

AMENDMENT TO
MEMORANDUM OF AGREEMENT
AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL CAPITAL PLANNING COMMISSION,
AND
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
REGARDING THE ADAPTIVE USE OF THE CENTER BUILDING (BUILDINGS 1-6 AND 8)
AS THE OFFICE OF THE SECRETARY OF THE UNITED STATES DEPARTMENT OF
HOMELAND SECURITY
ST. ELIZABETHS NATIONAL HISTORIC LANDMARK,
WASHINGTON, D.C.
("Agreement")

WHEREAS the Memorandum of Agreement ("MOA") was executed on September 21, 2015; and

WHEREAS, the Undertaking has been expanded to include the construction of an approximately 90,000 gross square foot ("GSF") building ("West Addition") south of Contributing Building 5 of the Center Building that includes a three-story pedestrian corridor connecting the new building to Contributing Building 5; the construction of an approximately 4,100 GSF two-level above-grade infill structure with sub-basement to link Contributing Buildings 6 and 8 to serve as additional office space and a new Architectural Barriers Act Accessibility Standard accessible entry to the Center Building ("East Entry"); the reconfiguration of 11 historic windows into doors on Buildings 5, 6 and 8 to allow for pedestrian corridors to connect the West Addition to Building 5 and the East Entry to connect to and between Buildings 6 and 8; the installation of utilities associated with the West Addition and East Entry; conduct associated site work within the Limit of Disturbance under a design-build delivery method; and

WHEREAS, the Criteria of Adverse Effect have been expanded to include the West Addition and East Entry pedestrian corridor connections and associated reconfiguration of 11 historic windows at Buildings 5, 6 and 8; and

WHEREAS, GSA consulted on the West Addition Preliminary Design ("West Addition Preliminary Design") and determined the West Addition does not constitute an adverse effect pursuant to the MOA Stipulation III.C., on the St. Elizabeths National Historic Landmark West Campus, being consistent with the approved 2009 Master Plan, as amended ("Master Plan Amendment") in location and size, and consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) ("Secretary's Standards"); and

WHEREAS, GSA consulted on the East Entry Preliminary Design ("East Entry Preliminary Design") and the East Entry Final Design ("East Entry Final Design") inclusive of the East Entry pedestrian corridor connections and associated reconfiguration of the window openings of Buildings 5, 6 and 8 of the Center Building, and the attachment of the pedestrian corridors to Buildings 5, 6 and 8, all of which GSA determined does not constitute an intensification of adverse effect pursuant to the MOA Stipulation III.C., on the St. Elizabeths National Historic Landmark West Campus. To avoid an adverse effect GSA adjusted the designs of both entries, based on comments received in consultation, and is lowering the sills of the existing window openings to floor level while retaining their hoods in accordance with the Secretary's Standards; and

WHEREAS, the East Entry Preliminary Design plans were approved by the Commission of Fine Arts ("CFA") at the July 21, 2016, CFA meeting and by the National Capital Planning Commission ("NCPC") at the September 8, 2016, NCPC meeting; and

WHEREAS, GSA submitted the consulted upon West Addition Preliminary Design (Exhibit 29) to NCPC on September 30, 2016, and CFA on October 6, 2016, for their respective reviews pursuant to each agency's independent jurisdiction over the Undertaking; and

WHEREAS, GSA, in accordance with Section III.C.1.c of the PA, shall consult with NCPC and CFA to determine appropriate submittal dates for the West Addition Final Design Submission ("West Addition Final Design"); and

WHEREAS, GSA submitted the consulted upon East Entry Final Design to NCPC and CFA on September 30, 2016, for their respective reviews pursuant to each agency's independent jurisdiction over the Undertaking; and

WHEREAS, on January 11, 2016, upon NCPC Center Building Final Design approval, GSA added Exhibit 28, the Center Building NCPC Final Design inclusive of the loading dock with interim cladding, as an exhibit to the MOA without requiring amendment per MOA Stipulation III.A.2.e and issued Exhibit 28 to the Signatories.

NOW THEREFORE, in accordance with MOA Stipulation VII ("Amendments"), the Signatories agree to amend the MOA as follows:

1. The eighth recital is amended to read as follows:

WHEREAS, the following activities, collectively referred to as the Undertaking ("Undertaking"), will satisfy the program requirements to support Phase IIa ("Phase IIa") of the Redevelopment Project. GSA proposes to adaptively use NHL Contributing Buildings 1 ("Center 1"), 2 ("Center 2"), 3 ("Center 3"), 4, ("Center 4"), 5 ("Center 5"), 6 ("Center 6") and 8 ("Center 8") (referred to individually by their numbers or together as "Center Building"), which are located on the West Campus of St. Elizabeths (the "Site") (Exhibit 9) and together occupy approximately 265,800 gross square feet ("GSF"); construct an approximately 90,000 GSF building ("West Addition") south of Center 5 that includes a three-story pedestrian corridor connecting the new building to Center 5; construct an approximately 4,100 GSF two-level above-grade infill structure with sub-basement to link Centers 6 and 8 to serve as additional office space and a new entry to the Center Building ("East Entry"); reconfigure 11 historic windows into doors on Centers 5, 6 and 8 to allow for pedestrian corridors to connect the West Addition to Center 5 and the East Entry to connect to and between Centers 6 and 8; install utilities associated with the Center Building, West Addition and East Entry; rehabilitate select adjacent Contributing Landscape Character Defining Features ("Contributing Landscape Features"); improve the existing roads to and parking surfaces around the Center Building and conduct associated site work within the Limit of Disturbance (hereinafter defined) under a design-build delivery method; and

2. The twenty-ninth recital is amended to read as follows:

WHEREAS, GSA recognizes that the Delaware Tribe may have sites of religious and cultural significance on or off Tribal lands (as defined in 36 CFR § 800.16(x)), and in

meeting its Federal trust responsibility, GSA has engaged in government-to-government consultation with the Tribe and pursuant to 36 CFR § 800.2 (c)(2)(ii)(E) has invited the Tribe(s) to enter into this agreement that specifies how GSA and the Tribe will carry out Section 106 responsibilities, including the confidentiality of information; and

3. Stipulation II.D.1.g is added to read as follows:

GSA has conducted archaeological and ground-penetrating radar investigations and has located two archaeological resources that have the potential to be National Register-eligible within the Amended LOD inclusive of the West Addition ("Amended LOD")(Amended Exhibit 9).

In 2010, GSA undertook the investigation of the archaeological remains of the West Lodge located within the southwest quarter of the Amended LOD. GSA recommended that all but Features 8 and 16 were not eligible for listing in the NRHP and DCSHPO concurred with that finding. GSA recommended that additional investigation was warranted to determine whether Features 8 and 16 were eligible for listing in the NRHP and DC SHPO concurred with that finding. GSA has documented the West Lodge findings in in Appendix D of the ARMP and in the report titled Phase II NRHP Evaluation of Five Archaeological Sites within the St. Elizabeths NHL West Campus, Washington, D.C. (2013).

In 2012, GSA recommended in the ARMP the monitoring and documentation of the remains of the Dawes Building, a late nineteenth century addition to Center Building 5, as a means of data recovery and mitigation of this archaeological resource. In consultation, DCSHPO concurred.

In consultation with the DCSHPO, GSA conducted a GPR survey of areas adjacent to the Amended LOD in 2015 and located the remains of the Dawes Building. Subsequent research indicated that the remainder of the foundation of the Dawes Building has the potential to be located within the Amended LOD. Construction monitoring of Center Building foundation excavations has confirmed that intact elements of the Dawes Building are present. GSA has documented the GPR findings in Appendix E of the ARMP and in Management Summary: St. Elizabeths West Campus GPR Survey Archaeological Investigations (2015) and Preliminary Management Summary: St. Elizabeths West Campus Center Building Foundation Repair Archaeological Investigations (2015).

GSA consulted with DCSHPO on the Dawes Building as part of the original LOD as presented in the 2015 Center Building exterior archaeological work plan. As DCSHPO concurred with GSA on the 2015 Center Building exterior archaeological work plan, GSA will implement the monitoring and documentation protocols set forth for all investigations located within the Amended LOD, inclusive of the Dawes Building footprint.

In accordance with the West Addition Preliminary Design, GSA shall take the following actions to mitigate potential adverse effects on archaeological resources associated with this Undertaking: conduct excavations at West Lodge Features 8 and 16 to determine NRHP eligibility status; monitor excavations and document the remains of the Dawes Building footprint; consult with DCSHPO on eligibility status of West Lodge Features 8 and 16; and if West Lodge Features 8 and 16 are found eligible for listing in NRHP, consult with the DCSHPO on measures to avoid, minimize or mitigate adverse effects to the resources.

4. Stipulation II.D.1.h is added to read as follows:

In consultation with the DCSHPO, GSA has conducted archaeological investigations within the East Entry LOD in 2016. Based on the results of these investigations, there are no identified NRHP-eligible archaeological resources within the East Entry LOD. GSA has documented the East Entry archaeological investigations in Appendix E of the ARMP and in Management Summary: St. Elizabeths West Campus Center Building East Entrance and South Utilities Archaeological Investigations by Swain (2016).

5. Stipulation III.A.2.f is added to read as follows:

Loading Dock Final Cladding: During the design development stage, GSA shall develop the Loading Dock Final Cladding that shall be consulted upon in accordance with this Stipulation and the Governing Documents.

GSA shall submit the Loading Dock Final Cladding to NCPC and CFA for their respective reviews pursuant to each agency's independent jurisdiction over the Undertaking.

Loading Dock Final Cladding Record Copies. Upon future approval of the Loading Dock Final Cladding by NCPC, GSA shall issue one (1) electronic copy of the NCPC Loading Dock Final Cladding Design Submission to each of the Signatories for their records and attach the NCPC Loading Dock Final Cladding Design Submission as an exhibit to this MOA without requiring Amendment pursuant to Stipulation VII of this MOA.

6. Stipulation III.A.2.g is added to read as follows:

West Addition Final Design. The West Addition Preliminary Design shall be further developed by GSA into a West Addition Final Design, including the pedestrian corridor connection to Center 5 ("West Addition Final Design") that shall be consulted upon in accordance with this Stipulation and the Governing Documents. Design development will take into account archaeology, Contributing Building Character Defining Features, Contributing Landscape Features, and will address new exterior construction materials, lighting, and other relevant topics. GSA shall incorporate into the Final Design any additional minimization identified during Section 106 Consultation and in accordance with this Stipulation and Stipulation II.

GSA shall submit the West Addition Final Design to NCPC and CFA for their respective reviews pursuant to each agency's independent jurisdiction over the Undertaking.

West Addition Final Design Record Copies. Upon approval of the West Addition Final Design by NCPC, GSA shall issue one (1) electronic copy of the NCPC West Addition Final Design Submission to each of the Signatories for their records and attach the NCPC West Addition Final Design Submission as an exhibit to this MOA without requiring Amendment pursuant to Stipulation VII of this MOA.

7. Stipulation III.A.2.h is added to read as follows:

East Entry Final Design Record Copies. Upon approval of the East Entry Final Design by NCPC, GSA shall issue one (1) electronic copy of the NCPC East Entry Final Design Submission to each of the Signatories for their records and attach the NCPC East Entry

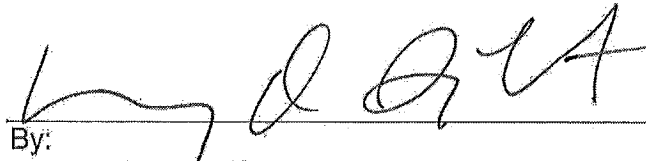
Final Design Submission as Exhibit 30 to this MOA without requiring Amendment pursuant to Stipulation VII of this MOA.

8. Amend MOA Exhibit 9 Site Area and LOD to reflect the West Addition LOD.
9. Amend the Exhibit list to reflect the added exhibits, as shown herein.

Execution and implementation of this Amendment to the MOA by the Signatories, and implementation of its terms, shall evidence that GSA has afforded the ACHP and DCSHPO an opportunity to comment on the Undertaking and its effects, and that GSA has taken into account the effects of the Undertaking on historic properties in compliance with 36 CFR, Part 800 and Sections 106 and 110 of the NHPA.

[signatures follow]

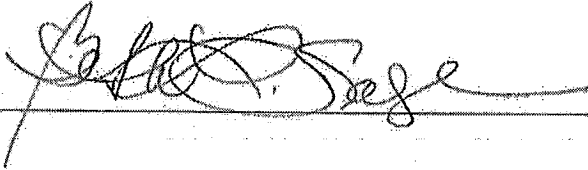
U.S. GENERAL SERVICES ADMINISTRATION


By: _____

Mary D. Gibert
Regional Commissioner
Public Buildings Service
National Capital Region

10/25/2014
Date: _____

U.S. GENERAL SERVICES ADMINISTRATION

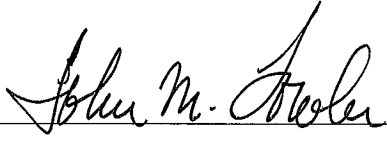


By:

10/19/2016
Date:

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION



10/27/16
Date

By:

John M. Fowler
Executive Director

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER



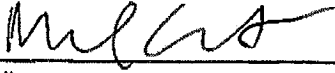
10/26/2016

By:

Date:

David Maloney
State Historic Preservation Officer

NATIONAL CAPITAL PLANNING COMMISSION



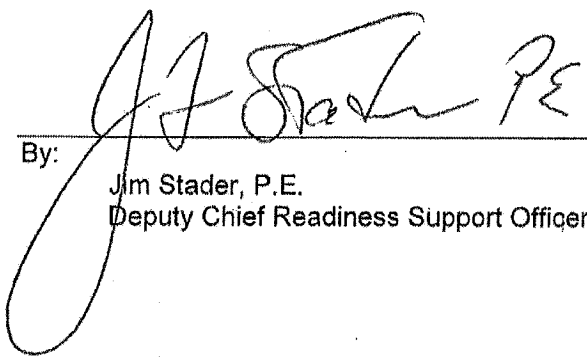
10/26/16

By:

Date:

Marcel C. Acosta
Executive Director

U.S. DEPARTMENT OF HOMELAND SECURITY

Handwritten signature of Jim Stader, P.E. in black ink, written over a horizontal line. The signature is cursive and includes the letters 'PE' at the end.

By:

Jim Stader, P.E.
Deputy Chief Readiness Support Officer for Facilities & Operations Support

Date:

26 Oct 16

AMENDED EXHIBIT LIST

Available online at www.stelizabethsdevelopment.com and in hard copy form from the Library and Archives at the U.S. General Services Administration, National Capital Region, Regional Office Building, 7th & D Streets SW, Room 2021, Washington D.C. 20407-000; Phone (202) 358-3086; Fax (202) 708-4925

- Exhibit 1 Programmatic Agreement
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 2 Regional Plan
- Exhibit 3 The DHS Consolidation at St. Elizabeths Master Plan Amendment: Federal Use Parcel of the East Campus, Washington, DC, March 30, 2012
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 4 Consolidation at St. Elizabeths Master Plan Amendment – East Campus North Parcel Environmental Impact Statement (March 2012)
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 5 May 1, 2014 Consultation Letter
- Exhibit 6 GSA Workspace Standards

GSA National Business Space Assignment Policy as updated
<http://www.gsa.gov/portal/content/102002>

Implementation of Office of Management and Budget Memorandum M-12-12 Section 3: Reduce the Footprint (March 2015)
<https://www.whitehouse.gov/sites/default/files/omb/financial/memos/implementation-reduce-the-footprint.pdf>
- Exhibit 7 DHS Workspace Standards

DHS Instruction 119-02-003, DHS Workspace Standard Memorandum (Sept 2014)

DHS Workspace Standard, DHS & GSA Overview and Implementation Meeting Minutes (Dec 2014)
- Exhibit 8 Area of Potential Effect (APE)
- Exhibit 9 Amended Site Area and Limits of Disturbance (LOD)
Exhibit amended per MOA Amendment #1
- Exhibit 10 July 31, 2015 NCPC Center Building Preliminary Design Submission
- Exhibit 11 Abatement and Removal of Non-Contributing Additions Correspondence to DCSHPO
- Exhibit 12 March 12, 2015 DCSHPO Concurrence on Abatement and Removal of Non-Contributing Additions
- Exhibit 13 Pre-Construction Activities Correspondence to DCSHPO

- Exhibit 14 June 22, 2015 DCSHPO Concurrence on Pre-Construction Activities
- Exhibit 15 Contributing Building Character Defining Features and Treatments
- Exhibit 16 Contributing Landscape Character Defining Features and Treatments
- Exhibit 17 Historic American Buildings Survey (HABS)
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 18 Historic Structures Reports (HSRs)
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 19 July 2014 Structural Recommendations Report
Exhibit is marked SBU. For permissions and access to this exhibit, in accordance with Exhibit 27, please contact GSA.
- Exhibit 20 Landscape Preservation and Management Plan (LPMP)
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 21 Historic American Landscape Survey (HALS)
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 22 Phase I Archaeological Survey
Exhibit can be found on the project website at
http://www.stelizabethsdevelopment.com/document_center.cfm
- Exhibit 23 August 2012 Archaeological Resources Management Plan (ARMP)
Exhibit is SBU. For permissions and access to this exhibit, in accordance with Exhibit 27, please contact GSA.
- Exhibit 24 Area N Determination of Eligibility
Exhibit is SBU. For permissions and access to this exhibit, in accordance with Exhibit 27, please contact GSA.
- Exhibit 25 Arch Site Area N and GPR area map
Exhibit is SBU. For permissions and access to this exhibit, in accordance with Exhibit 27, please contact GSA.
- Exhibit 26 Archaeological Resources Adjacent to the Center Building area map
Exhibit is SBU. For permissions and access to this exhibit, in accordance with Exhibit 27, please contact GSA.
- Exhibit 27 Sensitive But Unclassified (SBU) Guidelines and Procedures
- Exhibit 28 October 30, 2015 NCP Center Building Final Design Submission
Exhibit added without requiring amendment on January 11, 2016
- Exhibit 29 September 30, 2016 NCP West Addition Preliminary Design Submission
Exhibit added per MOA Amendment #1
- Exhibit 30 September 30, 2016 NCP East Entry Final Design Submission
Exhibit added per MOA Amendment #1