

**PROGRAMMATIC AGREEMENT  
AMONG  
THE ARMED FORCES RETIREMENT HOME,  
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**

This Programmatic Agreement (Agreement) is made as of this 5<sup>th</sup> day of March 2008, by and among, the Armed Forces Retirement Home. (AFRH), National Park Service (NPS), National Capital Planning Commission (NCPC), the Advisory Council on Historic Preservation (ACHP), and the District of Columbia State Historic Preservation Officer (SHPO) (referred to collectively herein as the “Parties” or individually as a “Party”). The purpose of this Agreement is to mitigate adverse effects anticipated from mixed-use development outlined by the AFRH Master Plan and to ensure compliance of specified undertakings with Sections 106 and 110 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, § 470fh-2(a), 470h-2(f), and its implementing regulations, 36 C.F.R. Part 800.

WHEREAS, AFRH, pursuant to the Armed Forces Retirement Home Act, Title XV of Public Law 101-510, was created as an independent establishment within the Executive Branch for the purpose of providing residences and related services for certain retired and former members of the United States military at Washington (AFRH-W) and Gulfport, Mississippi (AFRH-Gulfport); and

WHEREAS, AFRH, in order to meet its Congressionally mandated requirement of providing residences and health care services to its residents with funds deposited into the Armed Forces Retirement Home Trust Fund, carries out a variety of undertakings, including, but not limited to, maintenance, rehabilitation, repair, interim and long-term leasing, construction and demolition of buildings, structures, and roads, and work regarding grounds and associated landscaping within AFRH-W; and

WHEREAS, the Armed Forces Retirement Home Trust Fund is inadequate to support both the operations of the home and the long-term capital costs of preserving the historic properties at AFRH-W, and AFRH must develop alternative sources of revenue for its survival; and

WHEREAS, portions of AFRH-W (Buildings 1, 2, 12, a portion of Building 14, and adjacent land), the former United States Soldiers’ and Airmen’s Home, were designated as a National Historic Landmark (NHL) on November 7, 1973, and subsequently listed in the National Register of Historic Places (NR) on February 11, 1974 (see Appendix F); and

WHEREAS, on July 17, 2001, the Lincoln Cottage (formerly known as Anderson Cottage – Building 12) was declared the “President Lincoln and Soldiers’ Home National Monument,” the Monument

Monument including the Cottage, the Watertower (Building 13), and grounds, totaling 2.27 acres; and

WHEREAS, there is a Cooperative Agreement, dated November 3, 1999, and the amendments thereto, between the National Trust for Historic Preservation (NTHP) and AFRH for the preservation of the National Monument having a term of 25 years; and

WHEREAS, AFRH has conducted a survey and evaluation to identify NR-eligible and NHL contributing resources for AFRH-W in its entirety, regardless of administrative jurisdiction, and this survey and evaluation has been reviewed and commented on as part of this Agreement by the Parties, in accordance with 36 C.F.R. § 63.2; and

WHEREAS, based on a Phase IA Archaeological Assessment (October 2004), AFRH-W is considered to have a generally low sensitivity for intact prehistoric or historic archaeological remains, and there are localized sections of AFRH-W determined to have a moderate sensitivity for such cultural resources for which recommended treatments have been provided as part of this Agreement; and

WHEREAS, the general archaeological potential was evaluated for the whole of AFRH-W, but the specific potential for areas to be developed, which were not known at the time of the initial evaluation, were not evaluated; and

WHEREAS, as a result of these surveys and evaluations, the 272-acre AFRH-W, which includes one hundred forty-four (144) contributing resources and one hundred six (106) non-contributing resources, was determined eligible for inclusion in the NR as an Historic District (see Appendix F); and

WHEREAS, the entire AFRH-W campus was listed as a Historic District in the National Register of Historic Places on December 5, 2007 and in the District of Columbia Inventory of Historic Sites on January 24, 2008; and

WHEREAS, AFRH has prepared a comprehensive programmatic plan for AFRH-W (Master Plan) whose purposes are to (i) guide the management, use, and development of AFRH-W, and (ii) present a range of preferred land uses, planning principles, and design guidelines for AFRH-W; and

WHEREAS, AFRH has prepared the AFRH-W Historic Preservation Plan (December 2007) (HPP) that identifies viewsheds and historic (built, natural, and designed landscape) and cultural (archaeological) resources and outlines procedural guidelines for administering and maintaining these resources on AFRH-W; and

WHEREAS, the implementation of the Master Plan and HPP constitute the undertaking (Undertaking), as that term is defined in 16 U.S.C. § 470w(7), 36 C.F.R. § 800.16(y), covered by this Agreement; and

WHEREAS, the Area of Potential Effect (APE), as defined in 36 C.F.R. § 800.16(d), for undertakings under this Agreement has been delineated and agreed upon by the Parties (see Appendix A); and

WHEREAS, in addition to AFRH-W, the APE includes other properties determined eligible for listing in the NR, including the Rock Creek Church Yard and Cemetery, the Harewood Gate Lodge and East Grounds, and the U.S. Soldiers' and Airmens' National Cemetery; and

WHEREAS, AFRH has determined that the Undertaking may have an adverse effect upon contributing resources included in or eligible for the NR, including resources that contribute to the NHL and has notified the Secretary of the Interior in accordance with 36 C.F.R. § 800.10(c); and

WHEREAS, the Secretary of the Interior has delegated the National Park Service to be a Party to this Agreement; and

WHEREAS, in partial mitigation of adverse effects, the Master Plan and the HPP require development to be consistent with "The Secretary of the Interior's Standards for the Treatment of Historic Properties" (1995) and associated Guidelines (collectively referred to herein as "Standards") ; and

WHEREAS, the National Capital Planning Commission (NCPC) is the body charged under the Planning Act (40 U.S. Code at § 8722 with the review and approval of the Master Plan and any amendments to it, and has entered into a Memorandum of Understanding and Statement of Land Use Review Process for Development of the Armed Forces Retirement Home-Washington Site with the Office of Planning of the District of Columbia and the U. S. Armed Forces Retirement Home effective August 2, 2007; and

WHEREAS, by entering into this Agreement, NCPC hereby designates AFRH as the lead federal agency for the Undertaking pursuant to 36 CFR § 800.2(a)(2); and

WHEREAS, the Parties have identified, after consultation pursuant to 36 C.F.R. § 800.3(f), the following as invitees to be consulting parties: National Capital Planning Commission, U.S. Commission of Fine Arts, D.C. Office of Planning, National Trust for Historic Preservation, D.C. Preservation League, Committee of 100 on the Federal City, Rock Creek Cemetery Association, St. Pauls's Episcopal Church, the Advisory Neighborhood Commission 1A, Advisory Neighborhood Commission 4C, Advisory Neighborhood Commission 4D, Advisory Neighborhood Commission 5C, Petworth and Columbia Heights Residents Concerned, United Neighborhood Coalition, U.S. Army, The Catholic University of America, Ward 1 Councilmember, Ward 4 Councilmember, Ward 5 Councilmember, and the Military Officer Association of America (referred to collectively herein as the "Consulting Parties"); and

WHEREAS, AFRH has made a good faith effort to locate federally-recognized Indian tribes and displaced tribes that may attach religious and cultural significance to properties under the administrative jurisdiction of AFRH-W or with which AFRH could consult under the Native American Graves Protection and Repatriation Act (NAGPRA); and AFRH has determined that there are no such federally-recognized tribes; and

WHEREAS, ACHP regulations encourage federal agencies to use, to the extent possible, existing agency procedures and mechanisms (including mechanisms under the National Environmental Policy Act of 1969 [NEPA], 42 U.S.C. § 4321, et seq.) to fulfill their consultation requirements; and

WHEREAS, AFRH has provided for public involvement in this Agreement by coordinating the Sections 106 and 110 review with the public review and consultation under NEPA; and

WHEREAS, AFRH has provided additional opportunities for public involvement through public meetings of the District of Columbia Historic Preservation Review Board (HPRB); and

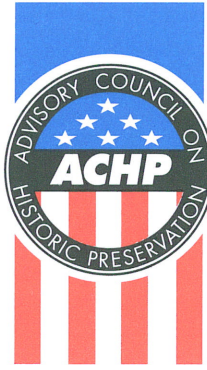
WHEREAS, the Parties and the Consulting Parties have reviewed and provided comments on the content of the draft final Master Plan and HPP; and

WHEREAS, AFRH intends to implement portions of the Master Plan and HPP through agreements with one or more developers; and

WHEREAS, AFRH shall ensure that all future tenants, developers, and permittees of AFRH-W are subject to the terms of this Agreement; and

WHEREAS, AFRH has held a competition to select a developer for Zone A (see Appendix C for Zonal Map) of AFRH-W and has made a provisional selection of Crescent Resources, LLC as the developer for Zone A; and

WHEREAS, AFRH has not selected any developers at the time of execution of this document for development of Zone B and / or Zone C (see Appendix C for Zonal Map), nor made a final decision on



*Preserving America's Heritage*

March 06, 2008

Mr. Joseph S. Woo  
Architect  
Armed Forces Retirement Home  
3700 N. Capitol St., N.W.  
Washington, DC 20011

**RE: Armed Forces Retirement Home—Washington Master Plan and On-Going Maintenance and Rehabilitation of Historic and Cultural Resources and Development Activities, Washington, DC**

Dear Mr. Woo:

The Advisory Council on Historic Preservation (ACHP) has signed the enclosed Programmatic Agreement (Agreement) for the referenced undertaking. Our signature on the Agreement, and your compliance with its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations at 36 CFR Part 800.

As the last signatory to the Agreement, and in accordance with its Stipulation XIII(A), we have entered yesterday's date on the first paragraph of the Agreement to indicate its effective date.

We are returning a copy of the fully executed Agreement to you. The original copy of the Agreement will be retained for our files. We recommend you provide a copy of the Agreement to the District of Columbia State Historic Preservation Officer and the other signatories for their records.

We appreciate your cooperation in developing the enclosed Agreement and consulting with the ACHP. If you have any questions or need further assistance, please contact Ms. Katharine R. Kerr at 202.606.8534 or by email at [kkerr@achp.gov](mailto:kkerr@achp.gov).

Sincerely,

Reid Nelson  
Assistant Director  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

whether to pursue development of those zones; and

WHEREAS, AFRH has responded to multiple stakeholder concerns, including the SHPO, regarding development of Zone C by affirming in the Master Plan its willingness to consider the sale or lease of Zone C for open space; and

WHEREAS, any revisions resulting from continued Consultation will be reflected in an amended Master Plan as provided herein; and

WHEREAS, the Parties recognize that AFRH-W is, at times, utilized for National Security purposes, and such use and the movement of weapons onto AFRH-W for National Security Purposes shall not be considered an AFRH undertaking and not subject to this Agreement; and

NOW, THEREFORE, the Parties agree that AFRH will carry out the Undertaking in accordance with the following stipulations to satisfy AFRH's responsibilities under Section 106 and Section 110(f) of the NHPA for all aspects of the Undertaking.

**LIST OF ABBREVIATIONS**

<b><u>Acronym</u></b>	<b><u>Description</u></b>
ACHP	Advisory Council on Historic Preservation
AFRH	Armed Forces Retirement Home
AFRH-W	Armed Forces Retirement Home – Washington Campus
APE	Area of Potential Effect
CFA	Commission of Fine Arts
CMMS	AFRH Computerized Maintenance Management System
CR Manager	Cultural Resources Manager
CRMAR	Cultural Resources Management Action Request
FPO	Federal Preservation Officer
HP SOP	Historic Preservation Standard Operating Procedure
HPAR	Historic Preservation Action Request
HPP	AFRH-W Historic Preservation Plan
HPRB	District of Columbia Historic Preservation Review Board
LODs	Limits of Disturbance
MOU	Memorandum of Understanding and Statement of Land Use Review Process for Development of the Armed Forces Retirement Home-Washington Site, among the National Capital Planning Commission, the Office of Planning of the District of Columbia, and the U.S. Armed Forces Retirement Home (see Appendix
MPA	Master Plan Amendment
NAGPRA	Native American Graves Protection and Repatriation Act
NCPC	National Capital Planning Commission
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NPS	National Park Service
NR	National Register of Historic Places
NTHP	National Trust for Historic Preservation
OCO	AFRH Office of Campus Operations
SHPO	District of Columbia State Historic Preservation Officer
SRPO	Senior Real Property Officer

## **STIPULATIONS**

AFRH shall ensure that the following measures are carried out:

### **I. APPLICABILITY**

A. This Agreement applies to all actions under the direct or indirect jurisdiction of AFRH that constitute part of the Undertaking, including any action proposed by AFRH's tenants, developers, or permittees, with the exception of the execution of leases associated with the use of newly-constructed buildings.

B. For purposes of this Agreement, historic (built, natural, and designed landscape) and cultural (archaeological) resources are as defined in Stipulation III, Identification of Historic and Cultural Resources.

C. This Agreement does not apply to AFRH actions that are already subject to another Programmatic Agreement, Memorandum of Agreement, Memorandum of Understanding, or Cooperative Agreement.

### **II. POLICY**

AFRH is fully committed to the proper stewardship of its historic AFRH-W campus in accordance with Sections 106 and 110 of NHPA. Whenever feasible and not inconsistent with its statutory mission, AFRH shall manage and preserve the integrity of the historic and cultural resources within the AFRH-W Historic District. AFRH shall manage and preserve the integrity of the NHL through planning, research, and specific undertakings consistent with good historic preservation management and stewardship, in a manner put forward in the Standards. AFRH and its tenants, Developers, and permittees will use Chapter 6 (Appendix B) of the HPP as its guiding policy for the stewardship of historic resources on the campus.

### **III IDENTIFICATION OF HISTORIC AND CULTURAL RESOURCES**

A. The list of contributing and non-contributing historic (built, natural, and designed landscape) and cultural (archaeological) resources on the AFRH-W campus is documented in Volume II of the HPP.

B. While this agreement is in effect, AFRH shall evaluate in accordance with 36 C.F.R. § 800.4(c) any historic or cultural resources which become 50 years old or achieve exceptional significance.

### **IV. ADOPTION AND AMENDMENT OF THE MASTER PLAN**

#### **A. NCPC Authority**

NCPC reviews master plans on federal land in the National Capital Region, and, as such, must approve the AFRH Master Plan and any subsequent amendments.

#### **B. Relation to the Standards**

The Master Plan as approved by NCPC is intended to be consistent with the Standards, and AFRH shall ensure that amendments to the Master Plan conform to the Standards and the HPP to the maximum extent feasible.

### **C. Early Consultation on Proposed Master Plan Amendments**

AFRH shall submit any proposed amendment to the Parties and Consulting Parties for review and comment early in the planning process as follows:

1. Any proposed amendment shall consist of a written description of the proposed amendment with draft planning documents and a request for Consultation. The proposed amendment shall be submitted in letter or memorandum format but may be transmitted electronically.

2. Consulting Parties shall have 15 calendar days from receipt of the proposed amendment submission to submit written comments for the consideration of the Parties at the Consultation meeting.

3. The Parties shall hold a Consultation meeting in person or by telephone no sooner than 21 calendar days following notification to discuss the proposed amendment submission and to seek a consensus regarding the proposed amendment. In seeking a consensus, the Parties shall consider any comments received from the Consulting Parties on the proposed amendment

4. If the parties agree that the draft planning documents conform to the Standards and the HPP to the maximum extent feasible, AFRH may proceed to amend the Master Plan as provided in Section D of this Stipulation.

5. If the Parties do not reach a consensus at the conclusion of the Consultation meeting, AFRH shall forward all documentation relevant to the matter to the ACHP, including AFRH's proposed response to the objection. AFRH shall proceed in accordance with Sections D through F of Stipulation X, Resolving Objections/Dispute Resolution.

### **D. Adoption of Master Plan Amendments**

Following the early Consultation on a proposed amendment, AFRH shall implement a Master Plan Amendment (MPA) as follows:

1. AFRH shall distribute electronically a draft MPA reflecting the consensus reached pursuant to Section C of this Stipulation for review by the Parties. Within 30 calendar days of receipt of the draft MPA, the Parties shall provide written comments to AFRH regarding any changes needed to make the draft MPA reflect the consensus reached pursuant to Paragraph B of this stipulation. These comments may be submitted electronically.

2. If AFRH modifies the draft MPA in accordance with comments received from the Parties, AFRH may finalize the MPA and provide the Parties with a copy of the final MPA within 60 calendar days of the finalization. The final MPA will not be subject to further review by the Parties.

3. Should AFRH decide not to modify the MPA in accordance with comments from the Parties regarding conformity to the maximum extent feasible with Standards and the HPP, or if a consensus on the draft planning documents is not reached pursuant to Paragraph B of this stipulation, AFRH will proceed pursuant to Stipulation X, Resolving Objections/Dispute Resolution.

4. Upon the final development of the MPA, as provided either in this Stipulation or in Stipulation X, AFRH shall submit the MPA to NCPC for formal review, comment, and approval.

## **V. IMPLEMENTATION OF THE MASTER PLAN**

### **A. Development Areas and Adaptive Use of Buildings**



1. AFRH intends to identify entities capable of (i) redeveloping certain defined areas of the AFRH-W, and (ii) adaptively using certain buildings, generally through a competitive process. Development is intended to occur in a phased manner.

2. The defined development areas include approximately 110 acres of the 272-acre AFRH-W campus shown as Zones A, B and C in the Master Plan (see Appendix C).

3. The buildings identified for adaptive use include, but are not limited to, the structures known as House (Building 47-Quarters 47), Bandstand (Building 49), Carport (Building 50-Viewing Stand), Barnes (Building 52), Hostess Station (Building 53- Isolation Ward), Forwood (Building 55), Mess Hall (Building 57- Hospital Mess Hall and Auditorium), Mess Hall Corridor (Building 58), King Hall (Building 59), and the LaGarde Building (Building 56).

#### **B. Requests for Development Proposals**

1. AFRH may identify and select a capable Federal or non-Federal entity to manage or develop an identified development zone in the Master Plan.

2. Any request for proposals issued by AFRH in its competitive selection process shall be designed to encourage responses that are respectful of the historic (built, natural, and designed landscape) and cultural (archaeological) resources on AFRH-W, in accordance with the Master Plan. Accordingly, AFRH shall identify objectives with which development proposals shall comply, including, but not limited to, (i) encouraging the adaptive re-use of historic buildings; (ii) retaining the character of the landscape, landscape resources, and significant existing open spaces; and (iii) respecting the character of the adjacent communities.

3. AFRH shall advise all entities that development on AFRH-W is subject to the Section 106 process, and shall provide those parties with applicable information on the Historic Features and the Historic Character Areas of the HPP, and with guidance for the treatment of historic (built, natural, and designed landscape) and cultural (archaeological) resources.

4. When AFRH selects a developer, it shall notify the Parties electronically in writing within 15 calendar days of the public announcement of selection.

#### **C. Transaction Documents**

Any transaction document AFRH enters into with a developer shall ensure that development on AFRH-W treats the affected historic (built, natural, and designed landscape) and cultural (archaeological) resources in accordance with the Master Plan.

### **VI. SPECIFIC MITIGATION ACTIONS**

In coordination with the development of the AFRH-W campus in accordance with the Master Plan, AFRH shall perform, or require its developers to perform, a number of specific actions to mitigate the adverse affects of the development on AFRH-W as described in Appendix D. The Parties will develop any additional mitigation actions for Development Zones through Consultation as detailed planning for future development takes place.

### **VII. IMPLEMENTATION OF THE HISTORIC PRESERVATION PLAN**

#### **A. Fulfillment of NHPA Responsibilities**

Execution and implementation of steps outlined in the HPP is the process that AFRH will follow to satisfy its Section 106 and Section 110(f) responsibilities for all undertakings covered by this Agreement, including, but not limited to: Master Plan, maintenance, rehabilitation, repair, construction and deconstruction of buildings, structures and roads, and work regarding grounds and associated landscaping within the area of responsibility of AFRH.

Chapter 6 of the HPP includes the policies that AFRH will follow to protect the AFRH-W Historic District. The HPP presents implementation methods that are designed to ensure that AFRH understands and complies with the legal and technical requirements of historic preservation appropriate for AFRH-W, while making practical, economic decisions for the use and maintenance of its historic (built, natural and designed landscape) and cultural (archeological) resources.

Chapter 6 includes general guidance as to the appropriate approach for the protection and treatment of the Historic District and its resources for future generations; goals and objectives for the preservation management of the Historic District; recommendations for actions necessary to implement the HPP and standards for the appropriate treatment of resources based on their relative level of significance and the Standards. It presents internal policies and procedures to guide AFRH in complying with relevant federal laws and regulations that govern the protection and preservation of historic (built, natural, and designed landscape) and cultural (archeological) resources, while maintaining the AFRH's mission. It also addresses when SHPO approvals are necessary for work proposed for the Historic District, and provides directions for applying for these approvals. Finally, it provides forms to assist and facilitate AFRH in its compliance with the HPP.

## **B. Historic Preservation Standard Operating Procedures**

1. AFRH may implement the HPP for AFRH-W through one or more Action Agents (AFRH or its tenants, permittees, or associated developers).

2. AFRH shall ensure that the HPP is implemented in accordance with the Standard Operating Procedures (SOPs) identified in Chapter 6, Section V of the HPP. The SOPs are:

- SOP #1: Section 106 Review for All Undertakings
- SOP #2: Capital Improvement: Adaptive Use
- SOP #3: Capital Improvement: Preservation – Maintenance
- SOP #4: Capital Improvement: Preservation – Repair
- SOP #5: Capital Improvement: Preservation – Restoration
- SOP #6: Capital Improvement: Alteration
- SOP #7: Abandonment/Mothballing
- SOP #8: Disposal: Demolition/Removal
- SOP #9: Disposal: Transfer, Negotiated Sale, Donation, or Sale
- SOP #10: Disposal: Ground Lease
- SOP #11: New Construction
- SOP #12: Ground Disturbing Activities and Treatment of Archeological Resources
- SOP #13: Responding to ARPA Violation
- SOP #14: Coordination of NEPA with Cultural Resource Requirements
- SOP #15: Determination of Exemption

2. Any application for historic preservation tax credits shall be conducted in accordance with 36 C.F.R. § 67.

## **C. Supervision by Qualified Professionals**

1. AFRH shall ensure that any work by an Action Agent that affects a contributing historic (built, natural, and designed landscape) or cultural (archeological) resources subject to this

Agreement is reviewed by, or under the supervision of, persons meeting the professional qualifications included in “The Secretary of the Interior’s Historic Preservation Professional Qualification Standards” and “Archaeology and Historic Preservation, Secretary of the Interior’s Standards and Guidelines” respectively.

2. AFRH shall retain the services of a Cultural Resources Manager (CR Manager) within 12 months of NCPC’s approval of the Master Plan, and the CR Manager shall assist AFRH in the implementation of the HPP. AFRH shall retain the services of a CR Manager for the duration of this Agreement.

#### **D. Design Review Process**

1. AFRH shall ensure that the design review process described in Appendix G is followed for the review of federally- or privately-funded projects proposed by an Action Agent on federally-owned land at AFRH-W. A graphic flowchart of this process is shown in Appendix H

2. The design review process shall be initiated upon execution of the appropriate SOP, as defined in Chapter 6 of the HPP.

### **VIII. DISCOVERIES**

#### **A. Unidentified Resources**

1. If it appears that an undertaking will affect a previously unidentified resource that may be eligible for inclusion in the NR or that may contribute to the NHL, or will affect a known contributing historic or cultural resource in an unanticipated manner, AFRH will stop any potentially harmful activities in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the resource until it concludes consultation with the SHPO.

2. If a discovered resource has not been previously included in or determined eligible for the NR and provisions for its treatment are not contained in the HPP, AFRH may assume that the resource is eligible for purposes of this Agreement.

#### **B. Procedure for Discoveries**

1. AFRH shall notify the NPS and the SHPO at the earliest possible time and consult to develop actions that will take the effects of the undertaking into account. AFRH shall notify the SHPO of any time constraints, and AFRH and the SHPO shall mutually agree upon timeframes for this consultation, such consultation to take place within 30 calendar days.

2. If treatment of the discovery is not included in the HPP, AFRH shall develop written recommendations reflecting its consultation with NPS and the SHPO and, as necessary, shall present a plan to the NPS and the SHPO and a schedule to implement these recommendations and update the HPP accordingly.

3. AFRH shall notify all Parties and Consulting Parties in writing within 30 calendar days of any changes to the HPP. This notification may be made electronically.

### **IX. PROPERTY SALE**

In the event that parcels of the AFRH-W are sold or otherwise have title transferred to non-Federal entities, AFRH shall ensure that adequate conditions are included in the sales instrument to ensure that any eventual development activities are respectful of the historic (built, natural, and designed landscape) and cultural (archaeological) resources on AFRH-W. These covenants shall be developed as

part of the Section 106 consultation required as part of the sale action and shall be consistent with the intent of Section 106 for the protection of historic property.

## **X. RESOLVING OBJECTIONS AND DISPUTES**

### **A. Notification of Objection**

1. Should any Party object to AFRH in regards to the manner in which the terms of this Agreement are carried out, to any action carried out or proposed with respect to the implementation of this Agreement, or to any documentation prepared in accordance with and subject to the terms of this Agreement, the Party shall so notify AFRH in writing.

2. A Consulting Party should make any objections in writing to a non-AFRH Party. The receiving Party shall evaluate the merit of the objection, and relay the objection in writing to AFRH at its discretion.

### **B. Consultation on Objection**

Upon receipt of written objection, AFRH shall consult with the Party in response to the objection within 30 calendar days.

### **C. Failure to Resolve Objection**

If, after initiating such Consultation, AFRH determines that the objection cannot be resolved within 30 calendar days through such Consultation, AFRH shall forward all documentation relevant to the objection to ACHP including AFRH's proposed response to the objection.

### **D. ACHP Response**

Within 45 calendar days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:

1. **Concurrence.** Advise AFRH that ACHP concurs in AFRH's proposed response to the objection, whereupon AFRH will respond to the objection accordingly;

2. **Recommendations.** Provide AFRH with recommendations, which AFRH shall take into account in reaching a final decision regarding its response to the objection; or

3. **Referral to ACHP Membership.** Notify AFRH that the objection will be referred for formal comment in accordance with 36 C.F.R. § 800.7(c).

### **E. Failure to Comment**

If the ACHP does not provide its advice regarding the objection and AFRH's response within the 30 calendar day time period, the AFRH may make a final decision on the objection and proceed accordingly. Prior to reaching such a final decision, AFRH shall prepare a written response that takes into account any timely comments regarding the objection from the Parties and Consulting Parties.

### **F. AFRH Response to ACHP**

AFRH shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; AFRH's responsibility to carry out all actions under this Agreement that are not the subject of objection shall remain unchanged. AFRH shall notify the other Parties and Consulting Parties electronically in writing of its decision within

15 calendar days.

## **XI. REPORTING**

### **A. Federal Preservation Officer**

AFRH's Federal Preservation Officer (FPO) is responsible for ensuring that AFRH is aware of and complies with all federal responsibilities relating to historic preservation. The FPO serves as the point of contact regarding all policies, procedures, activities, and implementation relating to the NR-eligible Historic District and its contributing historic (built, natural and designed landscape) and cultural (archeological) resources, including this Agreement, and AFRH's policy towards its stewardship responsibilities. The FPO prepares all reports required under federal law, including reporting as required every three years under Executive Order 13287, and annually, according to Executive Order 13327 detailing AFRH's preservation-related status, programs, and activities. As appropriate, these responsibilities include any reports required under this Agreement.

The status of AFRH-W as an NR-eligible Historic District requires that the FPO work closely with AFRH's Senior Real Property Officer (SRPO) to ensure that the preservation requirements are incorporated into the AFRH asset management plan in accordance with Section 3(e) of Executive Order 13327, which is known as "Federal Real Property Asset Management." The FPO, with the assistance of the CR Manager, shall assist the tenants, developers, and permittees in meeting their stewardship responsibilities.

### **B. Monitoring by SHPO and ACHP**

SHPO and ACHP may monitor activities carried out pursuant to this Agreement, and ACHP shall review such activities if it deems necessary or is so requested. AFRH shall cooperate with SHPO and ACHP in carrying out their monitoring and review responsibilities. AFRH shall meet at the request of any Party on an annual basis to discuss ongoing implementation of this Agreement.

## **XII. DURATION**

This Agreement shall become effective upon execution by the Parties and shall remain in effect for a period of 20 years, unless terminated as provided in Stipulation XIV.

## **XIII. MISCELLANEOUS**

### **A. Effective Date**

This Agreement shall be effective as of the latest date of signature of any Party hereto, which such Party shall insert in the first paragraph on page 1 of this Agreement.

### **B. Availability of Funds**

This Agreement and its effectiveness are governed by applicable laws and regulations and subject to the availability of funds in accordance with the Anti-Deficiency Act, 31 USC § 1301.

### **C. Incorporation of Recitals**

The recitals (Whereas clauses) are incorporated herein as a substantive part of this Agreement.

**D. Authority**

The Parties to this Agreement certify that each person acting as a signatory for a Party has full authority to represent and bind their respective entities to the terms and conditions in this Agreement.

**XIV. AMENDMENTS AND TERMINATION**

**A. AMENDMENT**

1. If any Party believes that this Agreement should be amended, that Party shall immediately so notify and consult with the other Parties for no more than 21 calendar days to consider amendments to this Agreement. The Parties may agree to a longer consultation period.

2. This Agreement may be amended only upon the written agreement of all Parties. Amendments shall be executed in accordance with 36 C.F.R. § 800.6(c).

**B. TERMINATION**

1. If a Party determines that the terms of this Agreement cannot be implemented, or that the Agreement is not being properly implemented, the Party may propose to the other Parties to this Agreement that it be terminated.

2. The Party proposing to terminate this Agreement shall so notify in writing, which may be electronically, all Parties to this Agreement, explaining the reasons for termination and/or amendment and affording them at least 30 calendar days to consult and seek alternatives to termination.

3. The Parties shall then consult no later than 30 calendar days after comments are received. Should such consultations fail, the proposing Party may terminate the Agreement by so notifying all Parties and Consulting Parties in writing electronically.

**C. ACHP ACTION UPON TERMINATION**

Should this Agreement be terminated, AFRH shall either:

1. Consult in accordance with 36 CFR Part 800.6(a)(1) to develop a new Programmatic Agreement; or

2. Request, consider, and respond to the comment of the ACHP pursuant to 36 CFR Part 800.7

**EXECUTION** of this PA by the AFRH, SHPO, NPS, NCPC, and ACHP and implementation of its terms evidence that AFRH has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be executed by their proper and duly authorized officers.

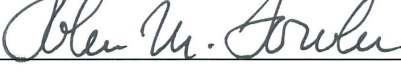
SIGNATORY PARTIES:

ARMED FORCES RETIREMENT HOME

BY: 


TITLE: Chief Operating Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY:  3/5/08

TITLE Executive Director

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER

BY: 

TITLE: State Historic Preservation Officer

U.S. NATIONAL PARK SERVICE

BY: 

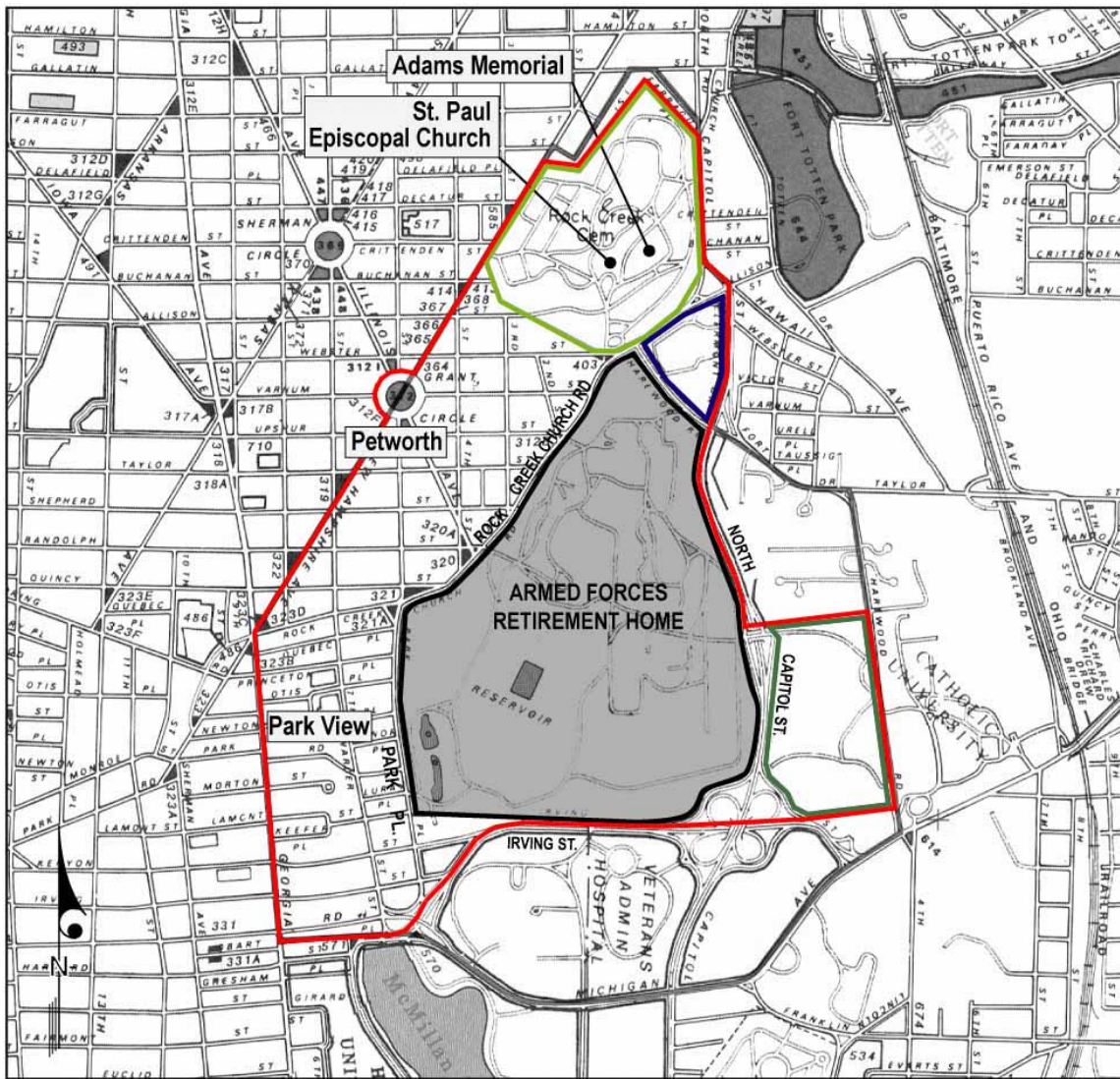
TITLE Regional Director, National Capital Region

NATIONAL CAPITAL PLANNING COMMISSION

BY: 

TITLE Acting Executive Director

APPENDIX A - AREA OF POTENTIAL EFFECT



- |   |   |
|---|---|
|  Area of Potential Effect            |  Harewood Gate Lodge and East Grounds          |
|  Armed Forces Retirement Home        |  U.S. Soldiers' and Airmen's National Cemetery |
|  Rock Creek Church Yard and Cemetery |   |



APPENDIX B - CHAPTER 6: IMPLEMENTATION OF THE HISTORIC PRESERVATION PLAN

# IMPLEMENTATION OF THE HISTORIC PRESERVATION PLAN

This chapter describes how Armed Forces Retirement Home (AFRH) will protect the National Register-eligible Armed Forces Retirement Home-Washington (Home or AFRH-W) Historic District (Historic District) and its associated historic and cultural landscape resources through the implementation of the AFRH-W Historic Preservation Plan (HPP). The HPP presents implementation methods that are designed to ensure that AFRH understands and complies with the legal and technical requirements of historic preservation appropriate for the Historic District, while making practical, economic decisions for the use and maintenance of its resources.<sup>1</sup> The HPP will be enforced under the Programmatic Agreement (PA) among the District of Columbia State Historic Preservation Office (DC SHPO), the Advisory Council on Historic Preservation (ACHP), the National Park Service (NPS), and AFRH relating to the implementation of the Home's approved Master Plan. The PA provides a review process for AFRH undertakings that may affect the Historic District. In addition, AFRH, the District of Columbia Office of Planning (OP), and the National Capital Planning Commission (NCPC) have agreed to a Memorandum of Understanding (MOU) related to the review of work proposed for non-federal purposes. Therefore, it is anticipated that the actions put forward by the HPP are consistent with and will be supported by the PA and the MOU.<sup>2</sup>

This chapter includes general guidance as to the appropriate approach for the protection and treatment of the Historic District and its resources for future generations; goals and objectives for the preservation management of the Historic District; recommendations for actions necessary to implement the HPP; and standards for the appropriate treatment of resources based on their relative level of significance and the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines. It presents internal policies and procedures to guide AFRH in complying with relevant federal laws and regulations that govern the protection and preservation of built, landscape, and archeological resources, while maintaining the AFRH's mission. It also addresses when DC SHPO and the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) approvals are necessary for work in the Historic District, and provides directions for applying for these approvals. Finally, it provides forms to assist and facilitate AFRH in its compliance with the HPP.

# **I. GENERAL GUIDELINES FOR THE PROTECTION AND TREATMENT OF THE HISTORIC DISTRICT**

## ***A. THE HOME IS A SIGNIFICANT HISTORIC PROPERTY ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES AS AN HISTORIC DISTRICT.***

The National Register-eligible AFRH-W Historic District is comprised of the entire 272-acre Washington branch of AFRH.<sup>3</sup> The significance of the Historic District is derived from its role as the oldest national care facility for retired and disabled enlisted veterans of the U.S. Army, as a presidential retreat, and as an extensive and admired designed landscape that functioned historically and continues to function as a park for the residents of the Home, and which was opened to the public at large periodically in the past. The Historic District has a period of significance from 1842-1951 (1842 through 1851 and 1851 through 1951), which represents the Home's most significant era from its initial years as the retreat of George Washington Riggs and as the U.S. Military Asylum to its planning and management as a rural retreat in the city for retired and disabled enlisted veterans of all branches of the U.S. military.

## ***B. THE OVERALL SETTING OF THE HOME IS A SIGNIFICANT HISTORIC DESIGNED LANDSCAPE.***

AFRH acknowledges the overall setting of the Home as a significant designed landscape characterized by the juxtaposition of building clusters, tree canopies, and large open spaces, complemented by vegetation, designed landscape elements, and connected by a curvilinear circulation system. The goal of the HPP is to protect this setting and its picturesque character through an understanding and protection of its elements and their individual and relative significance as presented in the HPP and the National Register of Historic Places (National Register) nomination for the Historic District.

## ***C. IMPLEMENTATION OF THE HPP SHALL BE CONSISTENT WITH THE SIGNIFICANCE OF THE HISTORIC DISTRICT AND ITS CONTRIBUTING RESOURCES.***

The implementation of the HPP calls for the protection and enhancement of the Historic District as an entity as well as of its individual parts, including contributing built, landscape (both designed and natural), and archeological resources, in a manner consistent with the significance of the Home during its overall period of significance, and the physical and aesthetic manifestation of that character as a unified whole.

***D. ALL WORK AFFECTING THE HOME'S REAL PROPERTY SHALL BE IMPLEMENTED IN A MANNER THAT IS COMPATIBLE WITH THE SIGNIFICANCE OF THE HISTORIC DISTRICT AND ITS CONTRIBUTING RESOURCES, AND CONSISTENT WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES.***

All work affecting real property, whether it be Capital Improvement: Adaptive Use, Preservation [Maintenance, Repair, and Restoration]; Alteration; Abandonment/Mothballing; Disposal [Demolition/Removal, Transfer, Negotiated Sale, Donation, and Sale]; or Ground-Disturbing Activities, whether it affects built or landscape resources, or whether it was anticipated or not, should always be implemented in a way that is compatible with the character of the Historic District during the overall period of significance and consistent with the terms of the controlling PA.

***E. THE HPP SHALL BE INTEGRATED INTO THE AFRH-W MASTER PLAN.***

AFRH, as the steward of the Historic District, recognizes the role of the HPP in the master planning process and anticipates the integration of the HPP into the AFRH-W Master Plan.

***F. THE HPP SHALL BE CONSISTENT WITH THE PURPOSES AND PROCEDURES SET FORTH IN THE PROGRAMMATIC AGREEMENT AND THE MEMORANDUM OF UNDERSTANDING.***

AFRH is in consultation with the DC SHPO, ACHP, NPS, and other consulting parties for the Section 106 Review of the AFRH-W Master Plan with the goal of developing a PA that will set forth the process for handling Section 106 review over the twenty-year period covered by the master plan. The PA will set forth recitals and stipulations that establish the policy and procedures for reviewing certain undertakings anticipated by AFRH for the Home, as well as mitigation measures. AFRH shall attach the HPP to the PA by reference, and it shall attach the PA to the HPP to confirm the concurrence between these two documents. Therefore, the HPP shall be consistent with the terms of the relevant MOU among AFRH, OP, and NCPC that provides a review process for federal and non-federal resources within the AFRH-W campus. The AFRH Historic Preservation Standard Operating Procedures (HP SOP) in Chapter 6 reflect this coordination.

## II. GENERAL GOALS AND OBJECTIVES FOR PRESERVATION MANAGEMENT PRACTICES

The HPP provides the information and direction necessary to manage the Historic District, as a whole and with its associated individual contributing resources, in a manner that will obtain the most efficient and productive use in harmony with the mission of AFRH, while maintaining the historic integrity of the Historic District and its contributing resources. This will be done in accordance with the terms of the controlling PA and MOU.

AFRH will achieve this goal for the Home through the following means:

1. Managing all uses and activities affecting the Historic District and its contributing resources with full acknowledgement of their historic significance and listing in the National Register;
2. Endeavoring to keep contributing resources in productive use by using contributing resources where feasible, and considering new uses for under-utilized resources;
3. Identifying the preservation needs and potential effects of proposed undertakings on the Historic District and its contributing resources early in AFRH's decision-making process, prior to budgeting and internal approvals;
4. Executing undertakings that affect the Historic District and its contributing resources in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines;
5. Avoiding adverse effects to the Historic District and its contributing resources where possible, and when avoidance of adverse effects is not possible, minimizing or mitigating the effects in accordance with this HPP and the controlling PA;
6. Maintaining open lines of communication through the master planning process and the controlling PA among AFRH, DC SHPO, ACHP, NPS, and the other consulting parties, and the MOU among AFRH, OP, and NCPC;
7. Maintaining a record of decisions affecting the Historic District and contributing resources by entering Cultural Resource Management (CRM) actions in the AFRH-W Resource Inventory/Cultural Resource Management Database (AFRH-W RI/CRM Database); and
8. Following an established procedure for identifying and processing undertakings that may affect the Historic District and its resources in accordance with the HPP and providing information to the consulting parties on undertakings in accordance with the process required in the PA.

### **III. IMPLEMENTATION ACTIONS**

To achieve the goal of protecting the historic integrity of the Historic District and its contributing resources, while obtaining the most efficient and productive use in support of the mission of AFRH, the following actions will be implemented.

#### ***A. IMPLEMENT THE HISTORIC PRESERVATION PLAN.***

AFRH will place the HPP into effect by carrying out the Implementation Actions.

#### ***B. NOMINATE THE HOME TO THE NATIONAL REGISTER.***

In 2007, AFRH prepared a nomination for the Home in its entirety as an historic district to the National Register. The nomination was based on the findings of the HPP and addressed the Home's significance as a built and designed landscape.

Because AFRH is a federal agency within the Executive Branch of the federal government, the nominating process calls for the direct submission of the nomination to the Keeper of the National Register (Keeper). Consistent with the requirements of the National Register Federal Program Regulations (published as 36 CFR 60), in October 2007, AFRH forwarded the nomination to DC SHPO and the Mayor of the District of Columbia for a 45-day comment period. As there were no comments regarding the nomination, at the end of the 45 days, AFRH's Federal Preservation Officer approved the nomination and forwarded it to the Keeper of the National Register for listing. The Keeper certified that the proposed AFRH-W Historic District nomination met the National Register criteria and listed the property on December 5, 2007. Further, the Historic District will be listed in the District of Columbia Inventory of Historic Sites in 2008. The certified Registration Form will be attached by reference to the HPP and to the controlling PA.

#### ***C. COMPLY WITH FEDERAL PRESERVATION LAWS AND REGULATIONS.***

AFRH will comply with the National Historic Preservation Act (NHPA), as interpreted by the controlling PA, and with other preservation laws that apply to AFRH or as may apply to AFRH as the result of new legislation, amendments to current legislation, or modification of regulations.

#### ***D. TRAIN THE FEDERAL PRESERVATION OFFICER/SENIOR POLICY OFFICIAL IN THE PROPER IMPLEMENTATION OF HISTORIC PRESERVATION RESPONSIBILITIES AND DUTIES.***

In March 2007, AFRH's Chief Operating Officer (COO) appointed AFRH's Chief Architect as the Federal Preservation Officer (FPO) as required under Section 110(c) of NHPA, and as the Senior Policy Official (SPO) as required under Executive Order 13287, March 3, 2003 (EO 13287, also known as

Preserve America) to oversee its historic preservation program and compliance responsibilities for the respective EOs and federal preservation laws and regulations.<sup>4</sup>

Both regulations stipulate that the FPO complete the appropriate training regarding Section 110 as offered by the ACHP within one year of the appointment.

The FPO is responsible for ensuring that AFRH is aware of and complies with all federal responsibilities relating to historic preservation. The FPO serves as the point of contact regarding all policies, procedures, activities, and implementation relating to the Historic District and its contributing resources, including the controlling PA, and the AFRH's policy towards its stewardship responsibilities. The FPO prepares all reports required under federal law, including reporting as required every three years under EO 13287 and annually according to Executive Order 13327, February 6, 2004 (EO 13327) detailing AFRH's preservation-related status, programs, and activities. As appropriate, these responsibilities include any reports required under the controlling PA. The Home's eligibility as an historic district suggests that the FPO work closely with AFRH's Senior Real Property Officer (SRPO) to ensure that the preservation requirements are incorporated into the AFRH asset management plan in accordance with Section 3(e) of EO 13327, which is known as "Federal Real Property Asset Management."

In addition to the federal responsibilities, the FPO is responsible for ensuring that the AFRH-W staff of the Home is informed and trained in the requirements for the implementation of the HPP. This will include training the AFRH-W Director and the AFRH-W Chief of Campus Operations (CCO) in proper implementation procedures.

### ***E. TRAIN THE AFRH-W CHIEF OF CAMPUS OPERATIONS IN THE PROPER IMPLEMENTATION OF HISTORIC PRESERVATION RESPONSIBILITIES AND DUTIES.***

AFRH will ensure that it implements the HPP on a day-to-day basis by working with the AFRH-W Director and the CCO. This will include training the CCO in the HPP's General Guidelines, its Goals and Objectives in Preservation Management Practices, and in the execution of the Historic Preservation Standard Operating Procedures. Specifically, the FPO and the CCO will work together to institutionalize the protection of the Historic District and its contributing resources through the coordination of the Office of Campus Operations' Computerized Maintenance Management Program (CMMS) and the AFRH-W RI/CRM Database. Further, the FPO and CCO will assist each other in establishing internal practices that will facilitate the application of proper preservation practices based on the Secretary of the Interior's Standards for the Treatment of Historic Properties.

### ***F. IMPLEMENT SPECIFIC MITIGATION ACTIONS IN RESPONSE TO UNDERTAKINGS ASSOCIATED WITH AFRH-W MASTER PLAN***

In coordination with the development of the AFRH-W campus in accordance with the approved AFRH-W Master Plan, AFRH and developers agree to perform a number of specific actions to mitigate the adverse affects of the development on AFRH-W. The mitigation calls for actions regarding general AFRH processes and procedures which are to be undertaken by AFRH, as well as actions directed to mitigate undertakings affecting specific Development Zones. The Master Plan divides the AFRH-W campus into Development Zones: AFRH Zone; Zone A; Zone B; and Zone C. (See Development Zone Map). Zone A is scheduled to be developed first and, therefore, mitigation related to the development of Zone A is

included below. Additional mitigation actions for Development Zones B and C will be developed as detailed planning for future development takes place and these actions will be recorded in amendments to the controlling PA.

#### **A. SPECIFIC ACTIONS TO BE UNDERTAKEN BY AFRH**

1. AFRH will retain the services of a Cultural Resources Manager (CRM) to assist AFRH in the implementation of the 2007 Historic Preservation Plan (HPP). The CRM will be retained within twelve (12) months of NCPC's approval of the AFRH-W MP.
2. AFRH will plant additional trees to replace those required for the relocation of two golf holes due to the Zone A development. Trees will be replaced on a 1-to-1 basis in accordance with AFRH Treatment Recommendations for Landscape Resources in Chapter 6 of the 2007 HPP at the time the golf holes are relocated.
3. AFRH will develop and implement a Historic Preservation Maintenance Program (HPMP) designed to identify and prioritize the maintenance needs of the contributing historic (built, natural and designed landscape, and archeological) resources. This plan will be developed and implemented within two (2) years of NCPC's approval of the AFRH-W MP. Copies will be provided to Parties and Consulting parties upon written request after its completion.
4. AFRH will integrate the AFRH-W Resource Inventory/Cultural Resource Management Database into the Home's proposed Computerized Maintenance Management System (CMMS) at the time the new CMMS is brought online. It is anticipated that this system will be brought on line within two (2) years of NCPC's approval of the AFRH-W MP.
5. AFRH will complete an update to an August 2007 tree survey to include Zones B and C within one (1) year of commencement of rent payments from the Zone A development (Rent payments will commence with the issuance of the first Certificate of Occupancy for Zone A). Copies will be provided to Parties and Consulting Parties upon written request after its completion.
6. AFRH will develop a landscape master plan for the AFRH Zone and Zones B and C of the campus. This plan would be developed within one (1) year of commencement of rent payments from Zone A and will be based on the AFRH MP, HPP, and the updated tree survey identified in #5 above. Implementation of the landscape master plan will begin within one (1) year of completion of the Landscape Master Plan. This document will be distributed to the Parties and Consulting Parties for review and comment during its development.
7. AFRH will complete specific landscape projects as follows (see Appendix D):
  - a. Scott/Sheridan Promenade Project within three (3) years of NCPC's approval of the AFRH-W MP,
  - b. Scott Building Tree Planting Program will be completed as part of the landscape master plan developed in item #5 above
8. AFRH will perform a condition assessment of the historic fence along the western perimeter of the site, and perform stabilization, which will be followed by regular periodical maintenance activities to prevent further deterioration of the fence. The



assessment will be conducted within two (2) years of NCPC's approval of the AFRH-W MP.

9. Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.
10. AFRH will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and AFRH MP.

## **B. SPECIFIC ACTIONS TO BE UNDERTAKEN FOR ZONE A**

1. Developer will rehabilitate and adaptively use, in conformance with the Secretary of Interior's Standards for Rehabilitation (36 C.F.R. 67) and its associated Guidelines the following buildings in Zone A:
  - a. Barnes Building (Building 52)
  - b. Forwood Building (Building 55)
  - c. King Hall (Building 59)
  - d. Viewing Stand (Building 50)
  - e. Bandstand (Building 49)
  - f. Mess Hall (Building 57)
  - g. Mess Hall Corridor (Building 58)
  - h. Hostess House (Building 53)
  - i. Quarters 47 (Building 47)

Developer will develop a stabilization and maintenance plan of the buildings and structures listed above no later than 120 days after the effective date of the Master Lease for Zone A. Rehabilitation for these buildings and structures listed above will commence in accordance with the Project Schedule submitted as part of the Project Plan for the first non-infrastructure phase of development.

2. Developer will rehabilitate historic landscape resources in Zone A:
  - a. Forwood Building Grounds to the extent grounds are located in Zone A and controlled by developer. (LaGarde and secured grounds remaining within the AFRH Zone are excluded until such time LaGarde is leased to the developer);
  - b. Pershing Drive Street Trees, south and east: Developer will preserve the historic orientation of Pershing Drive and shall preserve, to the maximum extent possible, the allee of trees bordering Pershing Drive. If not possible to save all the trees, the Developer will replant trees of the same species with the intent of restoring the historic allee;
  - c. Hospital Complex Quadrangle to the extent grounds are located in Zone A and controlled by developer. (LaGarde and secured grounds remaining within the AFRH Zone are excluded until such time LaGarde is leased to the developer);
  - d. Specimen Trees in Hospital Lawn. If it is not possible to save all trees, the Developer will replant trees of the same species in an AFRH agreed upon location within the Hospital lawn.; and

- e. Pasture Recreation: Developer will preserve to the maximum extent possible the orientation, unaltered topography, and configuration of the Historic Pasture in Zone A. Also, historic trees in the northwest section of the Historic Pasture shall be preserved to the maximum extent possible. If it is not possible to save all trees, the Developer will replant trees of the same species in an AFRH agreed upon location within the Historic Pasture.
3. Developer will devise and implement an educational interpretation program including signage focusing on the history of AFRH and AFRH-W in accordance with the Development Agreement with AFRH for Zone A.
4. The Developer will complete a tree-planting program and the maintenance of historic trees in accordance with the approved Master Plan and HPP over the course of the Zone A development.
5. Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.
6. Developer will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and AFRH MP

### **C. SPECIFIC ACTIONS TO BE UNDERTAKEN FOR ZONE B**

As a condition of development for Zone B, the selected developer will be required to complete the following, but not limited to, specific mitigations:

1. Restoration of historic iron fence along the western perimeter of Zone B.
2. Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.
3. Developer will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and AFRH MP.

### **D. SPECIFIC ACTIONS TO BE UNDERTAKEN FOR ZONE C**

As a condition of development for Zone C, the selected developer will be required to complete the following, but not limited to, specific mitigations:

1. Restoration of the historic iron and masonry and iron fences along the western perimeter of Zone C.
2. Relocation of Community Gardens from Zone C to AFRH Zone. Potential relocation sites will be identified as part of the Landscape Master Plan to be developed by AFRH.

3. Undertake specific landscaping to screen Quarters 90 (Randolph Street Gatehouse, Building 90) from the northernmost development on Zone C.
4. Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.
5. Developer will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and AFRH MP.

## ***G. APPOINT A CULTURAL RESOURCES MANAGER.***

To ensure that AFRH meets its obligations with respect to historic resources, the COO will appoint a Cultural Resources Manager (CR Manager), either as a staff or consulting position to work under the supervision of and to assist AFRH's FPO. The CR Manager will be a qualified preservation professional certified under the requirements of 36 CFR 61.

The CR Manager's tasks will include the following:

- Understanding the content and application of the HPP and its implementation methods;
- Understanding AFRH's responsibilities under Section 110 and Section 106 of the NHPA and other related federal laws and regulations, and advising the FPO in the implementation of those responsibilities;
- Understanding and guiding AFRH in the application of the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines;
- Assisting the FPO with Cultural Resource Management (CRM) duties, including maintaining interaction and coordination with AFRH-W's CCO and DC SHPO;
- Managing the AFRH-W RI/CRM Database;
- Assisting the FPO in the completion of proposals for and implementation of preservation treatment actions affecting contributing resources (built and landscape); and
- Assisting the FPO in the appropriate care of surplus or "mothballed" buildings and structures.
- Assisting the FPO in the review of AFRH and AFRH-W planning documents that will affect the Historic District and contributing resources.

## ***H. APPLY THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES TO INDIVIDUAL CONTRIBUTING RESOURCES OF THE HISTORIC DISTRICT IN A MANNER CONSISTENT WITH THEIR RELATIVE LEVEL OF SIGNIFICANCE.***

To ensure that AFRH applies the appropriate standard of treatment to all work affecting contributing resources, AFRH will rely on the findings of the HPP to direct the appropriate treatment for these

resources. The AFRH-W Resource Inventory (RI) Database identifies all resources (both contributing and non-contributing) within the Historic District and provides basic information on each. It states the contributing status of each resource and an assessment of the significance of the resource (Relative Level of Significance or RLS) within the context of the significance of the Historic District.

Treatment standards correlating to each contributing resource's Relative Level of Significance utilize the Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards and Guidelines for the Treatment of Archeology and Historic Preservation, and Guidelines for the Treatment of Cultural Landscapes. If the evaluation found the resource to be non-contributing to the Historic District, there are no preservation treatment requirements per se; however, it is anticipated that (1) any changes to the non-contributing resources must comply with the Treatment Standards in correspondence with the restrictions found in the discussion of Exempt Activities and (2) the treatment will not have an adverse effect on the Historic District or any contributing resources within the Historic District. In addition, a record of all non-exempt actions affecting the real property is required.

If the evaluation found the resource to be contributing to the Historic District, the inventory identifies its Relative Level of Significance using four levels: Key, Significant, Supporting, and Minor. This Relative Level of Significance corresponds to a prescribed treatment that follows the Secretary of Interior's Standards and associated guidelines for all work affecting contributing resources, appropriate to their individual Relative Level of Significance. To ease the matching of a resource with the appropriate treatment, the AFRH-W RI Database presents the appropriate treatment on data sheets. AFRH will follow the recommendations to the extent feasible in proposing and implementing treatment of its contributing (built and landscape) resources. A substantial modification from the recommended treatment requires review of the undertaking under the Section 106 review process.

The Treatment Standards are presented in a table that describes the appropriate treatment for contributing resources based on their Relative Levels of Significance. The tables also indicate the procedures that AFRH will follow when proposing treatments for contributing resources, depending on their Relative Level of Significance, and indicates the role of the DC SHPO in reviewing proposed treatment. The Treatment Standards also address actions affecting non-contributing resources to insure that changes to these resources will not have an adverse affect on the Historic District.

## ***I. INTEGRATE THE HPP INTO THE MASTER PLANNING PROCESS.***

To ensure that the master planning process includes historic preservation planning principles espoused by the HPP, AFRH will integrate the HPP into the AFRH-W master planning process.

## ***J. IDENTIFY AND PRIORITIZE REAL PROPERTY NEEDS.***

First, in accordance with EO 13287, EO 13327, and Section 110 of the NHPA, AFRH will report to the federal government on a regular basis as to the status of its inventory of historic resources, assessment of the general conditions and management needs of its real property, and identification of the steps underway or planned to meet those management needs. This report will identify and prioritize the needs based on the Relative Level of Significance of the affected resources, AFRH's mission, and the severity of need. Further, it will include an evaluation of the suitability of the resources to contribute to the community economic development initiative, including heritage tourism, taking into account AFRH's mission needs, public access considerations, and the long-term preservation of the properties. As required

by EO 13287, this report will be updated and made available to the ACHP and the Secretary of the Interior every three years.

Second, in accordance with EO 13327, AFRH will develop and implement an AFRH asset management process, which will be reported annually. Because the Home has been determined eligible for listing as a historic district, AFRH will respond to the requirements of EO 13327 in concert with its efforts to respond to EO 13287. AFRH will ensure that the goals of the two executive orders are met in a manner that will advance contemporary use of its historic resources, as well as protect and enhance those historic resources, and promote their efficient and economical use.

Under the direction of the COO, the FPO, with assistance from the CR Manager, will coordinate efforts with the SRPO to ensure that AFRH meets the requirements of the executive orders.

Third, AFRH will develop and implement a Historic Preservation Maintenance Program (HPMP) designed to identify and prioritize the maintenance needs of the Home's contributing (built and natural) resources.

## ***K. PREPARE FORMAL DOCUMENTATION PRIOR TO UNDERTAKING SUBSTANTIAL OR EXTENSIVE WORK ON KEY AND SIGNIFICANT RESOURCES.***

To assure the appropriate protection and treatment of all Key and Significant resources within the Historic District, AFRH will be responsible for the preparation of formal documentation of these resources prior to the implementation of any substantial or extensive work on these resources, whether it is for the purposes of alteration or restoration.

“Substantial or extensive work” is defined as any work that calls for the alteration or removal of major portions of historic fabric or which has the potential to modify or diminish the integrity of the resource. The definition does not include minor alterations such as the modification of an interior space for a new use (e.g. alteration of a former sleeping room into an office, or the addition of new partitions that are clearly distinct from the historic surroundings), the addition of clearly definable elements (such as an ADA ramp), or the replacement of an existing non-original element with a well-documented reconstruction of the original (the replacement of altered entrance steps or non-original windows with new elements that match the original as identified and documented to the satisfaction of the FPO and, if appropriate, the DC SHPO), as long as the work will not result in the irreversible loss of integrity. In certain cases, such as the alteration, replacement, or installation of systems (i.e. electrical, mechanical, and/or HVAC, etc.), or window replacement, a proposed undertaking may appear to meet the definition of “substantial or extensive work” due to its comprehensive character; however, the manner in which the work is proposed may exclude the application of the definition. In all cases, the FPO will make the final determination as to whether a proposed undertaking meets the “substantial or extensive work” definition and thereby requiring the preparation of formal documentation of the resource.

The documentation will identify the history and significance of the resource, its role within the historic context of the AFRH-W Historic District, character-defining materials, spaces, and features, detail appropriate preservation treatments, and provide contract specifications for routine maintenance, rehabilitation, repair, and alteration projects for the resources. AFRH will be responsible for the preparation of the documentation for each resource proposed to undergo “substantial or extensive work” prior to the submission of a DC SHPO Undertaking Review Request (URR) and will consider the

documentation findings prior to proposing the specific undertaking so that the findings may be fully integrated into the formal proposal.

Recommended formal documentation includes preparation of one of the following formal reports: Historic Structure Report (HSR) or Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) for built resources, and Historic American Landscape Surveys (HALS) for the cultural landscape. The reports will be prepared using the relevant methodology and product standards.

## ***L. IMPLEMENT AFRH-W RESOURCE INVENTORY/CRM DATABASE.***

An AFRH-W RI Database was prepared as part of the HPP and is appropriate for use as the basis for an AFRH-W RI/CRM Database. As feasible, the AFRH-W RI/CRM Database will be coordinated with the AFRH-W's Computerized Maintenance Management System (CMMS) that is operated by the AFRH-W Office of Campus Operations (OCO).

## ***M. REPLACE CURRENT CMMS WITH NEW CMMS SOFTWARE THAT ALLOWS EASY INTEGRATION WITH THE AFRH-W RESOURCE INVENTORY/CRM DATABASE.***

The AFRH-W OCO is planning to replace or update the current CMMS. The selection criteria for the new software would include the capability for easy integration with the AFRH-W Resource Inventory/CRM Database, such as automatic flagging of activities that will take place in locations that may affect Contributing resources. The OCO should work with the FPO to integrate the new/updated CMMS with the AFRH-W Resource Inventory/CRM Database.

## ***N. PROVIDE DC SHPO WITH AN ANNUAL REPORT OF ACTIVITIES RELATED TO THE IMPLEMENTATION OF THE HPP.***

FRH shall report annually to the DC SHPO as to the activities related to the HPP to ensure the DC SHPO that AFRH is maintaining its commitment to the HPP, the controlling PA, and the MOU. The report will be provided to the DC SHPO annually within sixty (60) days of the completion of the Fiscal Year.

## ***O. CONDUCT SPECIFIC PHASE 1 ARCHAEOLOGICAL ASSESSMENTS AND SURVEYS***

Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures.



## IV. PRESERVATION MANAGEMENT OVERVIEW

### A. GENERAL POLICIES

The DC SHPO has determined that the Home is eligible for listing in the National Register and, consistent with this determination, AFRH intends to nominate the property in its entirety to the National Register. Accordingly, AFRH has identified and evaluated all resources within the boundaries of the Home in consultation with DC SHPO to determine their relative level of significance.

In 2006, AFRH submitted a draft Master Plan for the AFRH-W campus to NCPC. This Master Plan delineates the campus into four zones: the AFRH Zone, which contains the majority of the historic resources associated with the campus, Development Zone A, which includes the southeast portion of the campus, Development Zone B, which is a small portion of the southwest campus, and Development Zone C, which is a portion of the mid-western section of the campus. As the boundaries of the Historic District are congruent with the boundaries of the AFRH-W campus, all these zones fall within the historic district boundaries. AFRH intends to identify and contract with private entities to ground lease the land that comprises each of the three Development Zones with privately owned infrastructure, buildings, and structures.

As a result of this development, AFRH has entered into a “Memorandum of Understanding and Statement of Land Use Review Process for the Development of the Armed Forces Retirement Home-Washington Site” (MOU) to direct how reviews of federally and privately owned resources sited on federal land will be handled.<sup>51</sup> This MOU states that following the approval of the Master Plan, the land and resources occupied by AFRH and AFRH-W will be reviewed following federal review processes, including NCPC and Section 106 and 110 of the NHPA, while privately owned resources on ground-leased federal land will be treated as privately-owned resources subject to the District of Columbia zoning, building, and historic preservation laws and regulations.

All proposed work that may affect contributing resources, regardless of their location within the Historic District, will be reviewed by AFRH through its OCO and CMMS and AFRH-W RI/DB to insure that the appropriate approved AFRH-W Historic Standard Operating Procedures will be followed. Work affecting all non-contributing resources within the AFRH Zone that does not adversely affect the Historic District shall require no further consultation with the DC SHPO; however, AFRH will record in the AFRH-W RI/CRM Database basic information regarding the execution of non-exempt treatment to non-contributing resources. All work on non-contributing resources within the Development Zones will not be monitored or documented by AFRH-W.

### B. AFRH ORGANIZATION

AFRH is the umbrella organization that oversees the Home. AFRH’s administrative offices are located at the Home. AFRH is headed by a COO, who is assisted in the administration of AFRH by a Chief Financial Officer (CFO) and a Chief Architect (CA). The AFRH-W, also known as the Home, is headed by a Director, who is supported by a Deputy Director and Secretary. Functions of the Home are divided

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<sup>1</sup> See Appendix: “Memorandum of Understanding and Statement of Land Use Review Process for the Development of the Armed Forces Retirement Home-Washington Site”



into three major areas: Resident Services, Healthcare Services, and Campus Operations. A chief officer heads each of these divisions. In addition, there is a Business Center and a support staff.

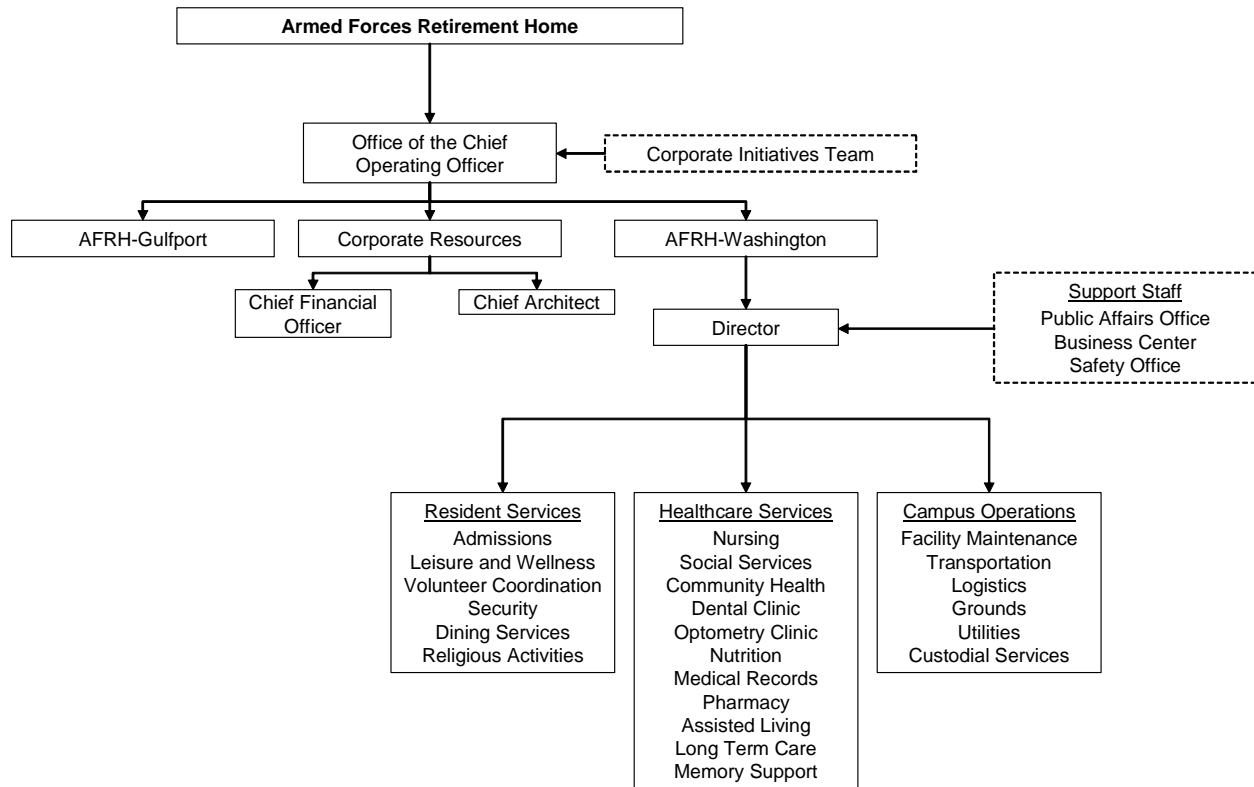


Figure 0.1: AFRH Organizational Chart (EHT Tracerics, Inc., 2007)

### C. DEFINITION OF UNDERTAKING

An undertaking is defined by NHPA as a “project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.”<sup>6</sup> With limited exceptions, all work related to real property at the Home is under the direct or indirect jurisdiction of AFRH, a federal agency under the Executive Branch of the federal government, and, that work requires a federal permit, license, or approval from the NCPC, all such work is considered to be an undertaking.<sup>7</sup> Please note that work undertaken by an AFRH ground-lease Developer in Development Zones (i.e. outside the AFRH Zone and as defined by the AFRH-W Master Plan) on contributing resources that will be occupied for non-federal purposes may fall under the terms of the “Memorandum of Understanding and Statement of Land Use Review Process for the Development of the Armed Forces Retirement Home-Washington Site” (MOU) requiring District of Columbia review and, hence, will not be considered “Undertakings” as defined by Section 106 and 110 of the NHPA.

Real property refers to land and improvements to land, buildings, and facilities, including improvements and additions, and utilities and infrastructure systems. It includes changes that affect all resource types as identified by the HPP, including buildings, structures, objects, and sites. Various undertakings occur or are anticipated to occur at the Home that will affect its real property. These activities are organized into major and related undertakings of Capital Improvement: Adaptive Use, Preservation [Maintenance,

Repair, and Restoration], and Alteration; Abandonment/Mothballing; Disposal (Demolition/Removal, Transfer, Negotiated Sale, Donation, and Sale); and Ground-Disturbing Activities.

## D. CATEGORIZATION OF UNDERTAKINGS

Undertakings related to real property are categorized as:

<b>TABLE 6.1: CATEGORIZATION OF UNDERTAKINGS</b>	
<b><i>Major Undertaking</i></b>	<b><i>Related Undertaking</i></b>
Capital Improvement	Adaptive Use
	Preservation: Maintenance
	Preservation: Repair
	Preservation: Restoration
	Alteration
Abandonment/ Mothballing	
Disposal	Demolition/Removal
	Transfer
	Negotiated Sale
	Donation
	Sale
	Ground Lease
New Construction	
Ground-Disturbing Activities	Within Archeologically Sensitive Zones
	Unanticipated Discoveries

### 1. CAPITAL IMPROVEMENTS

Capital Improvement is a major category of undertakings to the real property, constituting an improvement that increases the Home's material worth and extending its useful life by a substantial length of time. The subcategories of Capital Improvement are:

#### ADAPTIVE USE

Adaptive use is the permanent conversion or change in function or use of all or part of real property. It is the creation of a new use for a real property that has outlived its current use, through the identification of a compatible use for the resource that is possible through repair,

alterations, and additions concomitant with the preservation of those portions or features that convey its historic or cultural values.

## **PRESERVATION**

Preservation is the process of taking actions necessary to sustain the existing form, integrity, and materials of an historic property and/or resource. There are three primary types of Preservation:

- Maintenance: work required to preserve and maintain a real property in the condition that it may be used effectively for its designated purpose;
- Repair: correction of deficiencies in failed or failing components of existing real properties or systems; and
- Restoration: returning a property or resource to its appearance at a particular period. This may include the removal of inappropriate elements, modification of altered elements, or the addition of missing elements.

## **ALTERATION**

Alteration is a change to the property or resource that may or may not be historically appropriate. Substantial alteration is an extensive change, one that modifies an essential element, or one that results in a loss of integrity.

## **2. ABANDONMENT/MOTHBALLING**

Abandonment is the act of vacating a resource without plans for its future. Mothballing is act of temporarily securing a vacant or unused real property and its component features to protect against damage by weather, vandalism, or break-ins.

## **3. DISPOSAL**

Disposal is any authorized method to divest control or responsibility for real estate and real property by transfer, negotiated sale, sale, donation, or ground lease.

## **DEMOLITION**

Demolition is the destruction of real property of the whole or part of real property.

## **TRANSFER**

Transfer is the conveyance of real property to the control of another federal agency authorized by law or regulation.

## **NEGOTIATED SALE**

Negotiated Sale is the sale of real property to a state, local government body, or tax-supported entity for fair market value.

## **SALE**

Sale is the conveyance of real property as authorized by law or regulation.

## **DONATION**

Donation is the conveyance of real property to a state or local government, or tax-supported entity, or other when the real property has no commercial value or the estimated sales proceeds are less than the estimated cost of continued care and handling.

## **GROUND LEASE**

Ground Lease is the negotiated long-term lease of real estate, which may or may not include real property, to a private entity. Such a lease may grant extensive rights to use and occupancy, including demolition and new construction, as well as full care and maintenance.

## **4. NEW CONSTRUCTION**

New Construction is the process of erecting or assembling of new real property. It references the work required to add, expand, extend, alter, convert, or replace existing real property.

## **5. GROUND DISTURBING ACTIVITIES**

Ground Disturbing Activities are those activities in which the physical ground is broken and/or disturbed during the execution of an undertaking.

## **WITHIN ARCHEOLOGICALLY SENSITIVE ZONES**

Within Archeologically Sensitive Zones is the action of locating archeological resources within areas that have been predicted to be an archaeological-related site.

## **UNANTICIPATED DISCOVERIES**

Unanticipated Discoveries is the action of discovering archeological resources in areas that have not been predicted to be archeologically related sites and within which there was no anticipation of discovering resources.

## *E. EXEMPT UNDERTAKINGS*

Certain undertakings are exempt from review by DC SHPO once reviewed by the FPO. These include:

- Undertakings that address an imminent threat to human health and safety;
- Undertakings specifically addressed as exempt through a fully executed PA or an individual MOA executed in conformance with 36 CFR 800.14; and/or
- Undertakings specifically addressed in the HPP as AFRH-W EXEMPT ACTIVITIES. AFRH can conduct these activities without notice to, review by, or other action by the FPO unless specifically stated in Table 6.2: AFRH-W EXEMPT ACTIVITIES.

It is anticipated that the implementation of Exempt Activities will be recorded in the AFRH-W RI/CRM Database, following the procedures outlined in the Historic Preservation Standard Operating Procedures (HP SOP).

**TABLE 6.2 AFRH-W EXEMPT ACTIVITIES FOR BUILT RESOURCES (BUILDINGS, STRUCTURES, AND OBJECTS)**

<i>Contributing</i>	<i>Non-Contributing</i>
<ul style="list-style-type: none"> <li>• Maintenance of exterior elements in accordance with AFRH-W HP SOP for Maintenance; This includes cleaning of masonry, metal, or painted wood with water if the water pressure does not exceed 100 PSI</li> <li>• Repair of exterior elements in accord with AFRH-W HP SOP for Repair when the elements are not visible when viewed from surrounding area</li> <li>• Repair of interior elements in accord with AFRH-W HP SOP for Maintenance when the elements are not visible within contributing spaces</li> <li>• Repair of interior elements located within non-contributing spaces</li> <li>• In-kind refinishing (including painting of previously painted surfaces) of exterior elements in accord with AFRH-W HP SOP for Maintenance when the elements are not visible when viewed from surrounding area</li> <li>• In-kind refinishing of interior elements in accord with AFRH-W HP SOP for Maintenance when the elements are not visible within contributing spaces</li> <li>• Repainting of interior surfaces that were previously painted</li> <li>• In-kind replacement of exterior elements that are not visible when viewed from surrounding area</li> <li>• In-kind replacement of interior elements that are not visible within contributing spaces</li> <li>• In-kind replacement of interior elements within non-contributing spaces</li> <li>• Repair or replacement of small, functional non-original/non-historic elements when not harmful to historic material and the action is reversible</li> <li>• Introduction of energy conservation measures that are not visible or that do not alter or detract from the qualities that make resources contributing or the Historic District eligible</li> <li>• Interior modifications associated with compliance with the Americans with Disabilities Act (ADA) of 1990 (28 CFR Part 35) when located within non-contributing spaces and not visible on the exterior when viewed from surrounding area</li> <li>• Maintenance of contributing interior spaces when following AFRH-W HP SOP for Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Repair of exterior elements</li> <li>• Refinishing of exterior elements</li> <li>• Replacement of exterior elements as long as replacement is same or similar in-kind (i.e., roof material, color, profile, etc.) and the original/replacement element is not obtrusive in the Historic District</li> <li>• All interior work, including maintenance, repair, refinishing, and replacement of elements</li> <li>• Introduction of energy conservation measures as long as not visually obtrusive to the Historic District</li> <li>• Modifications associated with compliance with the Americans with Disabilities Act (ADA) of 1990 (28 CFR Part 35) as long as not visually obtrusive to the Historic District</li> </ul>

**TABLE 6.3 AFRH-W EXEMPT ACTIVITIES FOR LANDSCAPE (DESIGNED AND NATURAL) RESOURCES**

<i>Contributing</i>	<i>Non-Contributing</i>
<ul style="list-style-type: none"> <li>• Maintenance of masonry site features such as roads (including curbs, gutters, and roadbeds), bridges, culverts, fire lanes, paths, and sidewalks in accord with the AFRH-W HP SOP for Maintenance; This includes cleaning of masonry, metal, or painted wood with water if the water pressure does not exceed 100 PSI</li> <li>• Maintenance of recurring site features such as fences, gates, benches, etc. in accord with the AFRH-W HP SOP for Maintenance</li> <li>• Repair in-kind of masonry site features and recurring site features in accord with the AFRH-W HP SOP for Maintenance</li> <li>• Maintenance of lawn and field grasses</li> <li>• Replanting of annual and perennial plants in planting beds, pots, and urns</li> <li>• Cyclical pruning of trees and shrubbery</li> <li>• Removal or control of invasive species trees and plant material</li> <li>• Removal of damaged or dead trees and plant material with CRM notification prior to action</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance of masonry features such as roads (including curbs, gutters, and roadbeds), fire lanes, paths, and sidewalks</li> <li>• Maintenance of recurring site features such as street lamps, trash cans, benches, and the like</li> <li>• Repair of masonry site features such as roads (including curbs, gutters, and roadbeds), fire lanes, paths, and sidewalks using in-kind or similar materials</li> <li>• Repair of recurring site features such as street lamps, trash containers, benches, etc. using in-kind or similar materials</li> <li>• Cyclical pruning of trees and shrubbery</li> <li>• Maintenance of lawn and field grasses</li> <li>• Removal of damaged or dead trees and plant material</li> </ul>

**TABLE 6.4 AFRH-W EXEMPT ACTIVITIES FOR ARCHEOLOGICAL RESOURCES (KNOWN POTENTIAL ARCHEOLOGICAL SITES AND ARCHEOLOGICAL SENSITIVE ZONES)**

<i>Contributing</i>	<i>Non-Contributing</i>
<ul style="list-style-type: none"> <li>• Maintenance work on existing features within boundaries of site (such as roads, fire lanes, mowed areas, disposal areas, and ditches) that does not involve ground disturbance</li> <li>• Replanting of pre-existing planting beds</li> <li>• Removal of dead or damaged non-contributing natural plant resources with CR Manager notification seven days prior to action</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

## V. HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR AFRH-W UNDERTAKINGS

AFRH has established Historic Preservation Standard Operating Procedures (HP SOP) for the treatment of its contributing historic and cultural landscape (built and landscape) resources, as well as for handling the possibility of disturbance of the archeological sensitive zones. The procedures presented in each HP SOP are based on AFRH's responsibilities as a federal agency within the Executive Branch and reflect the requirements of Section 110 and Section 106 of NHPA and its associated regulations. These procedures are coordinated with procedures of the AFRH-W OCO that are presently in effect at the Home. Should the OCO modify its procedures, the HP SOPs will be changed accordingly to ensure the continuation of an efficient system with optimum protection afforded to the Historic District and its contributing resources.

### A. *LIST OF THE HOME'S HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES*

AFRH has prepared HP SOPs for the Home. These include:

AFRH HP SOP #1:	Section 106 Review for All Undertakings
AFRH HP SOP #2:	Capital Improvement: Adaptive Use
AFRH HP SOP #3:	Capital Improvement: Preservation – Maintenance
AFRH HP SOP #4:	Capital Improvement: Preservation – Repair
AFRH HP SOP #5:	Capital Improvement: Preservation – Restoration
AFRH HP SOP #6:	Capital Improvement: Alteration
AFRH HP SOP #7:	Abandonment/Mothballing
AFRH HP SOP #8:	Disposal: Demolition/Removal
AFRH HP SOP #9:	Disposal: Transfer, Negotiated Sale, Donation, or Sale
AFRH HP SOP #10:	Disposal: Ground Lease
AFRH HP SOP #11:	New Construction
AFRH HP SOP #12:	Ground Disturbing Activities and Treatment of Archeological Resources
AFRH HP SOP #13:	Responding to ARPA Violation
AFRH HP SOP #14:	Coordination of NEPA with Cultural Resource Requirements
AFRH HP SOP #15:	Determination of Exemption

### B. *GUIDANCE FOR SECTION 106 COMPLIANCE*

AFRH will coordinate compliance under Section 106 of the NHPA when pursuing an undertaking related to real property that may affect the Historic District and/or its contributing resources. To assist AFRH with the review process, a series of HP SOPs is included in the HPP. The HP SOPs provide guidance and systematic direction for complying with Section 106. AFRH HP SOP #1 relates to Section 106 and is the basic process that is necessary in all cases; the HP SOPs that follow are specific to individual undertakings and provide guidance specific to the individual undertakings.



### ***C. STANDARD FORMS TO ASSIST IN SECTION 106 COMPLIANCE***

The HPP includes two standard forms designed to assist AFRH's administration with the Section 106 compliance process. The forms will ease the review process by ensuring that all necessary information is included for each stage of review. The forms include:

- AFRH Historic Preservation Action Request (HPAR)
- DC SHPO Undertaking Review Request (URR)

### ***D. AFRH HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR UNDERTAKINGS***

The HPP includes fifteen HP SOPs: an individual HP SOP for each of the thirteen defined undertakings and an additional HP SOP addressing the procedures for determination of an exemption. Several of the HP SOPs are broad in focus, as they relate to areas that are introductions to the basic HP SOP covering the Section 106 Review Process, others include a systematic process, and some include a flow chart to assist AFRH with their implementation.

# AFRH HP SOP #1

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES*

### *FOR*

## *SECTION 106 REVIEW FOR ALL UNDERTAKINGS*

### **POLICY:**

AFRH will review all activities defined in the HPP as undertakings, unless specifically “Exempt” or falling under the MOU as a private action subject to District of Columbia zoning, building, or historic preservation laws and regulations and therefore not considered an undertaking. This review will use the general process stated in Section 106 of NHPA and its regulations.

### **PROCEDURES:**

The procedure presented below represents 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 OCO), and the review process as agreed in the controlling PA. Specifically, this approach to Section 106 review allows AFRH and the DC SHPO to consult directly to avoid, minimize, or mitigate any adverse effects to the Historic District and its contributing resources. This process applies to the review of all projects involving federal buildings or 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. The process will be initiated upon execution of the appropriate AFRH-W Historic Preservation Standard Operating Procedure (AFRH-W HPSOP)

### **STEP 1: INTERNAL REVIEW**

The Action Agent will initiate internal review of the proposed action by completing a Cultural Resources Management Action Request (CRMAR), an internal form that is submitted by the applicant to the OCO. Based on the CRMAR, the OCO will determine whether the proposed action involves historic resources and/or properties at AFRH-W by using the AFRH-W RI/CRM Database.

#### **DOES NOT INVOLVE HISTORIC RESOURCES AND/OR PROPERTIES...**

If the proposed action does not involve historic resources or properties, the OCO will forward the document to the FPO who will document the finding in the AFRH-W RI/CRM Database. The FPO will sign the CRMAR and will file the form in FPO records. The FPO, in coordination with the OCO, will then instruct the Action Agent to proceed without further review unless review is required by NCPC and/or CFA.

#### **INVOLVES HISTORIC RESOURCES AND/OR PROPERTIES...**

If the proposed action does involve historic resources and/or properties, the OCO must determine whether the proposed action is an Exempt Activity, as defined in Tables 6.2, 6.3, and 6.4 of this chapter of the HPP. The OCO will note the determination in Section 1 of a Historic Preservation Action Request (HPAR), an internal form used to document actions made to historic resources. The OCO will then attach the HPAR to the CRMAR and submit the forms to the FPO.

#### **PROPOSED ACTION IS AN EXEMPT ACTIVITY...**

If the OCO has made a determination that the proposed action is an Exempt Activity, the FPO will sign the HPAR, note the determination in the AFRH-W RI/CRM Database, and file the CRMAR and HPAR in FPO records. The FPO, in coordination with the OCO, will then instruct the Action Agent to proceed without further review.

#### **PROPOSED ACTION IS NOT AN EXEMPT ACTIVITY...**

If the OCO has made a determination that the proposed action is not an Exempt Activity, the FPO must then make an initial determination of effect and note the determination in Section 2 of the HPAR.

#### **ACTION WILL NOT RESULT IN ADVERSE EFFECTS...**

If the proposed action does not have potential to adversely affect historic resources and/or properties associated with AFRH-W, the FPO will note the determination in an Undertaking Review Request (URR), a form that initiates consultation with DCSHPO. The FPO will submit the completed URR to DCSHPO. If DCSHPO concurs with a determination of No Effect, DCSHPO will note concurrence by signing the URR and returning the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the signed URR with the CRMAR and HPAR in the FPO records. The FPO, in coordination with the OCO, will then instruct the Action Agent to proceed without further review.

#### **ACTION WILL POTENTIALLY RESULT IN ADVERSE EFFECT(S)...**

If the proposed action does involve historic resource and/or properties at AFRH-W, is non-exempt, and has potential to adversely affect historic resources/properties associated with AFRH-W, AFRH will initiate internal consultation with the FPO, the AFRH-W CR Manager, and the Action Agent to resolve the adverse effect(s).

#### **INTERNAL CONSULTATION ELIMINATES ADVERSE EFFECT(S)...**

If internal consultation among the FPO, CR Manager, and Action Agent results in the elimination of Adverse Effects, the FPO will note the determination in a URR and submit the URR to DCSHPO. If DCSHPO concurs with a determination of No Effect, DCSHPO will note concurrence by signing the URR and returning the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the signed URR with the CRMAR and HPAR in the FPO records. The FPO, in coordination with the OCO, will then instruct the Action Agent to proceed without further review.

#### **INTERNAL CONSULTATION DOES NOT ELIMINATE ADVERSE EFFECT(S)...**

If the adverse effect(s) cannot be eliminated internally, AFRH (the FPO, CR Manager, and Action Agent) will initiate consultation with the DCSHPO to resolve the adverse effect(s). The FPO will complete a URR noting the determination of Adverse Effect and submit the URR to DCSHPO to initiate consultation.

#### **CONSULTATION WITH DCSHPO ELIMINATES ADVERSE EFFECT(S)...**

If consultation between AFRH (FPO, CR Manager, and Action Agent) and DCSHPO results in the elimination of Adverse Effects, the FPO will revise the URR and submit the URR to DCSHPO. If DCSHPO concurs with a determination of No Effect, DCSHPO will note concurrence by signing the URR and returning the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the signed URR with the CRMAR and HPAR in the FPO records. The FPO, in coordination with the OCO, will then instruct the Action Agent to proceed without further review.

#### **CONSULTATION WITH DCSHPO DOES NOT ELIMINATE ADVERSE EFFECT(S)...**

If consultation between AFRH (FPO, CR Manager, and Action Agent) and DCSHPO does not result in the elimination of Adverse Effects, AFRH must initiate formal Section 106 Review.

### **STEP 2A: INITIATE SECTION 106 REVIEW**

If Adverse Effect(s) cannot be eliminated by initial consultation between AFRH and DCSHPO, AFRH will initiate formal Section 106 Review by inviting ACHP to comment on the action. AFRH is also required to formally notify the NPS if the proposed action will affect the National Historic Landmark (NHL). AFRH must then initiate formal consultation with DCSHPO (and NPS if an NHL is affected) to determine whether the Adverse Effect(s) can be avoided, minimized, or mitigated.

#### **ACTION DOES NOT REQUIRE FEDERAL AGENCY REVIEW...**

If the proposed action does not require agency review by the National Capital Planning Commission (NCPC) or the Commission of Fine Arts (CFA), AFRH will continue Section 106 consultation with DCSHPO (and NPS if NHL affected). Once DCSHPO (and NPS if NHL affected) and AFRH are in agreement of avoidance, minimization, or mitigation measures, AFRH will prepare record of agreement documenting these measures. The record of agreement must be signed by both DCSHPO and AFRH to finalize Section 106 consultation.

#### **ACTION REQUIRES FEDERAL AGENCY REVIEW...**

Typically, the following actions require federal agency review:

- Site acquisition;
- Building construction or exterior renovation, with or without related site improvements;
- Site development such as grading, landscaping, street and road extensions;
- Improvements involving changes in cartway configurations and surface parking; and
- All forms of commemorative works.

If the proposed action is a project that is privately developed for private purposes, NCPC will only require review of the action if the plans deviate from the NCPC-approved Final Master Plan. CFA will require review of all above actions, regardless of whether the project is intended for AFRH use or requires a building permit.

If the proposed action requires federal agency review by NCPC and/or CFA, AFRH will execute the “AFRH Design Review Process” while continuing Section 106 consultation with DCSHPO (and NPS if NHL affected).

#### **DCSHPO AND AFRH COME TO AN AGREEMENT...**

Once a record agreement is signed, the FPO will revise the URR and submit the URR to DCSHPO. If DCSHPO concurs with a determination of No Effect, DCSHPO will note concurrence by signing the URR and returning the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the signed URR with the CRMAR, HPAR, and a copy of the record of agreement in the FPO records. The Action Agent may then proceed based on stipulations set forth in the record of agreement.

#### **DCSHPO AND AFRH DO NOT COME TO AN AGREEMENT...**

If DCSHPO and AFRH are not able to come to an agreement, AFRH must initiate dispute resolution with ACHP as required by Section 106 and defined in the Programmatic Agreement. AFRH must make a decision based on ACHP comments and inform DCSHPO of the decision before submitting for Final Review. DCSHPO will note No Agreement in the URR and return the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the URR with the CRMAR, and HPAR in the FPO records. The Action Agent may then proceed based on the final decision by AFRH.

### **STEP 2B: AFRH DESIGN REVIEW PROCESS**

Projects subject to the AFRH Design Review Process can be categorized in two groups:

1. Projects involving federal buildings or federal uses; and
2. Projects that are privately developed for private purposes.

NCPC will perform review in accordance with the Memorandum of Agreement among AFRH, NCPC, and the District of Columbia Office of Planning (MOU) and NCPC policies and procedures for projects that involve federal buildings or federal uses at the AFRH-W site.

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 Final Master Plan and so require an amendment to the Master Plan. Some examples of projects requiring amendments would include projects requiring the combining of parcels, projects resulting in the elimination of roads, and projects proposing increases in building heights.

To execute the AFRH Design Review Process, AFRH will initiate consultation with the staffs of NCPC (if required), CFA, and the DC Historic Preservation Review Board (HPRB) and will continue consultation with DCSHPO. The AFRH Design Review Process involves three stages of review:

1. Concept-Level Review (CFA, NCPC – if required, and DCSHPO);
2. Preliminary Review (NCPC – if required and DC SHPO); and
3. Final Review (CFA, NCPC – if required, and DCSHPO).

At the Concept Review and Final Review stages for projects involving either federal buildings or federal uses, or projects that are privately developed for private purposes, AFRH and the Action Agent will create identical design submissions for each reviewing body using the level of detail required by CFA, and the submissions will be reviewed concurrently by the required entities. AFRH will meet sequentially or jointly with CFA, DCSHPO, and NCPC (if required) in accordance with their respective review calendars to receive feedback and comments. The DCSHPO has the option to request review by HPRB for additional feedback and comment at both levels of review. DCSHPO and NCPC (if review is required under the terms of the MOU) also require a Preliminary Review to provide feedback after tentative design decisions have been made but before detailed design work begins. To insure successful Final Review of the proposed action, AFRH and the Action Agent will incorporate feedback from Concept Review, Preliminary Review, and Section 106 Consultation in the submission for Final Review.

AFRH must continue consultation with DCSHPO between all stages of the AFRH Design Review Process. If NCPC review is required, Section 106 consultation must be finalized prior to the submission for Final Review; therefore, AFRH must prepare and DCSHPO and AFRH must sign a record of agreement documenting all avoidance, minimization, and mitigation measures agreed upon during consultation and include the record in the final NCPC submission.

If NCPC review is required, AFRH must receive final NCPC approval before the AFRH Design Process is considered complete. For projects not requiring NCPC approval, the AFRH Design Process is considered complete upon Final Review by CFA and DCSHPO.

#### **DCSHPO AND AFRH DO NOT COME TO AN AGREEMENT...**

If after final DCSHPO review, DCSHPO and AFRH are not in agreement, AFRH must initiate dispute resolution with ACHP as required by Section 106 and defined in the Programmatic Agreement. AFRH must make a decision based on ACHP comments and inform DCSHPO of the decision. If NCPC approval is required, AFRH must inform DCSHPO of the decision before submitting for Final NCPC Review.

#### **FEDERAL BUILDING OR FEDERAL USE...**

Once the required final reviews are completed, federally-funded projects may proceed with the proposed action as stipulated in the record of agreement and any further requirements associated with NCPC final approval, if required. The FPO will revise the URR based on the record of agreement (if applicable) and submit the URR to DCSHPO. DCSHPO will sign the URR, noting concurrence or No Agreement, and return the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the signed URR with the CRMAR, HPAR, and a copy of the record of agreement (if applicable) in the FPO records. The Action Agent may then proceed based on stipulations set forth in the record of agreement or, in the case of no agreement between DCSHPO and AFRH, based on a final decision by AFRH.

#### **PRIVATE DEVELOPMENT FOR PRIVATE USE...**

If the project is privately developed for private use, the Action Agent must receive a DCRA building permit before proceeding. The DC building permit process requires review by HPRB in accordance with the DC historic preservation law. The AFRH Design Review Process outlined above engages HPRB in Section 106 review at DCSHPO option, and the final design review by DCSHPO, acting as staff for HPRB, will constitute the building permit review. Once the building permit has been issued, the FPO will revise the URR and submit the URR to DCSHPO. DCSHPO will note concurrence by signing the URR and returning the URR to the FPO. The FPO will then sign the URR as proof of receipt and file the signed URR with the CRMAR, HPAR, a copy of the record of agreement (if applicable), and a copy of the building permit in the FPO records. The Action Agent may then proceed based on stipulations set forth in the record of agreement and/or building permit.

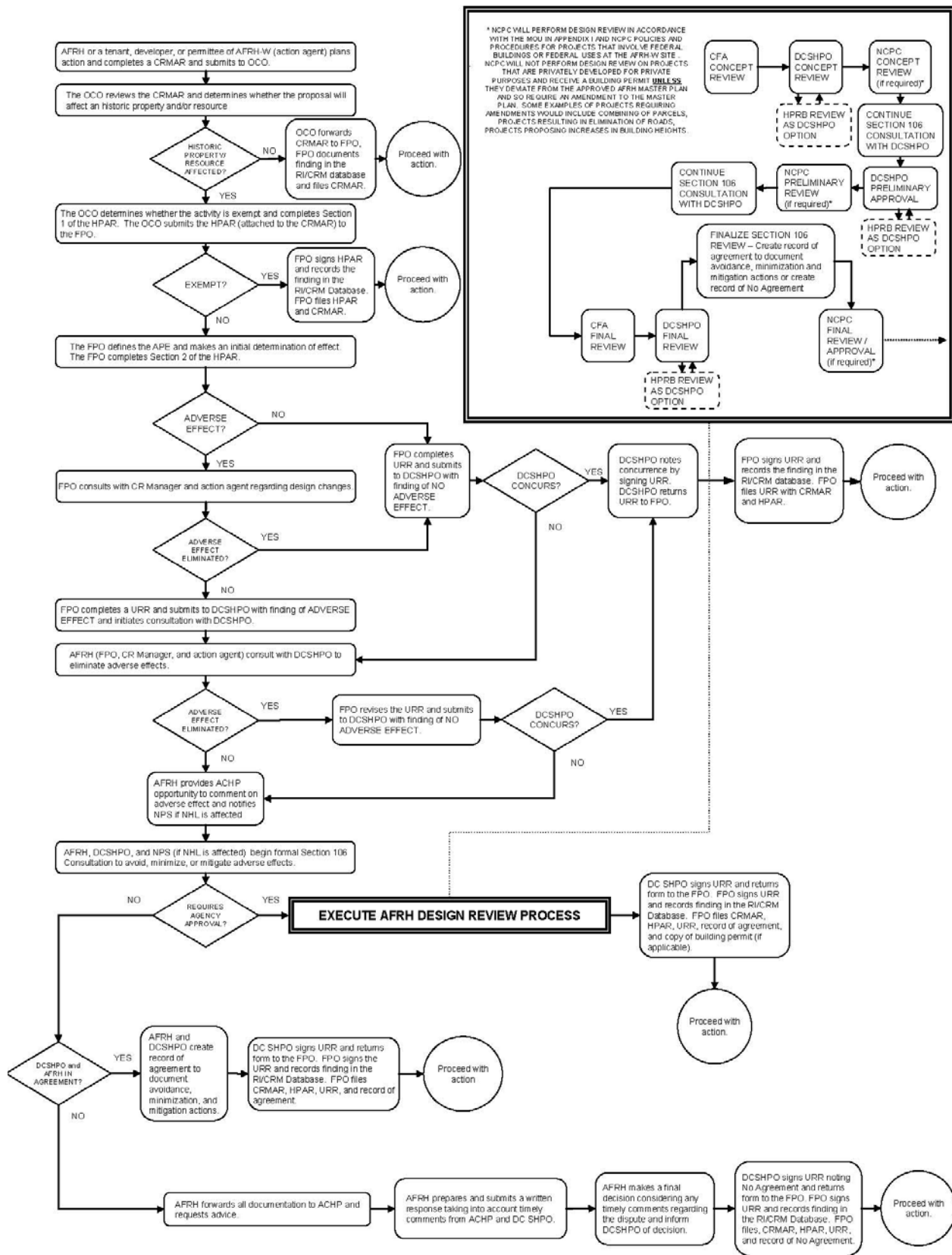


Figure 0.2: AFRH Action Review Process (EHT Tracerics, Inc., 2007)

## **AFRH HP SOP #2**

# ***HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR CAPITAL IMPROVEMENT: ADAPTIVE USE***

### **POLICY:**

Adaptive Use is a desirable solution to the problem of using a contributing resource that no longer has a useful function consistent with AFRH's mission. To avoid or minimize adverse effects on the resource, the FPO will work with the COO, the AFRH-W Director and CCO, and the CR Manager to select a new use that both fulfills AFRH's mission and is compatible with the resource that is unable to function as intended and will not diminish its significance or integrity. All work will comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

### **PROCEDURES:**

The Proposer initiates AFRH HP SOP #1 for Section 106 Review for All Undertakings.



# AFRH HP SOP #3

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR CAPITAL IMPROVEMENT: PRESERVATION – MAINTENANCE*

### **POLICY:**

The protection and preservation of the Historic District and its contributing resources requires the implementation of appropriate and regular planning for maintenance procedures, which are based on the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines. This plan, known as the AFRH-W Historic Preservation Maintenance Program (HPMP), shall provide for preventative maintenance (including routine, scheduled, and unscheduled activities) and for emergency maintenance of all contributing resources (including all built and landscape [designed and natural]) within the Historic District.

The HPMP will address all contributing resources, through a Built Resources section and a Landscape (designed and natural) section. The initial plan will be devised by the OCO in concert with the FPO and will be completed within one year of the implementation of the HPP. The OCO and FPO will update the HPMP on an annual basis.

The Built Resources section will address built resources using the findings from the 2006 Facility Assessment Report (assessing the conditions of the Home's primary built resources) and the 2007 Ten-Year Facility Maintenance Plan (scheduled for completion in 2007), in conjunction with the resources' Relative Level of Significance, their individual importance to AFRH's mission, and the severity of need. This section will include a list of maintenance priorities indicating both the contributing resource location and required discipline, will address issues related to maintenance needs, processes, and proposed scheduling, and will cover the assessments of building systems, basic architectural code analyses, and cost estimates. Contributing resources not covered in the Facility Assessment and Ten-Year Facility Maintenance Plan will be included in the HPMP as appropriate. The Built Resources section will present the information in a manner consistent with the organization, definitions, and evaluations of the HPP. The assessment will be prepared in a manner allowing for easy entry of findings into the AFRH-W RI/CRM Database.

The Landscape Resources section of the HPMP will address landscape (designed and natural) resources using findings from the 2007 Landscape Management Plan (scheduled for completion in 2007), which will present a management program that outlines a schedule for the maintenance, repair, and replanting of landscape resources, the standards and guidelines for implementation, and the prioritization of need, with information gathered in the preparation of the HPP. The plan will take into account resources' Relative Level of Significance of the resources, their individual importance to AFRH's mission, and the severity of need. document the general conditions of landscape (designed and natural) resources found at the Home, identify, locate, and assess the condition of the landscape elements, as well provide cost estimates for

proposed work. Contributing resources not covered in the Facility Assessment and Ten Year Facility Maintenance Plan will be included in the HPMP as appropriate. The Landscape Resources section will present the information in a manner consistent with the organization, definitions, and evaluations of the HPP. The assessment will be prepared in a manner allowing for easy entry of findings into the AFRH-W RI/CRM Database.

To the extent practical, AFRH will devise a reasonable schedule to implement the recommended maintenance priorities for both the built and landscape resources. Further, to maintain control over the implementation of the HPMP, the CCO will coordinate with the FPO to devise a methodology for integrating the identification and protection of contributing resources, and the scheduling of maintenance activities into the OCO's CMMS. This effort utilizes the list of Exempt Activities in an effort to minimize unnecessary paperwork. See Table 6.2: Exempt Activities.

AFRH will ensure that all staff and contractors conducting maintenance and custodial duties affecting contributing resources within the Historic District, will be trained in the application of the Secretary of the Interior's Standards for the Treatment of Historic Properties. In all cases, treatments should be undertaken using the gentlest means possible, avoiding actions that cause or may cause damage to historic materials. The FPO, in consultation with the CCO, will devise training standards to be included in all relevant maintenance contracting agreements. This is anticipated to include a list of approved training courses in prescribed maintenance treatments and certification requirements for maintenance personnel. See Tables 6.4 (AFRH Treatment Recommendations for Buildings and Structures), and 6.5 (AFRH Treatment Recommendations for Objects).

## **PROCEDURES**

### **STEP 1: THE PROPOSER SUBMITS A SERVICE ORDER REQUEST FOR A MAINTENANCE ACTIVITY**

The Proposer submits a Service Order Request (SOR) for maintenance activity at the Home to the OCO for consideration. The request may be generated by AFRH Administration, AFRH-W Administration, a Tenant/Permittee within the Home, or a Developer/Owner on ground-leased land within the Home. The Proposer may submit the request to the OCO via telephone to the emergency work desk, in person to the emergency work desk, via e-mail to the OCO, or authorize staff may enter the SOR into the CMMS.

### **STEP 2: THE OCO SCREENS THE REQUEST**

The OCO screens and analyzes the SOR at the OCO's work desk following OCO procedures, assigns a priority (emergency, urgent, or routine) and completes a work order. If the request requires a type of activity that may affect a contributing resource, the CMMS will flag the request for review by the CCO. The CCO's review includes the Resource Datasheet including the Recommended Treatments from the AFRH-W RI/CRM Database and the confirmation that the proposed determination is or is not an Exempt Activity (See HP SOP #15). If the request is for an Exempt Activity, the CCO will document the finding for recording in the AFRH-W RI/CRM Database, and authorize the request to proceed without further CRM review. If the request is for an activity that is **not exempt**, the proposed action is considered an undertaking and the process moves to HP SOP #1.

## **IN CASE OF EMERGENCIES**

### **DURING A REGULAR WORK DAY**

If the SOR is prioritized as an emergency during the course of a regular work day, the CCO will attempt to notify the FPO prior to taking action. If this is not possible, the CCO will notify the FPO as soon as possible. Upon notification, the FPO looks to the controlling PA for guidance.

### **DURING AFTER HOURS**

Outside of the regular work day, all emergency calls are made to the Security office. The Security officer on duty will determine if a call meets the formal classification of emergency, which is defined as damage to government property, potential loss of life, or potential loss of mission. Upon the determination that there is a real emergency, the Security Officer will directly contact the Maintenance Contractor who is authorized to take immediate action to resolve the problem. In the act of notifying the Maintenance Contractor, the Security Officer will record the request in the Security Blotter. The following business day, in the course of regular review of the Security Blotter, the OCO will review the action, assess the conditions resulting from the emergency and subsequent actions and, as appropriate, notify the FPO of any damage or problems that may have affected contributing resources. Upon notification, the FPO will work in concert with the OCO to take any necessary action to mitigate effects and, as necessary, proceed to the appropriate SOP.

**TABLE 6.5 AFRH TREATMENT RECOMMENDATIONS FOR BUILDINGS AND STRUCTURES**

		<i>Key</i>	<i>Significant</i>	<i>Supporting</i>	<i>Minor</i>
Protect and maintain the resource's original/historic elements.	Interior	√	√		
	Exterior	√	√	√	√
Implement AFRH HPMP for original/historic elements.	Interior	√	√		
	Exterior	√	√	√	
Repair original/historic elements using in-kind materials and finishes.	Interior	√			
	Exterior	√	√	When practical	When practical
Replace original/historic elements only if a repair is not possible. Replacement should replicate materials and finishes.	Interior	√			
	Exterior	√	√	Replacement can be relocated or closely similar to original/historic materials and finished as practical	Replacement can be relocated or closely similar to original/historic materials and finished as practical
Prior to proposing any work prepare FPO-directed appropriate level of documentation	Interior	√	√		
	Exterior	√	√		
<b>AFRH ACTION</b>					
Prepare HPAR for internal review by FPO (in coordination with CR Manager).		√	√	√	√
Prepare URR and submit to the DC SHPO for review. This will require documentation of existing conditions, and may require historic research.		√	√	√	
Record project action in AFRH-W RI/CRM database.		√	√	√	√
Initiate work only upon receipt of DC SHPO written approval or expiration of review period.		√	√	√	

**EXEMPT ACTIVITIES FOR ALL RESOURCE LEVELS OF SIGNIFICANCE:**

- Routine and cyclical preservation maintenance tasks: See AFRH HP SOP #3 Capital Improvements: Preservation – Maintenance.
- Repair/replacement of small, functional non-original/non-historic elements when no harm to historic material and the action is reversible.
- Re-painting only of painted surfaces.
- No-impact cleaning (water pressure must not exceed 100 PSI).

\* Practical is defined as the action that balances functional requirements, daily operations and needs, available materials, financial resources, and time requirements with the visual impact, importance of the element to the resource's integrity, and the public benefits to be accrued by the action.

**TABLE 6.6 AFRH TREATMENT RECOMMENDATIONS FOR OBJECTS**

	<i>Key</i>	<i>Significant</i>	<i>Supporting</i>	<i>Minor</i>
Protect and maintain the resource’s original/historic surfaces and structure.	√	√	√	√
Implement AFRH-W HPMP for original/historic surfaces and structure.	√	√		
Repair original/historic surfaces and structure only using in-kind materials and finishes.	√	√	√ When practical*	√ When practical*
Replace original/historic surfaces and structure only if a repair is not possible. Replacement should replicate materials and finishes.	√	√	√ Replacement can be replicated or closely similar to original/historic materials and finishes as practical	√ Replacement can be replicated but may be generally similar to original/historic materials and finishes as practical
<b><i>AFRH ACTION</i></b>				
Prepare HPAR for internal review by FPO (in coordination with CR Manager).	√	√	√	√
Prepare URR and submit to the DC SHPO for review. This will require documentation of existing conditions, and may require historic research.	√	√	√	
Record project action in AFRH-W RI/CRM database.	√	√	√	√
Initiate work only upon receipt of DC SHPO written approval or expiration of review period.	√	√	√	

***EXEMPT ACTIVITIES FOR ALL RESOURCE LEVELS OF SIGNIFICANCE:***

- Routine and cyclical preservation maintenance tasks: See AFRH HP SOP #3 Capital Improvements: Preservation – Maintenance.
- Repair/replacement of small, functional non-original/non-historic elements when no harm to historic material and the action is reversible.
- Re-painting only of painted surfaces.
- No-impact cleaning (water pressure must not exceed 100 PSI).

\* Practical is defined as the action that balances functional requirements, daily operations and needs, available materials, financial resources, and time requirements with the visual impact, importance of the element to the resource’s integrity, and the public benefits to be accrued by the action.

**TABLE 6.7 AFRH TREATMENT RECOMMENDATIONS FOR LANDSCAPE RESOURCES**

	<i>Key</i>	<i>Significant</i>	<i>Supporting</i>	<i>Minor</i>
Protect and maintain the historic character of the landscape resource.	√	√	√	√
Implement AFRH-W HPMP for landscape resources.	√	√	√	√ To the extent practical
Replace damaged or dead natural original/historic plant material when necessary.	√	√	√	√ To the extent practical
When replacing natural original/historic plant material, use the same species or, if not available, a similar species that resembles the size and form of the vegetation. Substitute cultivars of original plants when originals cannot be located.	√	√	√	√ To the extent practical
When replacing non-original/non-historic plant material, use plant species known to be on site during the appropriate sub-period defined for the Home. Substitute cultivars of period-appropriate plant species when originals cannot be located.	√	√ To the extent practical	√ To the extent practical	√ To the extent practical
When rehabilitating or modifying landscape resources, respect the historic relationship between the built and natural resources to ensure the preservation of the landscape design.	√	√	√ To the extent practical	√ To the extent practical
<b>AFRH ACTION</b>				
Prepare HPAR for internal review by FPO (in coordination with CR Manager).	√	√	√	√
Prepare URR and submit to the DC SHPO for review. This will require documentation of existing conditions, and may require historic research.	√	√		
Record Project action using AFRH-W RI/CRM database.	√	√	√	√
Initiate work only upon receipt of DC SHPO written approval or expiration of review period.	√	√		
<p><b>EXEMPT ACTIVITIES FOR ALL RESOURCE LEVELS OF SIGNIFICANCE:</b></p> <ul style="list-style-type: none"> <li>• Routine and cyclical preservation maintenance tasks. See AFRH HP SOP #3 Capital Improvements: Preservation – Maintenance.</li> <li>• Planting of annuals when no harm to historic plant materials and the action is reversible.</li> <li>• Removal of dead or damaged non-historic/non-original natural plant resources.</li> </ul> <p>* Practical is defined as an action that balances functional requirements, daily operations and needs, available materials, financial resources, and time requirements with the visual impact, importance of the element to the resource’s integrity, and the public benefits to be accrued by the action.</p>				

# AFRH HP SOP #4

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES*

### *FOR*

## *CAPITAL IMPROVEMENT: PRESERVATION – REPAIR*

### **POLICY:**

The preservation of the Historic District and its contributing resources requires the implementation of appropriate and regular plan for repairs based on the Secretary of Interior's Standards for the Treatment of Historic Properties and associated guidelines. This plan shall provide for routine and scheduled repairs and shall be implemented by qualified personnel trained in proper repair procedures for historic resources. Unscheduled repairs are addressed under Maintenance (HP SOP #3) as emergencies.

AFRH shall make a reasonable effort to maintain the defining historic characteristics that represent the property, including the scale, proportion, rhythm, fenestration, materials, orientation and siting, form, color, and ornamentation of its built resources, as well as the defining landscape characteristics that represent the Home, including the retention of historic open space, tall tree canopies, and historic views.

### **PROCEDURES:**

#### **STEP 1: FPO REVIEWS AFRH-W RI/CRM DATA ON THE RESOURCE**

When considering repair, the FPO, with the assistance of the CR Manager, shall first locate the resource proposed for repair using AFRH-W RI/CRM Database and review the Resource Datasheet for that resource to ascertain the resource's contributing status and Relative Level of Significance; and ascertain the Recommended Treatment Standard.

#### **STEP 2: FPO DIRECTS IMPLEMENTATION OF RECOMMENDED TREATMENT STANDARDS**

The FPO, with assistance from the CR Manager, directs the application of the Recommended Treatment Standards using the Secretary of Interior's Standards for the Treatment of Historic Properties and associated guidelines for all repair work. The FPO reviews and documents the work, and if necessary, arranges the DC SHPO reviews as outlined in the Recommended Treatment Standards.

#### **IN CASE OF EMERGENCIES**

All emergency repairs are handled under SOP #3 – Maintenance.

# AFRH HP SOP #5

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR CAPITAL IMPROVEMENT: PRESERVATION – RESTORATION*

### **POLICY:**

Restoration of contributing resources is encouraged. When seeking to restore a resource, AFRH will rely on proper and appropriate documentation to guide its decisions. Prior to initiating restoration of a resource, a period of significance shall be established as the basis for the design. The work will be based on the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically the Restoration Standards, and associated guidelines. Such work will be based on adequate documentation, executed by appropriately skilled artisans, and executed with the appropriate materials to ensure that the finished design represents an accurate depiction of the historic appearance.

### **PROCEDURES:**

#### **STEP 1: FPO REVIEWS AFRH-W RI/CRM DATA ON THE RESOURCE**

When considering restoration, the FPO, with the assistance of the CR Manager, shall first locate the resource proposed for restoration using AFRH-W RI/CRM Database and review the Resource Datasheet for that resource to ascertain the resource's contributing status and Relative Level of Significance; and ascertain the Recommended Treatment Standard.

#### **STEP 2: FPO DIRECTS CR MANAGER TO CONDUCT/OVERSEE DOCUMENTATION OF RESOURCE**

If directed by the resource's Relative Level of Significance, the FPO will make a determination as to whether the proposed undertaking meets the definition for "substantial or extensive work." This determination will direct the level of documentation required prior to developing a final proposal for the work. The FPO will direct the CR Manager to conduct or oversee the appropriate level of research and documentation of the resource's history and physical condition. The preparation of a Historic Structures Report (HSR) is one appropriate vehicle for organizing and presenting the research, analysis, evaluation and recommendations for a restoration. AFRH will be guided in such efforts by the National Park Services' *Preservation Brief Number 43: The Preparation and Use of Historic Structure Reports*. HABS/HAER for built resources and HALS for the cultural landscape are also approved documentation methods.



### **STEP 3: FPO DETERMINES A PERIOD OF SIGNIFICANCE**

The FPO reviews the documentation and determines an appropriate period of significance for use as the basis for the restoration design, taking into consideration whether any later alterations and/or additions has achieved significance on its own, making it inappropriate to proceed with restoration to an earlier period.

### **STEP 4: FPO INITIATES HP SOP #1**

The FPO initiates HP SOP #1 for Section 106 Review of All Undertakings.

# AFRH HP SOP #6

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR CAPITAL IMPROVEMENT: ALTERATION*

### **POLICY:**

When it is necessary for a contributing resource to undergo alteration, as when the use of a building or structure must change for an updated use or expanded purpose, or landscape must be reconfigured to respond to changing functions or circulation patterns, the change shall be minimized to the extent possible to retain a compatible appearance and to avoid diminishing the resource's historic integrity.

When the use of a building or structure must change or a landscape must be altered, AFRH will attempt to devise a design that is consistent to the extent feasible with the original/historic spatial and physical character of the resource. AFRH will endeavor to avoid changes in use requiring alterations that will change the exterior appearance of the building or require demolition of key elements that define its character. If it is not possible to avoid changes, efforts will be made to minimize or mitigate changes.

Prior to preparing a final proposal for review, the FPO will determine whether the alteration meets the "substantial or extensive work" definition and then direct the appropriate level of documentation necessary to properly guide the proposed undertaking.

### **PROCEDURES:**

#### **STEP 1: FPO REVIEWS AFRH-W RI/CRM DATA ON THE RESOURCE**

When considering alteration, the FPO, with the assistance of the CR Manager, shall first locate the resource proposed for restoration using AFRH-W RI/CRM Database and review the Resource Datasheet for that resource to ascertain the resource's contributing status and Relative Level of Significance; and ascertain the Recommended Treatment Standard.

#### **STEP 2: FPO DIRECTS CR MANAGER TO CONDUCT/OVERSEE DOCUMENTATION OF RESOURCE**

If directed by the resource's Relative Level of Significance, the FPO will make a determination as to whether the proposed undertaking meets the definition for "substantial or extensive work." This determination will direct the level of documentation required prior to developing a final proposal for the work. The FPO will direct the CR Manager to conduct or oversee the appropriate level of research and documentation of the resource's history and physical condition. The preparation of a Historic Structures

Report (HSR) is one appropriate vehicle for organizing and presenting the research, analysis, evaluation and recommendations for a restoration. AFRH will be guided in such efforts by the National Park Services' *Preservation Brief Number 43: The Preparation and Use of Historic Structure Reports*. Historic American Building Survey (HABS)/Historic American Engineering Record (HAER) for built resources and Historic American Landscape Surveys (HALS) for the cultural landscape are also approved documentation methods.

### **STEP 3: FPO DETERMINES A PERIOD OF SIGNIFICANCE**

The FPO reviews the documentation and determines an appropriate period of significance for use as the basis for the alteration design, taking into consideration whether any later alterations and/or additions has achieved significance on its own, making it inappropriate to proceed with restoration to an earlier period.

### **STEP 4: FPO INITIATES HP SOP #1**

The FPO initiates HP SOP #1 for Section 106 Review of All Undertakings.

# **AFRH HP SOP #7**

## ***HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR ABANDONMENT/MOTHBALLING***

### **POLICY:**

When a contributing built (building, structure, or object) resource is to be vacated or abandoned, the resource must be protected from weather and the premises secured from vandalism. AFRH will take appropriate action to ensure that the specific physical (materials, construction methods, etc.) of the historic building or structure are taken into account when securing the building or structure by following the NPS *Preservation Brief 31: Mothballing Historic Buildings*.

### **PROCEDURES:**

The FPO AFRH HP SOP #1 for Section 106 Review for All Undertakings.

# AFRH HP SOP #8

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR DISPOSAL: DEMOLITION/REMOVAL*

### **POLICY:**

AFRH will make serious efforts to avoid the demolition or removal of contributing resources from the Historic District. If appropriate, a building, structure, designed landscape, or natural resource should be moved as a last resort to avoid demolition.

### **PROCEDURES:**

#### **STEP 1: FPO PREPARES RATIONALE FOR PROPOSED DEMOLITION/REMOVAL**

The FPO prepares a statement of rationale for the proposed demolition or removal of a contributing resource. The FPO will work with the Proposer in preparing the statement of rationale.

#### **STEP 2: FPO INITIATES SECTION 106 REVIEW**

The FPO initiates AFRH HP SOP #1 for Section 106 Review for All Undertakings.

#### **STEP 3: FPO ARRANGES FOR DOCUMENTATION OF RESOURCE**

Upon DC SHPO's acceptance of the undertaking but prior to demolition or removal, the FPO arranges for the documentation of Key and Significant resources following HABS/HAER or HALS Standards for Recordation (See Appendices). Supporting and Minor resources shall be documented with black-and-white archival photographs.

#### **STEP 4: FPO APPROVES DOCUMENTATION AND SUBMITS TO DC SHPO**

The FPO reviews and approves HABS/HAER/HALS documentation upon completion, submitting it to the DC SHPO for comments. The DC SHPO has thirty calendar days to review and comment on documentation. AFRH responds to DC SHPO comments within thirty calendar days of receipt.

The DC SHPO will provide AFRH a dated receipt documenting the submission. If no reply is received from the DC SHPO after thirty calendar days from dated receipt of the submission, AFRH will assume concurrence with its documentation.

# **AFRH HP SOP #9**

## ***HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES***

***FOR***

***DISPOSAL: TRANSFER, NEGOTIATED SALE, DONATION,  
OR SALE***

### **POLICY:**

If AFRH disposes of a contributing resource through transfer, negotiated sale, donation or sale, covenants that provide for the long-term preservation of the resource shall be attached to the transaction document. If the preservation of the resource is not anticipated or there is no assurance of preservation, HABS/HAER/HALS documentation shall be completed prior to the completion of the transaction (See Appendices).

### **PROCEDURES:**

#### **STEP 1: FPO PREPARES RATIONALE FOR DISPOSAL AND SELECTED METHOD**

The FPO prepares a statement of the rationale for the proposed transfer, negotiated sale, sale, or donation of a contributing resource using the URR.

#### **STEP 2: FPO INITIATES SECTION 106 REVIEW**

The FPO, with assistance from the CR Manager, initiates AFRH HP SOP #1 for Section 106 Review for All Undertakings.

#### **STEP 3: FPO ARRANGES FOR DOCUMENTATION OF RESOURCE**

If the preservation of a resource is not anticipated or there is no assurance of preservation through legal documents accompanying the undertaking upon DC SHPO's acceptance of the undertaking but prior to transfer, negotiated sale, donation, and/or sale, the FPO arranges for the documentation of Key and Significant resources following HABS/HAER/HALS Standards for Recordation (See Appendices). Supporting and Minor resources shall be documented with black-and-white archival photographs.

#### **STEP 4: FPO APPROVES DOCUMENTATION AND SUBMITS TO DC SHPO**

The FPO reviews and approves the HABS/HAER/HALS documentation upon completion, submitting it to the DC SHPO for comments. The DC SHPO has thirty calendar days to review and comment on documentation. AFRH responds to DC SHPO comments within thirty calendar days of receipt.

The DC SHPO will provide AFRH a dated receipt documenting the submission. If no reply is received from the DC SHPO after thirty calendar days from dated receipt of the submission, AFRH will assume concurrence with its documentation.



# **AFRH HP SOP #10**

## ***HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR DISPOSAL: GROUND LEASE***

### **POLICY:**

AFRH has the authority to sell or lease real estate and deposit revenue into its trust fund to support its operations and mission. If AFRH enters into a ground lease, covenants that provide for the protection and long-term preservation of any contributing resources to be affected shall be attached to the transaction document. If the preservation of the resource is not anticipated or there is no assurance of preservation with the ground lease, HABS/HAER/HALS documentation shall be completed prior to the completion of the transaction (See Appendices).

### **PROCEDURES:**

#### **STEP 1: FPO PREPARES RATIONALE FOR GROUND LEASE**

The FPO prepares a statement of the rationale for the proposed ground lease of a contributing resource using the URR.

#### **STEP 2: FPO INITIATES SECTION 106 REVIEW**

The FPO, with assistance with the CR Manager, initiates AFRH HP SOP #1 for Section 106 Review for All Undertakings.

#### **STEP 3: FPO ARRANGES FOR DOCUMENTATION OF RESOURCE**

Upon DC SHPO's acceptance of the undertaking but prior to ground leasing, the FPO arranges for the documentation of Key and Significant resources following HABS/HAER/HALS Standards for Recordation (See Appendices). Supporting and Minor resources shall be documented with black-and-white archival photographs.

#### **STEP 4: FPO REVIEWS AND APPROVES DOCUMENTATION AND SUBMITS TO DC SHPO**

The FPO reviews and approves the HABS/HAER/HALS documentation upon completion, submitting it to the DC SHPO for comments. The DC SHPO has thirty calendar days to review and comment on documentation. AFRH responds to DC SHPO comments within thirty calendar days of receipt.

The DC SHPO will provide AFRH a dated receipt documenting the submission. If no reply is received from the DC SHPO after thirty calendar days from dated receipt of the submission, AFRH will assume concurrence with its documentation.

# AFRH HP SOP #11

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR NEW CONSTRUCTION*

### **POLICY:**

New construction placed into Character Areas with a Key, Significant, or Supporting Relative Level of Significance shall be designed to be compatible with the Character Area as guided by the approved Master Plan. There is a preference for new construction in Character Areas with diminished integrity, such as those determined to have a Minor Relative Level of Significance or Non-Contributing status. New construction in the latter Character Areas should respect the aesthetic character of the Historic District and the adjacent National Register-eligible properties in a manner consistent with the guidance of the approved Master Plan.

All new construction must be responsive to the recommended approaches as set forth in the design guidelines presented in the approved Master Plan, as well as the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

### **PROCEDURES:**

#### **STEP 1: FPO INITIATES SECTION 106 REVIEW**

The FPO, with assistance with the CR Manager, initiates AFRH HP SOP #1 for Section 106 Review for All Undertakings.

# AFRH HP SOP #12

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES*

### *FOR*

## *GROUND DISTURBING ACTIVITIES AND TREATMENT OF ARCHEOLOGICAL RESOURCES*

### **POLICY:**

Ground-disturbing activities may affect areas of the National Register-eligible AFRH-W Historic District that have been identified as potential archeological sites or as Archeological Sensitivity Zones (ASZ); similarly, ground-disturbing activities in other areas may result in an unanticipated discovery of an archeological deposit. AFRH is committed to the protection of archeological deposits regardless of whether they are found within pre-identified ASZs or are unanticipated discoveries.

Under the Archeological Resources Protection Act (ARPA) of 1979, it is a felony for persons to excavate, remove, damage, or otherwise deface any archeological resource or paleontological remain located on federal land. Consistent with ARPA, archeological investigations may be allowed at the Home, if the purpose of the investigation is for research. Ground-disturbing activities conducted exclusively for purposes other than archeological investigation, include but are not limited to excavation of underground conduits, may disturb archeological deposits; such activities are considered undertakings under Section 106 and require following specific procedures. See Table 6.7: AFRH Treatment Recommendations for Ground Disturbance and Archeological Resources.

### **PROCEDURES:**

In the event that an undertaking involving Ground Disturbance is proposed, the following procedures shall be adhered to:

#### **STEP 1: FPO DETERMINES IF LOCATION OF GROUND DISTURBANCE IS WITHIN AN ASZ OR KNOWN POTENTIAL ARCHEOLOGICAL SITE.**

If a proposed action will involve any ground disturbance at the Home, the FPO will locate the site of the proposed ground disturbance in relationship to the archeology assessment maps prepared in 2004 by Greenhorne and O'Mara (See Appendices). If the action will take place within a potential archeological site or ASZ, the FPO will inform DC SHPO before initiating work.

## **PROCEDURES IF WITHIN KNOWN POTENTIAL ARCHEOLOGICAL SITES AND/OR ARCHEOLOGICALLY SENSITIVE ZONES:**

If the proposed action is to affect a known potential archeological site and/or ASZ at the Home, AFRH will arrange for the appropriate level of archeological study in accordance with ARPA and the “Guidelines for Archaeological Investigations in the District of Columbia” (1998). The ARPA and its regulations present a detailed description of the procedures for obtaining archeological investigation permits, and include definitions, standards, and procedures to be used by all federal land managers in providing protection for archeological resources. Regulations allow the ARPA review to be accomplished as part of the contracting process as long as the standards established are followed.

### **STEP 1: FPO NOTIFIES DC SHPO**

To facilitate consultation and encourage consideration of a broad range of alternatives, the FPO notifies the DC SHPO by submitting a URR outlining any proposed excavation, construction or any other ground-disturbing activity (“Ground-Disturbing Activity”) on any portion of the Home early in project planning process. The URR will be accompanied by a report of additional Phase 1 archeological investigation of all areas that will be subject to ground-disturbing activities. This report will include additional historical and map research that completes a finer-grained identification of archeological potential, and the categorization of specific levels of disturbance and filling of the subject areas. Please note that upon review of the URR, the DC SHPO may require testing areas of archeological potential to determine National Register eligibility, and mitigation of adverse effects through data recovery or other means. (See Step 2).

### **STEP 2: AFRH AND DC SHPO ENTER INTO CONSULTATION**

Prior to implementing Ground-Disturbing Activity in an ASZ, the FPO consults with the DC SHPO to prepare and implement plans for the identification, evaluation, and treatment of any National Register-eligible or -listed archeological resources in an ASZ.

### **STEP 3: FPO SELECTS ARCHEOLOGIST**

The FPO, in consultation with any other administrative staff of AFRH, selects a qualified professional archeologist to conduct the archeological study.

An individual must meet the requirements of the Archaeological Resources Protection Act of 1979 (43 CFR 7.8(a)(1)) and the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation (36 CFR Part 61). These qualifications include a professional degree from an accredited school in anthropology or archeology, or equivalent experience, the demonstrated ability to carry out the work in question as well as to carry the research to completion, at least eighteen months of specialized training or professional experience, and at least one year of historical archeology experience in order to conduct historic investigations. The individual should have at least one year of supervised field and analytic experience in the Washington area. Because of the potential to identify prehistoric sites at the Home, the individual must demonstrate prehistoric expertise and experience.

An institution must show evidence of qualified archeologist on staff, access to an adequate curatorial facility, and certify that all required materials will be delivered no later than 90 days after the final report is submitted to AFRH.

AFRH commits that all archeological work at the Home takes into account current professional standards and guidelines, including the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Properties, the "Guidelines for Archaeological Investigations in the District of Columbia" (1998) and the ACHP's Handbook on the Treatment of Archeological Properties (1988).

#### **STEP 4: WHEN AN ARCHEOLOGICAL PERMIT IS NECESSARY**

If necessary to gain a permit for an archeological investigation, the FPO oversees the archeologist's preparation of the application. The application will include the documentation required under ARPA's regulations as published in 32 CFR § 229.6 and 32 CFR § 229.8. The FPO submits the application for the permit to the DC SHPO.

The DC SHPO will review the request and provide a technical review of the application. If the DC SHPO approves the application, it will be forwarded to the Department of Interior for issuance.

The FPO may revoke the permit if it is determined:

- The terms of the permit are not being met;
- The work to be accomplished has been misrepresented;
- Continuation of the work poses a hazard to public health or safety;
- Continuation of the work conflicts with military functions; and
- In the case of revocation, the individual or institution may appeal this decision. The permittee shall forward the appeal to COO for review by DC SHPO. DC SHPO will sign the Determination of Appeal. Grounds for evaluating any possible penalties are set forth in ARPA.

The FPO's determination to revoke a permit is done in consultation with the COO, CR Manager, and AFRH administration.

#### **STEP 5: CONSULTATION FOR IDENTIFICATION, EVALUATION, AND TREATMENT**

Prior to initiating Ground-Disturbing Activity within an ASZ, the FPO and the CR Manager, in consultation with DC SHPO during early project planning, determines if such Ground-Disturbing Activity has the potential to adversely affect, as defined in 36 CFR 800.16(i), National Register-eligible or -listed archeological resources in that ASZ.

The FPO provides the DC SHPO with written notification of their determination that also includes a description of the proposed Ground-Disturbing Activity, its APE, the reasons for its determination, and a summary of any previous archeological investigation of the archeological resources.

The DC SHPO reviews the notification and provides AFRH with its comments within fifteen calendar days of receipt.

The FPO considers the DC SHPO's comments in reaching a final determination.

If the DC SHPO objects to AFRH's determination of no potential adverse effect of the proposed Ground-Disturbing Activity on National Register-eligible or -listed archeological resources, then the matter will be resolved in accordance with the Section 106 review process. If the DC SHPO fails to respond within fifteen calendar days, AFRH can proceed under the assumption that comments will not be received from the DC SHPO.

#### **IF NO POTENTIAL FOR ADVERSE EFFECT:**

If the FPO determines that the proposed Ground-Disturbing Activity has no potential to adversely affect a National Register-eligible or -listed archeological resource, then AFRH may proceed with the proposed Ground-Disturbing Activity.

#### **IF POTENTIAL FOR ADVERSE EFFECT:**

If the FPO determines that the proposed Ground-Disturbing Activity has the potential to adversely affect a National Register-eligible or -listed archeological resource, AFRH develops an Archeological Work Plan. The Work Plan includes information relevant to complete the identification and evaluation of such archeological resource and a treatment plan that contains measures to minimize or mitigate the adverse effect.

### **STEP 6: DC SHPO REVIEWS WORK PLAN**

Prior to its implementation of the Work Plan, the FPO, submits the Work Plan to the DC SHPO for review and concurrence. The DC SHPO will provide AFRH a dated receipt documenting the submission. If no reply is received from the DC SHPO after thirty calendar days from dated receipt of the submission, AFRH will assume concurrence with its finding.

If the DC SHPO concurs in the Work Plan, AFRH implements the plan. If the DC SHPO objects to the Work Plan within thirty calendar days of receipt of the Work Plan, AFRH shall address the objection by either revising the Work Plan in accordance with the DC SHPO's recommendations or resolving the matter in accordance with the Section 106 review process.

### **STEP 7: FPO IMPLEMENTS WORK PLAN**

Implementing the Archeological Work Plan requires the FPO to make a reasonable and good faith effort to define the specific boundaries of the locations of the archeological resources.

### **STEP 8: FPO DETERMINES ELIGIBILITY**

In consultation with the DC SHPO, the FPO applies the National Register criteria under 36 CFR Part 63, "Determinations of Eligibility for Inclusion in the National Register of Historic Places," as amended, to the archeological resources identified within the APE during execution of the Work Plan that have not been previously evaluated. If AFRH and the DC SHPO concur that the National Register criteria are met, the archeological resources shall be considered eligible for listing in the National Register. If they do not agree, the FPO submits the matter to the Keeper of the National Register for resolution.

## **STEP 9: FPO DEVELOPS AND SUBMITS TREATMENT PLANS**

If archeological resources are determined eligible, the FPO considers various options, such as avoidance, preservation in place, documentation, and data recovery.

Treatment plans for archeological data recovery will include, but are not limited to:

- A detailed research design that specifies the research problems and goals, and describes appropriate methods for collecting and interpreting data;
- Provisions for ongoing consultation with DC SHPO; and
- Measures for permanent curation of the National Register-eligible or -listed archeological resource's artifacts and associated records.

The FPO submits the Treatment Plan to the DC SHPO for its review. The DC SHPO will provide AFRH a dated receipt documenting the submission.

## **STEP 10: REVIEW OF TREATMENT PLAN**

If the DC SHPO approves the Treatment Plan, AFRH implements the plan.

If the DC SHPO objects within the thirty calendar days, the dispute will be resolved in accordance with the Section 106 review process. If no reply is received from the DC SHPO after thirty calendar days from dated receipt of the submission, AFRH will assume concurrence with its finding and may proceed with implementation of the Treatment Plan.

## **STEP 11: AFRH AND DC SHPO REVIEW IMPLEMENTATION**

During the implementation of a Ground-Disturbing Activity, the FPO holds periodic meetings with and/or permits site visits by the DC SHPO to review and discuss implementation of the archeological work and treatment plans, including excavation. CR Manager records these meetings and site visits, and provides copies of such records to the DC SHPO upon written request. The DC SHPO may contact the FPO to schedule additional visits during normal working hours in order to observe on-site activities.

## **STEP 12: FPO SUBMITS FINAL REPORT**

Within one year following the complete implementation of an Archeological Work Plan or Treatment Plan for a proposed Ground-Disturbing Activity on a portion of the Home, whichever is later, FPO submits a draft final report describing the archeological work to the DC SHPO for review and comment. The FPO consults with the DC SHPO to ensure that the draft final report presents the required content in the appropriate format and presenting required content.

Within thirty calendar days of receipt of the DC SHPO's comments, the FPO completes the final report, taking into account the comments and recommendations of the DC SHPO. The FPO submits two copies of the final report to the DC SHPO and one copy of the final report to the Martin Luther King, Jr.



Memorial Library or another relevant public archival repository in the District of Columbia identified by the DC SHPO in a timely manner.

### **STEP 13: FPO ARRANGES FOR CURATION OF ARTIFACTS AND ASSOCIATED RECORDS**

As AFRH owns and is responsible for permanent curation of the artifacts and associated records from National Register-eligible or -listed archeological resources recovered during its ownership of the Home in accordance with 36 CFR Part 79, “Curation of Federally Owned and Administered Archaeological Collections,” the FPO will arrange for curation.

### **PROCEDURES IF UNANTICIPATED DISCOVERY:**

AFRH is committed to protecting archeological resources whose discovery has not been anticipated. In such a case, the FPO will evaluate the resource’s eligibility, and make reasonable efforts to minimize harm to the site and resources through the completion of the Section 106 review process.

As unanticipated discoveries of archeological resources may take place during construction or as a result of other ground-disturbing activities at the Home, all AFRH staff and contractors shall be informed of the procedures necessary if such a discovery occurs.

If an archeological resource is discovered during the construction of any undertaking or ground-disturbing activities, AFRH shall treat the site as eligible and avoid the site insofar as possible until a determination of eligibility to the National Register is made.

Although unlikely, there is the potential for the discovery of Native American human remains and funerary objects at the Home. The Native American Graves Protection Act (NAGPRA) requires that in the event of a discovery of Native American human remains or cultural objects, the FPO must attempt to identify the human remains or objects, to lineal descendants or culturally affiliated contemporary tribes, must treat the remains and objects in a manner deemed appropriate by the lineal descendants or culturally affiliated tribes, and must repatriate the findings to legitimate claimants. The FPO will ensure that the provisions of NAGPRA are implemented first if any unanticipated discovery includes human remains, funerary objects, or Native American sacred objects.<sup>8</sup>

### **STEP 1: WORK STOPS**

The supervisor stops work in the area of the deposits immediately upon notice of an unanticipated discovery. Work may continue in other areas.

The area of the discovery is to be treated as eligible for listing in the National Register and kept intact until a formal determination of eligibility is made. Protection of the site is to be implemented immediately.

### **STEP 2: SUPERVISOR NOTIFIES FPO AND AFRH-W OCO**

The supervisor of the work notifies FPO and OCO immediately upon learning of the discovery. The FPO notifies the COO.

### **STEP 3: FPO NOTIFIES DC SHPO**

The FPO notifies the DC SHPO within twenty-four hours of notification of the discovery.

### **STEP 4: FPO ARRANGES FOR INITIAL FIELD EVALUATION**

The FPO arranges for a professional archeologist to make a field evaluation of the context of the deposit and its probable age and significance, record the findings in writing, and document with appropriate photographs and drawings.

If disturbance of the deposits is minimal and the excavation can be relocated to avoid the site, the FPO notifies the DC SHPO of the relocation in writing and directs the CR Manager to record the action in the AFRH-W RI/CRM Database.

If the excavation cannot be relocated, the FPO notifies the DC SHPO to initiate an expedited Section 106 review process.

### **STEP 5: FPO INITIATES SECTION 106 REVIEW**

The FPO notifies the DC SHPO of the need to initiate an expedited Section 106 consultation.

If the site is located within the boundaries of the National Historic Landmark or National Monument, the FPO notifies NPS and the National Trust for Historic Preservation of the discovery and invites them to participate in the consultation.

### **STEP 6: FPO DIRECTS DETERMINATION OF ELIGIBILITY**

The FPO guides a qualified archeologist to conduct test excavations at the discovery site for determining National Register eligibility.

If resources are determined ineligible for inclusion in the National Register:

If the DC SHPO and AFRH agree that the deposits are ineligible for inclusion in the National Register, the FPO directs the CR Manager to prepare a record of the determination, and the undertaking may proceed.

#### **IF IT IS NOT POSSIBLE TO DETERMINE NATIONAL REGISTER ELIGIBILITY FROM DISCOVERY:**

The FPO prepares an emergency testing plan in coordination with DC SHPO.

#### **IF RESOURCES ARE DETERMINED ELIGIBLE FOR INCLUSION IN THE NATIONAL REGISTER:**

The FPO and the DC SHPO create a Work Plan for the data recovery.

The archeologist proceeds with a Data Recovery Work Plan in compliance with the procedures set forth in the controlling PA.

**IF THE DC SHPO AND AFRH CANNOT AGREE ON THE QUESTION OF ELIGIBILITY:**

AFRH submits the documentation to the Keeper of the National Register for a determination of eligibility. Upon receipt of the Keeper's determination, AFRH will proceed accordingly.

**STEP 7: FPO SUBMITS COMPLETION REPORT TO DC SHPO**

Upon completion of the work in accordance with the approved work plan, the FPO submits two copies of the archeologist's Completion Report to the DC SHPO and one copy of the final report to the Martin Luther King, Jr. Memorial Library or another relevant public archival repository in the District of Columbia identified by the DC SHPO in a timely manner. A copy of the report will be filed at the office of the FPO.

**STEP 8: RESUMPTION OF UNDERTAKING**

Upon acceptance of the Completion Report by the DC SHPO, the undertaking may resume in accordance with recommendations of the report.

In situations where the National Environmental Policy Act (NEPA) was involved with the review of the original undertaking, environmental consideration under the NEPA may be required prior to continuing the activity.

**TABLE 6.8 AFRH TREATMENT RECOMMENDATIONS FOR GROUND DISTURBANCE AND ARCHEOLOGICAL RESOURCES**

	<i>Key</i>	<i>Significant</i>	<i>Supporting</i>	<i>Minor</i>
Determine if proposed Ground Disturbing Activity is located within ASZs.	√	√	√	√
Avoid proposing Ground-Disturbing Activity that has potential to adversely affect identified ASZ.	√	√	√	√
If necessary to engage in Ground-Disturbing Activity contact DC SHPO and provide documentation to support that all archeological work meets all federal and District of Columbia laws, regulations, professional standards, and guidelines.	√	√	√	√
If engaging in Ground-Disturbing Activity in an unidentified area and an unanticipated discovery is made, stop work immediately and contact the DC SHPO.	√	√	√	√
<b><i>AFRH ACTION</i></b>				
Notify DC SHPO in writing of any proposed excavation, construction, or other ground disturbing activity that will occur on previously identified archeological sites.	√	√	√	√
Consult with DC SHPO to prepare and implement plans for identification, evaluation, and treatment of any NR-eligible or NR-listed archeological resources.	√	√	√	√
Record project action in AFRH-W RI/CRM database.	√	√	√	√
<p>EXEMPT ACTIVITIES FOR ALL RESOURCE LEVELS OF SIGNIFICANCE:                      Maintenance work on existing features such as roads, fire lanes, mowed areas, disposal areas, and ditches that does not involve ground disturbance.</p>				

# **AFRH HP SOP #13**

## ***HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR RESPONDING TO ARPA VIOLATION***

### **POLICY:**

The ARPA makes it a felony for persons to excavate, remove, damage, or otherwise deface any archeological resource or paleontological remain located on federal land, including the Home. The ARPA also provides the legal penalties for unauthorized acts that include the excavation, removal, damage, alteration, defacement, or the attempt of such acts, of any archeological resource more than 100 years of age on federal land. The ARPA defines an archeological resource as any material remains of past human life or activities that are of archaeological interest. Such remains include but are not limited to pottery, basketry, bottles, weapons, projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. Paleontological specimens, deposits, and remains found in archeological contexts are considered significant data under the ARPA and are afforded legal protection under the ARPA. The ARPA establishes definitions, standards, and procedures to be used by federal agencies in providing protection for archaeological resources. Regulations allow ARPA review to be accomplished as part of the contracting process as long as the standards established in ARPA regulations are followed.

The FPO in concert with the CR Manager will implement a proactive plan to preserve and protect all known archeological sites.

The FPO will periodically monitor the condition of known archeological sites for evidence of vandalism.

### **PROCEDURES:**

In the event that an ARPA violation is discovered at the Home, the following procedures shall be followed:

#### **STEP 1: ARPA VIOLATION DISCOVERED**

The FPO reports the violation to the COO, the OCO, and the DC SHPO.

The COO notifies the District of Columbia Metropolitan Police of the violation and the police conduct a criminal investigation. The FPO visits the site with the COO, AFRH-W Director, and the DC SHPO.

#### **STEP 2: OCO SECURES SITE**

The OCO secures the site under the supervision of the FPO until police arrive.

In cooperation with local police, the FPO arranges for the documentation of the violation through reports, drawings, photographs, and provides a copy of the documentation to the DC SHPO.

If violation results in harm to or destruction of any Native American tribal, religious, or cultural properties, AFRH must act in accordance with NAGPRA, including notifying any Native American tribe that may consider the site as having religious or cultural importance.

### **STEP 3: ARCHEOLOGIST CONDUCTS EMERGENCY SALVAGE/DATA RECOVERY**

The FPO coordinates with the DC SHPO to retain a qualified archeologist to conduct emergency salvage/data recovery, as necessary.

### **STEP 4: FPO DIRECTS RECORDATION OF INCIDENT**

The FPO directs the CR Manager to record the incident the AFRH-W RI/CRM Database and submits a record to the DC SHPO.

### **STEP 5: PROSECUTION**

When the perpetrator is apprehended, AFRH charges the violator with ARPA violation, and the crime is prosecuted.

# **AFRH HP SOP #14**

## ***HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES***

### ***FOR***

## ***COORDINATION OF NEPA WITH CULTURAL RESOURCES REQUIREMENTS***

### **POLICY:**

The National Environmental Policy Act (NEPA) calls for the federal government to “... preserve important historic, cultural, and natural aspects of our national heritage...”<sup>9</sup> Within the NEPA, 40 CFR § 1502.16 identifies the incorporation of historic and cultural resources into the development of Environmental Assessments (EA) and Environmental Impact Statements (EIS), and 40 CFR § 1502.25 discusses the integration of the environmental impact analysis with those surveys and studies required by the NHPA.<sup>10</sup> NEPA studies never occur without NHPA studies; however, NHPA studies may be required when no NEPA requirement exists. NEPA itself in no way directs, replaces, or supersedes the NHPA.

The FPO will consider its Section 106 responsibilities as early as possible in the NEPA process, and plan its public participation, analysis, and review in such a way that the purposes and requirements of both statutes can be met in a timely and efficient manner.

When NEPA is required for an undertaking at the Home, the FPO shall review the action that is categorically excluded under NEPA to determine if the action still qualifies as an undertaking requiring review under Section 106 pursuant to 36 CFR § 800.3(a).

Under the revised 36 CFR Part 800 regulations, Section 106 may be coordinated with the NEPA process. If the FPO decides that it will use the NEPA process for Section 106 purposes [36 CFR § 800.8(c)], it must inform the DC SHPO and the ACHP of this intention and comply with Standards for Developing Environmental Documents to Comply with Section 106 [36 CFR § 800.8(c)(1)].

### **PROCEDURES:**

The FPO responds to requests from the AFRH administration regarding NEPA requirements.

# AFRH HP SOP #15

## *HISTORIC PRESERVATION STANDARD OPERATING PROCEDURES FOR DETERMINATION OF EXEMPT ACTIVITIES*

### **POLICY:**

In order to assure that undertakings are properly identified, the CCO will authorize the initial determination of Exempt Activities.

### **PROCEDURES:**

#### **STEP 1: AFRH-W OCO RECEIVES A REQUEST FOR ACTION:**

Requests for routine or emergency action regarding the Home can be submitted by any resident or administrative staff, AFRH administrative staff, by a Tenant/Permittee, or by a Developer/Owner. A request may be submitted in the form of a visit to the OCO, a telephone call to OCO, an e-mail to OCO, or by the preparation of a CMMS online form. Following standard AFRH-W maintenance management procedures, once a request is made, an OCO staff member will enter the required information to initiate the process.

#### **STEP 2: OCO FLAGS AN ACTION THAT MAY AFFECT A CONTRIBUTING RESOURCE**

This information includes a description of the request and an identification of the location at the Home. The OCO will flag an action that may affect a contributing resource by reviewing a list of all actions and locations and noting the potential on the CMMS online form. The updated/new CMMS to be implemented in 2008 will automatically flag all pre-identified actions and locations with potential for affecting contributing resources using information from the AFRH-W RI/CRM Database.)

#### **STEP 3: CCO DETERMINES WHETHER THE REQUEST INVOLVES AN EXEMPT ACTIVITY**

When a location is flagged by the CMMS as near or associated with a contributing resource, the Chief of the OCO (CCO) will be informed of the potential and will review the request to determine if the request calls for an exempt activity. If the CCO confirms that the requested action is an exempt activity listed in the HPP, the CCO will authorize the exemption, thus permitting the request to proceed through normal



procedures without further review.<sup>11</sup> The CCO's authorization will be documented for recordation in the AFRH-W RI/CRM Database.

If the request includes non-exempt activities that are near or associated with a contributing resource, the CCO will proceed to Step 3 and initiate the preparation of a HPAR.

#### **STEP 4: CCO PREPARES A HPAR**

Upon determination that the request requires a HPAR, the CCO completes a HPAR and submits it to the FPO for consideration. The FPO will review the HPAR under the procedures in HP SOP#1.

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1 This report references AFRH-W Historic District as eligible for listing because the historic property was not listed as the date of publication of this final draft of the report. Should the property be listed prior to the publication of the report, this text will be corrected. Particularly helpful were publications of the Advisory Council on Historic Preservation, the National Park Service (briefs, bulletins, and Guidelines for the Treatment of Cultural Landscapes, 1996 ed.), and the U.S. General Services Administration (Historic Preservation Technical Procedures database and the Preservation Desk Guide). Excellent examples of report organization that assisted in the development of this plan include the Integrated Cultural Resources Management Plans (ICRMP) for the U.S. Military Academy (Geo-Marine, Inc., 2001), the Fort Bragg, Camp Mackall, and Simmons Army Airfield (Griffin Social Technologies, 2001), Fort Benning, Georgia and Alabama (February 2006). Also helpful were the Historic Preservation Consultant's Report: Handicapped Accessibility, Ariel Rios Federal Building, and the Custodial Maintenance Plan for Historic Rooms & Materials at the U.S. Court of Appeal.

2 The parties are now involved in consultation related to the establishment of a PA that will control the real property activities (undertakings) at AFRH-W.

3 (n.b. will change to "listed")

4 For the purposes of this HPP, the positions of Federal Preservation Officer (FPO) and Senior Policy Official (SPO) will be referred to as FPO.

<sup>5</sup> See Appendix: "Memorandum of Understanding and Statement of Land Use Review Process for the Development of the Armed Forces Retirement Home-Washington Site."

6 36 CFR 800.16 (y)

7 See Chapter 7: Federal Preservation Requirements and Processes.

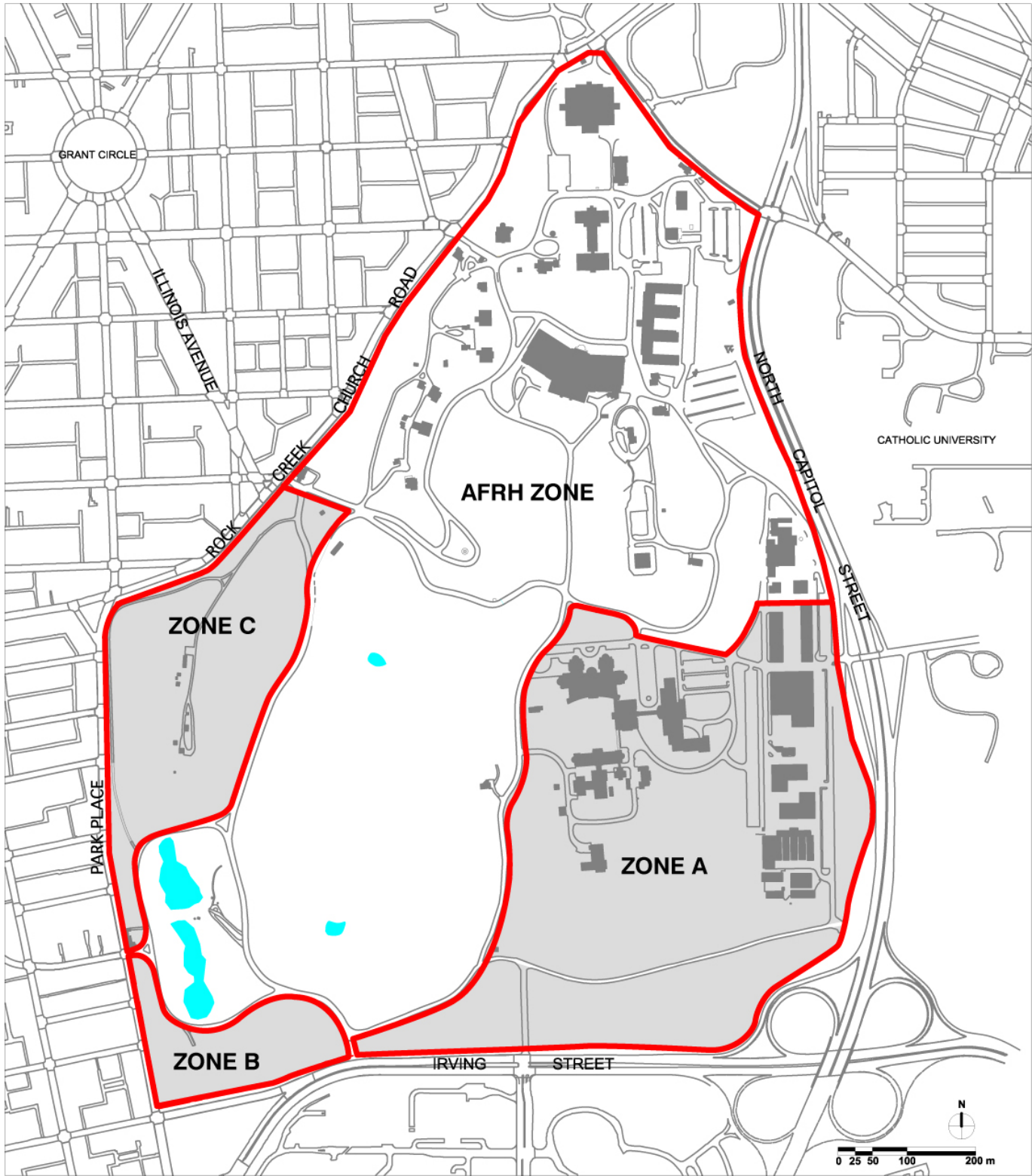
<sup>8</sup> Removal or excavation of Native American human remains and/or cultural objects must be carried out in accordance with 43 CFR § 10.3.

9 National Environmental Policy Act, Section 101(b)(4).

10 National Environmental Policy Act, 40 CFR § 1502.16.

11 The HPP and the executed PA will be consistent in the identification of exempt activities.

APPENDIX C – MAP OF PROPOSED AFRH DEVELOPMENT ZONES



## APPENDIX D – SPECIFIC MITIGATION ACTIONS

### **A. SPECIFIC ACTIONS TO BE UNDERTAKEN BY AFRH**

1) AFRH will retain the services of a Cultural Resources Manager (CR Manager) to assist AFRH in the implementation of the 2007 Historic Preservation Plan (HPP). The CR Manager will be retained within twelve (12) months of NCPC's approval of the Master Plan.

2) AFRH will plant additional trees to replace those required for the relocation of two golf holes due to the Zone A development. Trees will be replaced on a 1-to-1 basis in accordance with AFRH Treatment Recommendations for Landscape Resources in Chapter 6 of the HPP at the time the golf holes are relocated.

3) AFRH will develop and implement a Historic Preservation Maintenance Program (HPMP) designed to identify and prioritize the maintenance needs of the contributing historic (built, natural and designed landscape, and archeological) resources. This plan will be developed and implemented within two (2) years of NCPC's approval of the Master Plan. Copies will be provided to Parties and Consulting Parties upon written request after its completion.

4) AFRH will integrate the AFRH-W Resource Inventory/Cultural Resource Management Database into AFRH's proposed Computerized Maintenance Management System (CMMS) at the time the new CMMS is brought online. It is anticipated that this system will be brought on line within 2 years of NCPC's approval of the Master Plan.

5) AFRH will complete an update to an August 2007 tree survey to include Zones B and C within one (1) year of commencement of rent payments from the Zone A development (Rent payments will commence with the issuance of the first Certificate of Occupancy for Zone A). Copies will be provided to Parties and Consulting Parties upon written request after its completion.

6) AFRH will develop a landscape master plan for the AFRH Zone and Zones B and C of the campus. This plan would be developed within one (1) year of commencement of rent payments from Zone A and will be based on the Master Plan, HPP, and the updated tree survey identified in #5 above. Implementation of the landscape master plan will begin within one (1) year of completion of the Landscape Master Plan. This document will be distributed to the Parties and Consulting Parties for review and comment during its development.

7) AFRH will complete specific landscape projects as follows (see Appendix E):

- a. Scott/Sheridan Promenade Project within three (3) years of NCPC's approval of the Master Plan,
- b. Scott Building Tree Planting Program will be completed as part of the landscape master plan developed in item #5 above

8) AFRH will perform a condition assessment of the historic fence along the western perimeter of the site, and perform stabilization, which will be followed by regular periodic maintenance activities to prevent further deterioration of the fence. The assessment will be conducted within two (2) years of NCPC's approval of the Master Plan.

9) Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.

10) AFRH will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and Master Plan.

**B. SPECIFIC ACTIONS TO BE UNDERTAKEN FOR ZONE A**

1) Developer will rehabilitate and adaptively use, in conformance with the *Secretary of Interior's Standards for Rehabilitation* (36 C.F.R. § 67) and its associated Guidelines the following buildings in Zone A:

- a. Barnes Building (Building 52)
- b. Forwood Building (Building 55)
- c. King Hall (Building 59)
- d. Viewing Stand (Building 50)
- e. Bandstand (Building 49)
- f. Mess Hall (Building 57)
- g. Mess Hall Corridor (Building 58)
- h. Hostess House (Building 53)
- i. Quarters 47 (Building 47)

Developer will develop a stabilization and maintenance plan for the buildings and structures listed above no later than 120 days after the effective date of the Master Lease for Zone A detailing the steps to be taken to stabilize and maintain the buildings prior to formal rehabilitation. Rehabilitation for these buildings and structures listed above will commence in accordance with the Project Schedule submitted as part of the Project Plan for the first non-infrastructure phase of development.

2) Developer will rehabilitate historic landscape resources in Zone A:

- a. Forwood Building Grounds to the extent grounds are located in Zone A and controlled by developer. (LaGarde and secured grounds remaining within the AFRH Zone are excluded until such time LaGarde is leased to the developer);
- b. Pershing Drive Street Trees, south and east: Developer will preserve the historic orientation of Pershing Drive and shall preserve, to the maximum extent possible, the allee of trees bordering Pershing Drive. If not possible to save all the trees, the Developer will replant trees of the same species with the intent of restoring the historic allee;
- c. Hospital Complex Quadrangle to the extent grounds are located in Zone A and controlled by developer. (LaGarde and secured grounds remaining within the AFRH Zone are excluded until such time LaGarde is leased to the developer);
- d. Specimen Trees in Hospital Lawn. If it is not possible to save all trees, the Developer will replant trees of the same species in an AFRH agreed upon location within the Hospital lawn; and
- e. Pasture Recreation: Developer will preserve to the maximum extent possible the orientation, unaltered topography, and configuration of the Historic Pasture in Zone A. Also, historic trees in the northwest section of the Historic Pasture shall be preserved to the maximum extent possible. If it is not possible to save all trees, the Developer will replant trees of the same species in an AFRH agreed upon location within the Historic Pasture.

3) Developer will devise and implement an educational interpretation program, including signage focusing on the history of AFRH and AFRH-W in accordance with the Development

Agreement with AFRH for Zone A.

4) The Developer will complete a tree-planting program and the maintenance of historic trees in accordance with the approved Master Plan and HPP over the course of the Zone A development.

5) Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.

6) Developer will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and Master Plan.

### **C. SPECIFIC ACTIONS TO BE UNDERTAKEN FOR ZONE B**

As a condition of development for Zone B, the selected developer will be required to complete the following, but not limited to, specific mitigations:

1) Restoration of historic iron fence along the western perimeter of Zone B.

2) Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.

3) Developer will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and Master Plan.

### **D. SPECIFIC ACTIONS TO BE UNDERTAKEN FOR ZONE C**

As a condition of development for Zone C, the selected developer will be required to complete the following, but not limited to, specific mitigations:

1) Restoration of the historic iron and masonry and iron fences along the western perimeter of Zone C.

2) Relocation of Community Gardens from Zone C to AFRH Zone. Potential relocation sites will be identified as part of the Landscape Master Plan to be developed by AFRH.

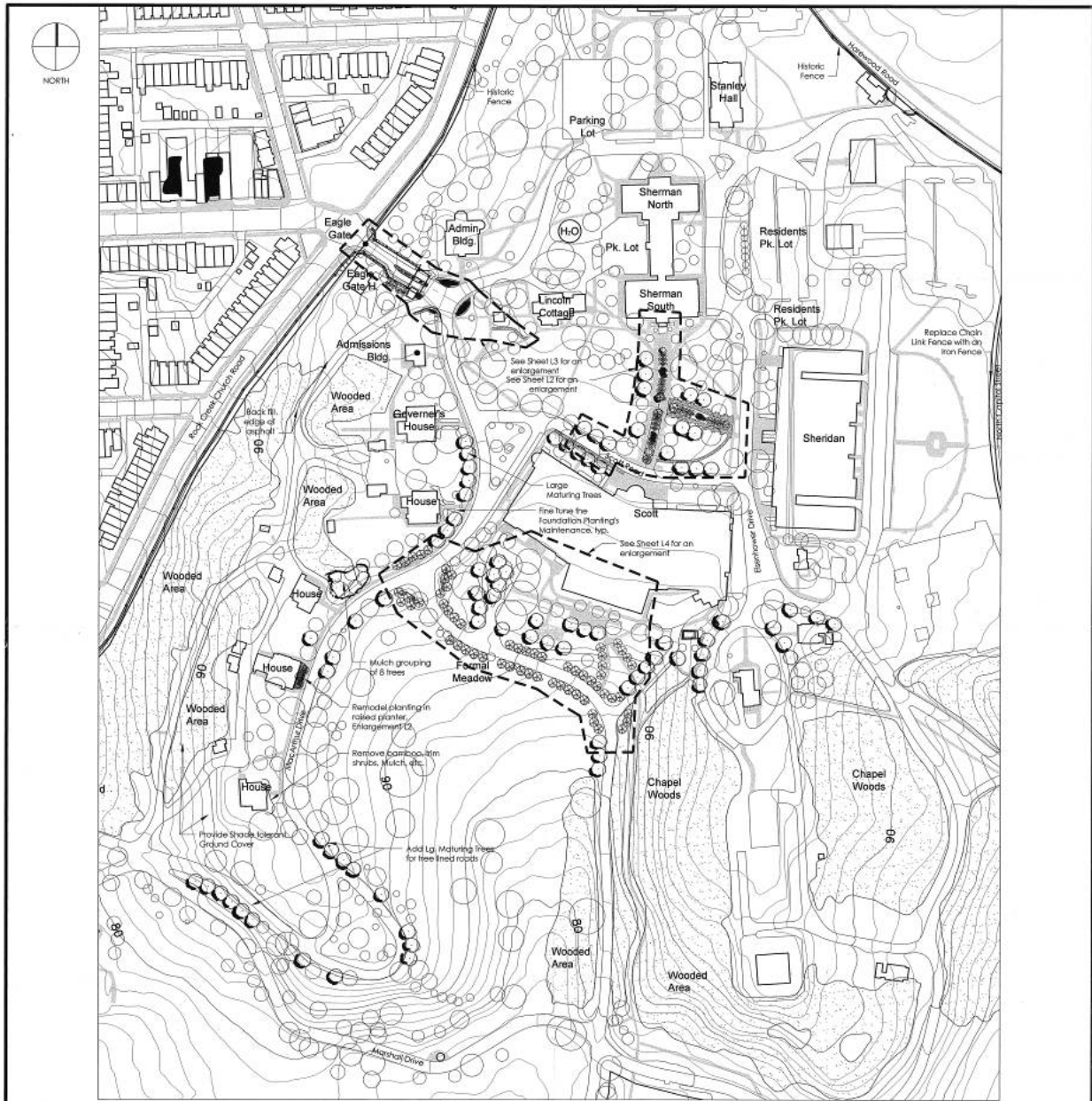
3) Undertake specific landscaping to screen Quarters 90 (Randolph Street Gatehouse, Building 90) from the northernmost development on Zone C.

4) Specific Phase 1 archaeological assessments and surveys, as required by the Guidelines for Archaeological Investigations in the District of Columbia and recommended by the AFRH-W Phase 1A archaeological study prepared by Greenhorne and O'Mara, will be conducted in defined areas of Limits of Disturbance (LODs) associated with the development locations shown in the Master Plan prior to undertaking related ground disturbance. The assessments and surveys will cover the LODs for all

infrastructure, utilities, buildings, and structures. These investigations should be conducted well in advance of the ground disturbance to avoid conflict with development schedules.

5) Developer will comply with height limits and screening guidance in the Master Plan to protect viewsheds as identified in the HPP and Master Plan, as approved by NCPC.

APPENDIX E – SPECIFIC LANDSCAPE PROJECTS

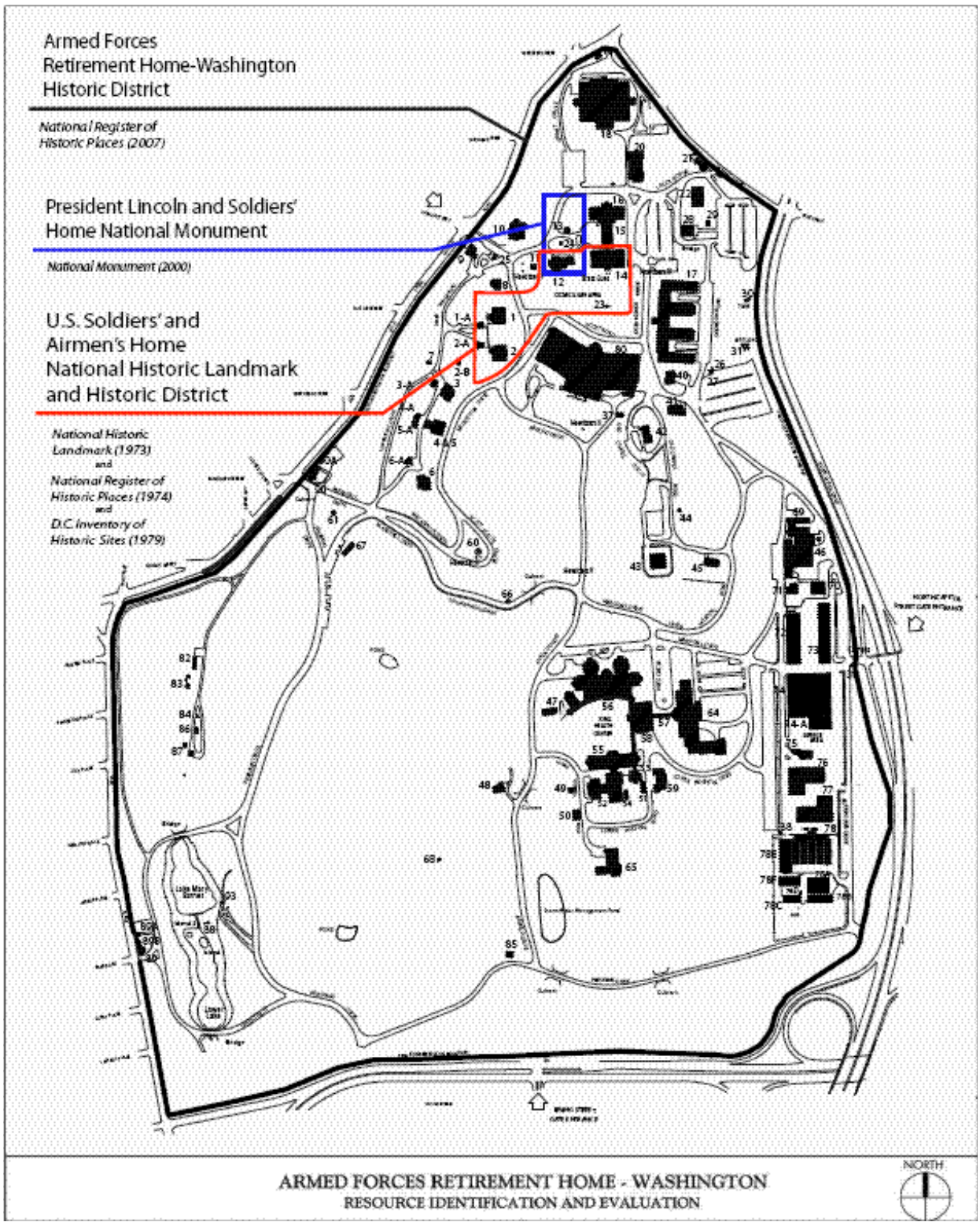


North Campus Concept Plan  
Scale: 1"=100'

<p>                 Date: 05/29/07                  Scale: 1"=100'                  Drawn by: M.L. Wily                  Job Number: 07-100                  Sheet Number: 11                  of 11             </p>	<p><b>Armed Forces Retirement Home, Washington, DC</b></p>	<p><b>Master Plan</b></p>	<p>                 Wily Landscape Architecture                  Landscape Architecture, Land Planning &amp; Site Facilities Management                  125 W. Simmons Ave.                  Wilmington, North Carolina 27902-2037                  Phone: 252.792.2563 Fax: 252.792.7615                  E-Mail: wily@earthlink.net             </p>
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APPENDIX F – AFRH HISTORIC DESIGNATION MAP





## APPENDIX G – DESIGN REVIEW PROCESS

The following procedure and accompanying flowchart outline the process that will be followed for the review of projects involving federal buildings or 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 as described in the MOU between NCPC, DCOP, and AFRH. The process will be initiated upon execution of the appropriate Standard Operating Procedure (SOP), as defined in Chapter 6 of the Historic Preservation Plan (HPP). A graphic flowchart of this process is shown in Appendix H.

### Step 1: Internal Review

The Action Agent will initiate internal review of the proposed action by completing a Cultural Resources Management Action Request (CRMAR) and submitting the form to the Office of Campus Operations (OCO). Based on the CRMAR, the OCO will determine whether the proposed action involves historic resources/properties at AFRH-W per the HPP. If the proposed action does not involve historic resources/properties, the Action Agent may proceed without further review unless review is required by NCPC and/or CFA. However, if the proposed action does involve historic resources/properties, the OCO will complete Section 1 of a Historic Preservation Action Request (HPAR) form and will determine whether the proposed action is an Exempt Activity, as defined in Chapter 6 of the HPP. The OCO will submit the HPAR to the FPO noting the determination. If the activity is not listed as an Exempt Activity, the FPO will then make an initial determination of effect and note the determination in Section 2 of the HPAR. If the activity is exempt, the Action Agent may proceed without further review. All determinations made by the FPO and OCO will be recorded in the AFRH-W Resource Inventory / Cultural Resources Management (RI/CRM) Database.

If the proposed action does involve historic resource/properties at AFRH-W, is non-exempt, and has potential to adversely affect historic resources/properties associated with AFRH-W, AFRH will initiate internal consultation with the FPO, the AFRH-W Cultural Resources Manager (CR Manager), and the Action Agent to resolve the adverse effect(s). If the adverse effect(s) cannot be eliminated internally, AFRH (the FPO, CR Manager, and Action Agent) will initiate consultation with the District of Columbia State Historic Preservation Officer (SHPO) to resolve the adverse effect(s). If SHPO concurs with a determination of No Effect or with the elimination of Adverse Effect(s), the Action Agent may proceed without further review.

Regardless of the determination of effect, the FPO must note the determination and define an Area of Potential Effect (APE) in an Undertaking Review Request (URR) form and submit the URR to the SHPO for review.

### Step 2a: Initiate Section 106 Review

If Adverse Effect(s) cannot be eliminated by initial consultation between AFRH and SHPO, AFRH will initiate formal Section 106 Review by inviting the Advisory Council on Historic Preservation (ACHP) to comment on the action. AFRH is also required to formally notify the National Park Service if the proposed action will affect a National Historic Landmark (NHL). AFRH must then initiate formal consultation with SHPO to determine whether the Adverse Effect(s) can be avoided, minimized, or mitigated.

If the proposed action does not require agency review by the National Capital Planning Commission (NCPC) or the Commission of Fine Arts (CFA), AFRH will continue Section 106 consultation with SHPO (and NPS if an NHL is affected). Once the SHPO (and NPS if an NHL is affected) and AFRH are in agreement of avoidance, minimization, or mitigation measures, AFRH will prepare an agreement documenting these measures. This agreement must be signed by both SHPO (and NPS if an NHL is affected) and AFRH to finalize Section 106 consultation and be maintained as part of AFRH's permanent record. The Action Agent may then proceed with the proposed action as stipulated in the signed documentation of the agreement.

If the proposed action requires federal agency review by NCPC and/or CFA, AFRH will execute the AFRH Design Review Process defined in the HPP before continuing Section 106 consultation with SHPO.

#### STEP 2b: AFRH Design Review Process

Projects undergoing design review can be categorized in two groups:

- 1) Projects involving federal buildings or federal use and
- 2) Projects that are privately developed for private purposes.

NCPC will perform design review in accordance with the MOU in Appendix I and NCPC policies and procedures for projects that involve federal buildings or federal uses at the AFRH-W site .

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 approved AFRH Master Plan and so require an amendment to the Master Plan. Some examples of projects requiring amendments would include combining of parcels, projects resulting in elimination of roads, projects proposing increases in building heights.

To execute the AFRH Design Review Process, AFRH will initiate consultation with the staffs of NCPC (if required), CFA, and the SHPO, acting also as staff to the DC Historic Preservation Review Board (HPRB). The AFRH Design Review Process involves three stages of review:

- (1) Concept-Level Review (CFA, NCPC (if required), and SHPO);
- (2) Preliminary Review (NCPC (if required) and SHPO); and
- (3) Final Review (CFA, NCPC (if required), and SHPO).

At the Concept Review and Final Review stages for projects involving either federal buildings or federal uses, or projects that are privately developed for private purposes, AFRH and the Action Agent will create identical design submissions for each reviewing body using the level of detail required by CFA, and the submissions will be reviewed concurrently by the required entities. AFRH will meet sequentially or jointly with CFA, SHPO, and NCPC (if required) in accordance with their respective review calendars to receive feedback and comments. The SHPO has the option to request review by HPRB for additional feedback and comment at both levels of review. SHPO and NCPC (if review is required under the terms of the MOU) also require a Preliminary Review to provide feedback after tentative design decisions have been made but before detailed design work begins. To insure successful Final Review of the proposed action, AFRH and the Action Agent will incorporate feedback from Concept Review, Preliminary Review, and Section 106 Consultation in the submission for Final Review.

For projects involving federal buildings or federal use, NCPC requires that Section 106 consultation is finalized prior to the submission for Final Review; therefore, AFRH must continue consultation with SHPO between all stages of the AFRH Design Review Process. Prior to Final Review Submission, AFRH must prepare and SHPO and AFRH must sign an agreement documenting all avoidance, minimization, and mitigation measures agreed upon during consultation. If SHPO and AFRH are not in agreement, AFRH must initiate dispute resolution with ACHP as required by Section 106 and defined in the Programmatic Agreement. AFRH must make a decision based on ACHP comments and inform SHPO of the decision before submitting for Final Review. The AFRH must receive final NCPC approval before the AFRH Design Review Process is considered complete.

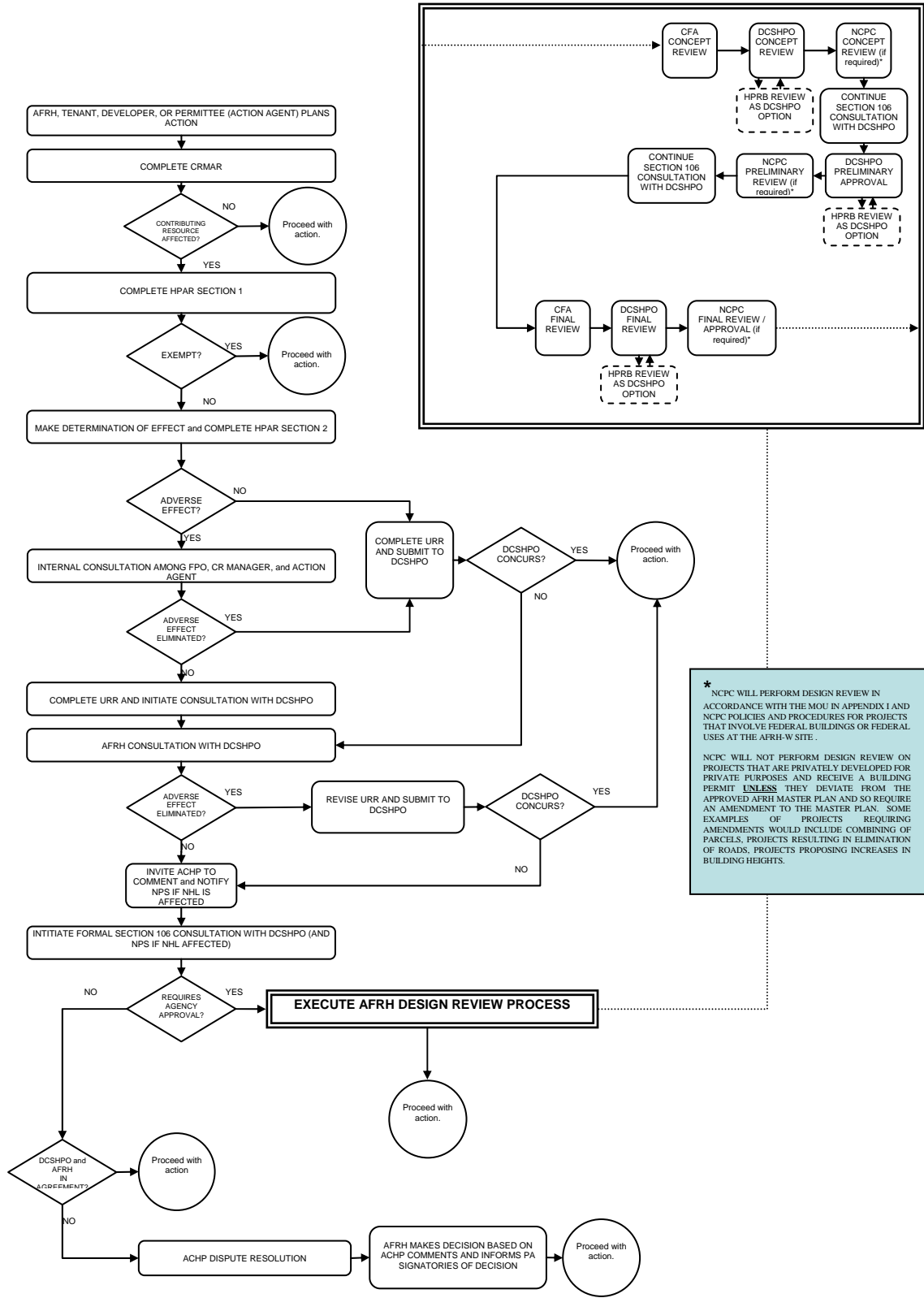
For projects that are privately developed for private purposes, where NCPC review is not required, the AFRH Design Review Process is considered completed upon completion of the Final Review by CFA and SHPO. The DC building permit process requires review by HPRB in accordance with the DC historic preservation law (D.C. Official Code § 6-1101 *et seq.*), and HPRB will review designs in accordance with Appendices G and H of this agreement. The Final Review by the SHPO, acting as staff for

HPRB, will constitute the building permit review.

Step 3: Process Completion

Once NCPC grants final approval for projects requiring its review under the MOU, AFRH may proceed with the proposed action as stipulated in the signed agreement between AFRH and the SHPO (and NPS if an NHL is affected) and any further requirements associated with NCPC under its guidelines. If the project does not require NCPC review under the MOU, the action may commence after the Action Agent obtains a building permit as described in the previous section.

**APPENDIX H – AFRH DESIGN REVIEW PROCESS**



APPENDIX I - MEMORANDUM OF UNDERSTANDING

ORIGINAL

**Memorandum of Understanding and  
Statement of Land Use Review Process  
for Development of the Armed Forces Retirement Home-Washington Site**  
among  
the National Capital Planning Commission  
the Office of Planning of the District of Columbia  
and the U.S. Armed Forces Retirement Home

I. Authorities and Overview. The U.S. Armed Forces Retirement Home (AFRH) was established as an independent federal agency in 1991 under P.L. 101-510. One of AFRH's facilities, the Armed Forces Retirement Home-Washington (AFRH-W or "the site"), is located on federal land in the District of Columbia. Under 40 USC § 8722(a), (b), and (c), the National Capital Planning Commission (NCPC) advises on and/or approves master plans and construction on federal land in the National Capital Area. The Office of Planning of the District of Columbia ("OP") has been delegated most of the Mayor's District of Columbia Charter function as the "central planning agency for the District", D.C. Code § 1-204.23. In addition, OP is responsible for giving advice to the Zoning Commission for the District of Columbia ("Zoning Commission") and its recommendations must be afforded "great weight", D.C. Code § 6-623.04.

The District of Columbia Zoning Commission establishes zoning in the District of Columbia pursuant to D.C. Code §6-641.01 *et seq.* except in those circumstances where the "location, height, bulk, number of stories, and size of federal public buildings [and certain District government buildings] ... are subject to the approval of the [National Capital Planning] Commission." 40 U.S.C. § 8722 (d) and (e); D.C. Code § 2-1004 and § 6-641.15. The Zoning Regulations are set forth in the District of Columbia Municipal Regulations (DCMR) at 11 DCMR §100 *et seq.* The Regulations include and incorporate the zoning map. Under § 492 of the Home Rule Act, changes in zoning maps must be submitted to NCPC after a hearing thereon for a period of review. D.C. Code § 6-641.05 (a) and 40 U.S.C. § 8721.

As to ground-leased construction at AFRH-W, NCPC is of the view that because the site is federal, construction is subject to NCPC "in lieu of zoning" authority under 40 USC §8722(d), and is not subject to District of Columbia (DC) zoning, and that a long-term lease does not constitute a sale of land; and the Office of the Attorney General for the District of Columbia is of the view that because the improvements to be constructed will not be owned or used by the federal government, such improvements are not federal public buildings and are subject to DC zoning. The goal of this Memorandum of Understanding (MOU) is to establish a process for development at the AFRH-W that satisfies NCPC, OP, and AFRH, that is streamlined, and that provides a basis for issuance and enforcement of land use planning requirements and controls, and building codes. To meet its "in lieu of zoning" requirements, NCPC must have submitted to it a land use plan, and the applicant must provide information that meets applicable historic preservation and NEPA requirements; the NCPC staff must review that plan; and the plan must be submitted to the NCPC Commission for approval. To meet DC zoning and building code requirements, a petition to zone the land must be filed with and approved by the Zoning

Commission, subject to the NCPC review and comment process described above. The goal of the process set forth here is a working hybrid approach appropriate to the unique circumstances of essentially private development on federal land at the AFRH-W site.

AFRH is working with the U.S. General Services Administration (GSA) under the Economy Act, 31 U.S.C. § 1535, to plan for reasonable development and open space at the AFRH-W to protect AFRH and provide a reliable source of income for AFRH's operations and capital expenses. AFRH, with GSA's assistance, is developing a Master Plan that will provide for long-term lease of portions of the property for appropriate private development in accordance with AFRH authority under 24 U.S.C. §411(e)(3). The Master Plan may also provide for sale of portions of the property. The Master Plan, submitted to NCPC in draft form on February 2, 2006, contemplates a mixed-use development of portions of the site with a potential range of uses encompassing residential, office, research and development, institutional, medical, retail and embassies. Most of the uses proposed for development will not be constructed by AFRH but by private sector and/or institutional entities. Development of these uses will generate revenue for AFRH that will be deposited into the AFRH Trust Fund and used to continue AFRH's operations and ensure the ongoing provision of services to retired military personnel. NCPC approved comments on the draft Master Plan on February 2, 2006.

NCPC, OP, and AFRH seek a land use review process for the private development and use components of the AFRH project with adequate opportunities for comment and input by those agencies and the local community. In addition, all parties want to assure that each part of the development at the AFRH is subject to a single clear set of land use and building code standards. AFRH seeks a predictable and efficient land use review process for those entities that may be involved in developing the site. All parties seek a process that is certain and uncomplicated. Particularly because the neighbors and local Advisory Neighborhood Commissions (ANCs) have expressed concerns about the extent of proposed development, NCPC, DC and AFRH want to involve the community in the review of the proposed development plan.

2. The hybrid process for this unique circumstance. The process set forth in this MOU is developed solely for the unique circumstances here, where there is federal land and substantial private development for traditionally non-federal uses. It applies only to the land and uses that are privately developed for private purposes on this federal site ("the Development"), and does not apply to the federal buildings or federal uses at the AFRH-W site. It recognizes NCPC's important role in reviewing and approving Master Plans for federal agencies and federal land, and DC's role in providing zoning for private development. It also provides a basis for enforcement to assure that land use requirements and building codes are effectively enforced. This unique hybrid planning-zoning process is not intrusive for the developer or AFRH because the AFRH Master Plan will be approved by NCPC and the approved Master Plan will be used by OP like a small area plan in order to recommend zoning for Zoning Commission consideration and adoption.

3. Cooperation. NCPC and OP staffs and AFRH will continue to work together cooperatively on the land use and neighborhood planning issues for AFRH-W. This cooperation will continue



throughout the planning and development process, and, subject to the provisions in this MOU, to any revisions and amendments to plans, for the site.

4. NCPC's substantive requirements for Master Plan approval. NCPC's statutory obligations include development of a Comprehensive Plan for the National Capital Area. Its review of master plans and construction projects includes assurance of master plan and project consistency with the Comprehensive Plan including promotion of local economic development, protection of the federal interest, historic preservation, and facilitation of efficient transportation systems. For the AFRH-W Master Plan review, as with all master plan reviews, NCPC applies its Master Plan Submission Requirements (most recently amended in 1994) and related policies including its Environmental and Historic Preservation Policies and Procedures and its Procedures for Intergovernmental Cooperation in Federal Planning. These procedures are updated periodically. Documents setting forth the procedures are all available on the NCPC website. NCPC encourages applicants to submit a draft as well as a final master plan.

5. The AFRH-W Master Plan will be subject to the NCPC review and approval process. AFRH submitted its draft Master Plan to NCPC and NCPC approved comments on that draft plan by Commission Action on February 2, 2006. AFRH will submit to NCPC for review the materials required for master plan review and approval for the site. In addition, once NCPC approves the "final" initial Master Plan for the site ("the final Master Plan"), AFRH will submit to NCPC for master plan review any changes to the approved Master Plan, including any request for special exception, zoning variance, PUD, modifications, or changes in land use, made by any person or entity; any such proposed changes will be treated under this MOU as a proposed amendment to the Master Plan that requires NCPC review and approval and submission to OP and the Zoning Commission (including the ordinary process whereby NCPC reviews Zoning Commission actions) as specified in this MOU for the final Master Plan for the Development.

6. Office of Planning recommendation and Zoning Commission action. After NCPC approves a Master Plan for the site, OP will treat the Plan like a small area plan. It will also consider the Master Plan approved by NCPC, and any amendments thereto that NCPC approves, as supplemental guidance for the District of Columbia Elements of the Comprehensive Plan adopted on March 6, 2007. Pursuant to § 492 of the District Charter, zoning cannot be inconsistent with the Comprehensive Plan for the National Capital. OP will develop proposed zoning in conformance with the approved Master Plan, and within 30 days after NCPC's action to approve the final Master Plan will petition the Zoning Commission for a hearing on the case. OP will initiate such a petition through the filing and presentation of a report with and before the Zoning Commission. The petition will include no text, other than the description of the map amendments needed to permit matter of right development as described in the approved Master Plan, unless NCPC requests otherwise. OP will work diligently to fulfill its responsibilities under 11 DCMR § 3012.1, § 3012.2, and § 3012.3, and to assure that the time between the filing of the petition and the publication of a notice of final rulemaking giving effect to the mapping of the Master Plan site will not exceed 5 months. The steps and an example of such a schedule are set forth in Attachment A to this MOU.

7. Zoning as Rulemaking. Because the zoning case will be commenced through a petition, rather than an application, the case will be presumed to be a rulemaking proceeding unless the Zoning Commission, at the time it decides whether to schedule the case for hearing, decides the matter should be heard and decided as a contested case. Rulemaking cases differ from contested cases in that there are no parties or cross examination and notices of final rulemaking may not be directly appealed to the District of Columbia Court of Appeals. The standards for whether the proceeding is a rulemaking or a contested case are set forth at 11 DCMR § 3010.

8. Opportunity for public involvement. NCPC, DC, and AFRH are committed to a substantial and effective public process for review and approval of the Master Plan and development plans. To that end, all three parties have already taken a number of steps to involve the local community and solicit input. As this process moves forward, each party will assure full opportunity for public participation in the component of the process for which it is responsible. NCPC will hold at least one public hearing as part of a regularly scheduled Commission meeting. OP will hold at least one advertised public hearing in consideration of the zoning and AFRH will obtain public input through the National Environmental Policy Act and National Historic Preservation Act Section 106 processes.

9. Building Codes and Certificates of Occupancy. Once the zoning becomes effective, applications for building permits and certificates of occupancy may be filed with and processed pursuant to applicable Building Code requirements.

10. Enforcement. As to the Development, the failure of AFRH or its developer to comply with the provisions of the Building Code or Zoning Regulations of the District of Columbia will subject both to enforcement, either through the issuance of stop work orders, court injunctions, or notices of civil infraction, or through the revocation of building permits and certificates of occupancy. DC and AFRH will explore whether third party inspections are mutually acceptable.

11. Expanded AFRH uses or sale of property. (a) Construction of buildings and use of lands for the AFRH (such as expanded medical/institutional uses proposed in the February 2, 2006 draft Master Plan in Zone 2 at the site) are subject to review and approval by NCPC under the National Capital Planning Act and are not part of this MOU (see par. 2 above). In seeking such review, AFRH will follow ordinary NCPC submission policies and procedures. (b) If AFRH-W sells property to a private entity, the sold property and land use of that property is subject to DC zoning but not to NCPC review, except as provided by § 492 of the District Charter or by 11 DCMR §3025.3. Both NCPC and DC participate in a monthly Coordinating Committee review procedure where information exchange about proposals may occur.


12. GSA Role. AFRH commits that when GSA acts for or on behalf of AFRH in connection with the Development that AFRH will ensure GSA's compliance with the procedures set forth here.

13. Authority to Sign. Each signatory represents that s/he has the authority to bind the government instrumentality for which s/he signs to the terms of this MOU.



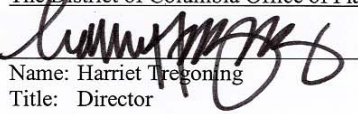
Signatories:

National Capital Planning Commission

  
Name: Lois J. Schiffer  
Title: General Counsel

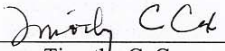
Date 8-2-07

The District of Columbia Office of Planning

  
Name: Harriet Tregoning  
Title: Director

Date 8-1-07

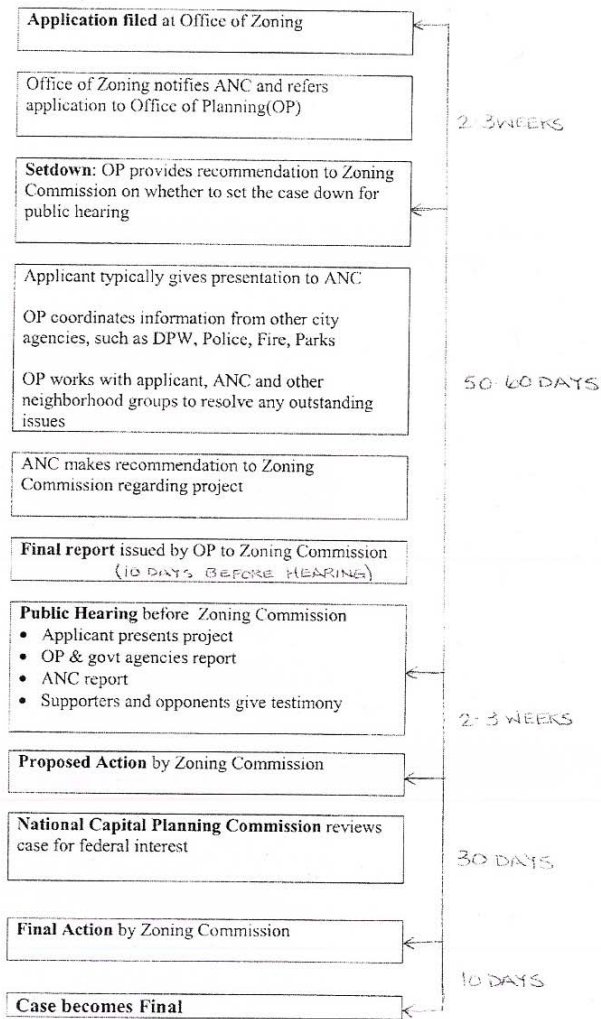
U.S. Armed Forces Retirement Home

  
Name: Timothy C. Cox  
Title: Chief Operating Officer

Date 8-2-07

**Attachment A**

**Schedule**



TOTAL = 5 MONTHS