federal design review.

STEP 6: FEDERAL DESIGN REVIEW PROCESS

Who: FPO, CRM, DCSHPO, Action Agent (as necessary), and CFA and/or NCPC

Why: NCPC and CFA have legislative authority to review federal projects outside the parameters of the PA and HPP. The application of NCPC's legislative authority to review projects at AFRH-W is affected by the terms of the 2007 MOU. CFA and NCPC provide guidelines for the types of projects requiring federal design review under their respective legislative authorities.

What: Formal project review through CFA and NCPC.

How: The CCO, CFM, CR Manager, and/or FPO will consult with CFA and NCPC's guidelines and CFA and NCPC staff to determine whether federal design review is required for an action. AFRH will submit to NCPC and/or CFA for design review pursuant to their individual submission requirements and calendars. The scope of formal review is dependent on the scope of the proposed undertaking. Typically, NCPC requires Concept, Preliminary, and Final review, and CFA requires Concept and Final Review. Either agency may elect to take the project directly to Final review. AFRH must conclude Section 106 compliance (and NEPA compliance) prior to the submission to NCPC for Final review.

AFRH should coordinate consultation with and submissions to NCPC and CFA with the Section 106 process as appropriate, including coordination with any formal submissions to HPRB that may be required at DCSHPO's discretion.

AFRH must receive final NCPC approval before design review is considered complete. For projects not requiring NCPC approval, design review is considered complete upon Final review by CFA and DCSHPO.

The FPO or CR Manager will document final actions in the RI/CRM Database upon conclusion of Section 106 review and federal design review.

PROCESS B

Action agent: Private developers, tenants, and/or permittees

Purpose/Use: Private

Consistent with the AFRH-W Master Plan: Yes

Entitlements: Yes (land is subject to District of Columbia zoning)

STEP 1: LOCAL REVIEW AND PERMITTING

Who: Action Agent, DCRA, and DCSHPO

Why: According to the 2007 MOU, projects undertaken by private agents for private use on land that is zoned at AFRH-W must follow the local review and permitting process.

What: Review and application process associated with applicable building codes

How: All private developers, tenants, and/or permittees undertaking projects on AFRH-W land that is subject to local zoning ordinances will apply for building permits and certificates of occupancy with DCRA pursuant to applicable building codes and relevant requirements stipulated in transaction documents associated with the property. All applications filed with the District of Columbia, including DCRA, must indicate that the project is located within the AFRH-W Historic District, which triggers

DCSHPO review of the application. DCSHPO will review applications for consistency with the Secretary of the Interior's Standards, the PA, and the Master Plan. Applications proposing work that is inconsistent with the Master Plan will require a Master Plan Amendment, pursuant to the process set forth in the PA. DCSHPO review will also ensure that applications are consistent with required mitigation, as stipulated in the PA. This includes (but is not limited to) archaeological assessments for activities involving ground disturbance. DCSHPO may elect to take the project to the Historic Preservation Review Board (HPRB) for its review and comment during HPRB's monthly review meeting. Action Agents should refer to guidance provided by the DC Historic Preservation Office regarding the HPRB submission and review process, including preliminary review stages prior to submission of a building permit application for large or complex projects.

The Action Agent will provide AFRH with copies of all building permits and certificates of occupancy issued by the District of Columbia for property at AFRH-W. The FPO or CR Manager will document actions associated with permits and certificates in the RI/CRM Database as appropriate to centralize information regarding all property in the AFRH-W Historic District.

STEP 2: FEDERAL DESIGN REVIEW

Who: Action Agent and CFA

Why: CFA has legislative authority to review certain federal projects outside the parameters of the PA and HPP (note that Process B is exempt from NCPC review pursuant to the 2007 MOU). CFA provides guidelines for the types of projects requiring federal design review under its legislative authority.

What: Project review through CFA.

How: The Action Agent should consult with CFA's guidelines and CFA staff to determine whether CFA review may be required for an action. The Action Agent will submit to CFA for design review pursuant to CFA's submission requirements and calendar. The scope of formal review is dependent on the scope of the proposed undertaking. Typically, CFA requires Concept and Final Review, but CFA may elect to take the project directly to Final review. The Action Agent should coordinate submissions to CFA with any formal submissions to HPRB that may be required at DCSHPO's discretion.

APPENDIX H – AFRH-W DESIGN REVIEW PROCESS

PROCESS A OVERVIEW: For actions initiated by AFRH, its tenants, permittees, and/or developers for public or private purposes on land at AFRH-W that is **not** subject to District of Columbia zoning. All Action Agents should refer to SOP #1 for step-by-step guidance to implementing Process A.

