

**PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. DEPARTMENT OF STATE,  
THE U.S. GENERAL SERVICES ADMINISTRATION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
AND THE NATIONAL PARK SERVICE**

**REGARDING THE PERIMETER SECURITY IMPROVEMENT PROJECT  
AT THE HARRY S TRUMAN BUILDING, WASHINGTON, D.C.**

This Programmatic Agreement (“PA” or “Agreement”), which is inclusive of all exhibits, is made as of this \_\_\_\_\_ day of \_\_\_\_\_ 2015, by and among the United States Department of State (“DOS”), the United States General Services Administration (“GSA”), the District of Columbia State Historic Preservation Officer (“SHPO”), the Advisory Council on Historic Preservation (“ACHP”), the National Capital Planning Commission (“NCPC”), and the National Park Service (“NPS”), (referred to collectively herein as the “Parties” or “Signatories” or individually as a “Party” or “Signatory”) pursuant to Section 106 of the National Historic Preservation Act, as amended (“NHPA”), 54 U.S.C. § 306108, and its implementing regulations 36 CFR Part 800 and section 110 of the NHPA, 54 U.S.C. § 306110.

**WHEREAS**, the Harry S Truman Building, located at 2201 C Street, NW, Washington, D.C., encompasses the War Department Building, which was built between 1939 and 1941, as well as a substantial addition, built between 1957 and 1960 as the headquarters for the DOS and known as New State. While the War Department Building was determined by GSA as individually eligible for listing in the National Register of Historic Places (“National Register”) in 1992, the addition was determined as eligible in 2010. GSA completed a Historic Structures Report (HSR) for the Harry S Truman Building in 1990 and a draft National Register nomination form in 2013 (pending). The Harry S Truman Building, in its entirety, is a contributing element to the Northwest Rectangle Historic District, which was determined as eligible for listing in the National Register in 1998; and

**WHEREAS**, to satisfy security requirements at the Harry S Truman Building (“Harry S Truman Building” or “HST” including the surrounding building yard), which is an Interagency Security Committee (ISC) Level 5 Facility, DOS plans to reconfigure 21<sup>st</sup>, 23<sup>rd</sup>, C, and D street lane widths; install new curbs and sidewalks; install a truck inspection screening facility on D Street that requires a Transfer of Jurisdiction for the use of Reservation 104; construct a staff and visitor screening pavilion (Phase 1) at the D Street entrance; construct staff and visitor screening pavilions (Phase 2) at the 23<sup>rd</sup> Street, C Street, and 21<sup>st</sup> Street south entrances; locate guard booths and vehicle barriers at the intersections of 21<sup>st</sup> and C Street, 23<sup>rd</sup> and C Streets, and 23<sup>rd</sup> and D Streets; retractable bollards at the intersection of 22<sup>nd</sup> and C Streets; build anti-ram walls, bollards, and fences along 21<sup>st</sup> and 23<sup>rd</sup> Street; add signage and striping on 22<sup>nd</sup> Street to facilitate parking; and update the landscaping (per Exhibits A through F). These efforts,

including the Transfer of Jurisdiction for Reservation 104, will be collectively referred to herein as the Undertaking (“Undertaking”); and

**WHEREAS**, the DOS and the NPS will execute a Transfer of Jurisdiction and Declaration of Covenants regarding U.S. Reservation 104 for the purpose of relocating truck inspection activities from 21<sup>st</sup> Street to the proposed location at D Street in accordance with the National Environmental Policy Act (NEPA); and

**WHEREAS**, the DOS is the lead agency for Section 106 because the Undertaking is funded by DOS. GSA, as Federal owner of the HST, and NPS as an impacted property owner, have designated DOS as the lead agency; and

**WHEREAS**, NCPC will review the Undertaking pursuant to the National Capital Planning Act of 1952, and the Transfer of Jurisdiction for Reservation 104 pursuant to 40 U.S.C. § 8124(a); and

**WHEREAS**, an approval action by NCPC is also considered an undertaking and NCPC has designated DOS lead agency for NCPC’s compliance with Section 106 of the NHPA pursuant to 36 CFR 800.2(a)(2); and

**WHEREAS**, the Undertaking will be implemented in phases as funding becomes available in accordance with Exhibit C (Phasing Plan), DOS has developed and consulted upon Preliminary Drawings (“Preliminary Drawings”) for Phases 1 and 2 per Exhibit D (Preliminary Drawings), and Construction Drawings (“Construction Drawings”) for Phase 1; and

**WHEREAS**, DOS has determined the Areas of Potential Effect (“APE”), illustrated in Exhibit B, to include the following properties or portions thereof, all of which are listed in or have been determined eligible for the National Register, either individually or as components of the Northwest Rectangle Historic District: the headquarters of the APhA at 2215 Constitution Avenue, N.W.; the United States Department of Interior; South Building at 1951 Constitution Avenue, N.W.; the Federal Reserve Board (Eccles Building) at Constitution Avenue between 20<sup>th</sup> and 21<sup>st</sup> Street, N.W.; the Office of Personnel Management (Theodore Roosevelt Federal Building) at 1900 E Street N.W.; the National Academy of Sciences at 2101 Constitution Avenue, N.W. and the HST (State Department / War Department) at 21<sup>st</sup> and E Streets, N.W.; The American Red Cross, D.C. Chapter House at 2025 E Street, N.W.; the Lincoln Memorial (including Lincoln Statue); the Potomac Annex Buildings 5 and 7, and Flag Quarters AA and BB at 2430 E Street N.W., and the L’Enfant and McMillan Plans of the City of Washington (“Historic Property” or “Historic Properties”); and

**WHEREAS**, DOS has surveyed the original stone paving materials at the existing entrance pavilions per Exhibit E (Original Paving at D Street, 23<sup>rd</sup> Street, C Street, and Jogger’s Entrances) and has determined the paving materials to be a character defining feature for HST; and

**WHEREAS**, DOS has determined, in consultation with the SHPO, that the Undertaking will cause adverse effects as described in DOS’ letter dated October 26, 2004. In summary, adverse

effects include removal of or alterations to original design elements of the building, including the canopies, vestibules, paving, planters, and other features of its five entrances; narrowing the roadways and constructing security features in the rights of way of five streets that contribute to the significance of the L'Enfant-McMillan Plan of the City of Washington National Register documentation; and additions to or alteration of character-defining features that interrupt or interfere with views of the HST building and views along L'Enfant-McMillan Plan streets. A detailed summary of adverse effects is included in Exhibit F (Summary of Adverse Effects, Phases I and II); and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1) DOS notified ACHP of its adverse effects determination with the specified documentation and ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**WHEREAS**, DOS provided for public involvement in this PA in accordance with 36 CFR § 800.8(a)(1) by coordinating Section 106 review with public review and consultation via an Environmental Assessment (EA) under the NEPA process; and

**WHEREAS**, DOS invited the Board of Governors of the Federal Reserve Board System (FRB), Advisory Neighborhood Council 2A, the D.C. Preservation League, the Committee of 100 on the Federal City, the Foggy Bottom Association (FBA), the George Washington University, the National Trust for Historic Preservation, the Pan American Health Organization, the Federal Highway Administration (FHWA), the U.S. Institute of Peace (USIP), the National Academy of Sciences (NAS), the U.S. Navy NAVFAC Washington, the U.S. Commission of Fine Arts (CFA), the United States Diplomacy Center (USDC), the D.C. Office of Planning (DCOP), the American Pharmacists Association (APhA), and the D.C. Department of Transportation (DDOT) to participate in consultation, and FRB, FBA, USIP, NAS, CFA, USDC, DCOP, APhA, and DDOT participated as consulting parties (“Consulting Party” or “Consulting Parties”); and

**WHEREAS**, CFA approved a concept plan for the Undertaking on November 18, 2004, reaffirmed their approval on October 29, 2010; and approved an updated concept plan on November 20, 2014, and

**WHEREAS**, DOS determined, in consultation with SHPO, that there is a low probability for impacts to archeological resources due to the previous ground disturbance at the site; however, DOS plans to follow the processes outlined in Stipulation IV (Archaeological Resources Identification); and

**WHEREAS**, DOS recognizes that Tribe(s) may have sites of religious and cultural significance on or off Tribal lands [as defined in 36 CFR § 800.16(x)], and in meeting its Federal trust responsibility, DOS has consulted with the SHPO and concludes that there are no areas of tribal interest within the APE. If a Tribe(s) should be subsequently identified, DOS will engage in government-to-government consultation with the Tribe(s), and pursuant to 36 CFR § 800.2(c)(2)(ii)(E) invite the Tribe(s) to enter into an agreement that specifies how DOS and the Tribe(s) will carry out Section 106 responsibilities, including the confidentiality of information; and

**WHEREAS**, the Undertaking will be coordinated with the Programmatic Agreement regarding the Modernization of the Harry S Truman Building Extension dated May 13, 2008 (“Extension Modernization PA”), and the Memorandum of Agreement (MOA) regarding the United States Diplomacy Center (“Diplomacy Center MOA”) dated August 26, 2011; and

**WHEREAS**, the Undertaking is being implemented in conjunction with a perimeter security project at the American Pharmacists Association (APhA) Headquarters Building, for which a separate MOA was signed on October 31, 2013, in that the security elements at the north end of the APhA property will also satisfy perimeter security requirements for HST; and

**WHEREAS**, DOS plans to apply for and obtain a Public Space Permit in accordance with the procedures established by DDOT;

**NOW THEREFORE**, the Signatories agree that the Undertaking shall be administered in accordance with the following stipulations to take into account the Undertaking’s effect on Historic Properties.

#### **STIPULATIONS**

DOS shall ensure that the following measures are carried out:

##### **I. General Requirements**

- A. **Applicable Codes and Standards.** The Undertaking shall be planned, developed, and executed by DOS in consideration of the recommended approaches contained in the Secretary of the Interior’s Standards for the Treatment of Historic Properties (“Secretary’s Treatment Standards”), GSA’s applicable Technical Preservation Guidelines (<http://www.gsa.gov/technicalpreservationguidelines>), and other prevailing applicable codes.
- B. **Qualifications.** DOS shall ensure that all historic preservation and/or archaeological work performed on its behalf pursuant to this PA shall be accomplished by, or under the direct supervision of a person or persons who meet(s) or exceed(s) the pertinent qualifications in the Secretary’s Professional Standards (Archaeology and Historic Preservation: *Secretary of the Interior's Standards and Guidelines [As Amended and Annotated]*, formerly located at 36 CFR Part 61 in those areas in which the qualifications are applicable for the specific work performed.
- C. **Anti-Deficiency Act.** DOS’s obligations under this PA are subject to availability of appropriated funds, and the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. DOS will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs DOS’s ability to implement the stipulations in this PA, DOS will consult in accordance with Stipulation XI (Amendments) or XII (Termination) of this PA.

- D. Programmatic Agreement Distribution. DOS shall provide both paper and electronic copies of the fully-signed PA to all Signatories, and to Consulting Parties upon request.
- E. Protection of Historic Materials. DOS will take all necessary precautions to protect the historic materials identified in the HSR.

## II. Phasing

The Undertaking will be implemented in two (2) phases per Exhibit C (Phasing Plan):

### A. Phase 1 -

- 1. Guard booths and vehicle barriers at the intersections of 21<sup>st</sup> and C Streets, 23<sup>rd</sup> and C Streets, and 23<sup>rd</sup> and D Streets
- 2. Anti-ram walls, fences, and bollards on 21<sup>st</sup>, 23<sup>rd</sup>, C and D Streets
- 3. Retractable bollards at the intersection of 22<sup>nd</sup> and C Streets
- 4. Street lane, curb, and sidewalk relocations on 21<sup>st</sup>, 23<sup>rd</sup>, C and D Streets
- 5. Landscaping on 21<sup>st</sup>, 23<sup>rd</sup>, C and D Streets
- 6. Road striping and vehicle signage on 22<sup>nd</sup> Street
- 7. Staff and visitor screening pavilion on D Street
- 8. A truck inspection station on D Street
- 9. Interchange modifications to the E Street Expressway off-ramp and Virginia Avenue
- 10. A vehicle barrier at the intersection of D Street and Virginia Avenue
- 11. Landscaping on D and E Streets and Virginia Avenue

### B. Phase 2 –

- 1. A staff and visitor pavilion screening facility at the 21<sup>st</sup> Street entrance (“Jogger’s Entrance”)
- 2. A staff and visitor pavilion screening facility at the C Street Entrance
- 3. A staff and visitor pavilion screening facility at the 23<sup>rd</sup> Street Entrance

## III. Design Review

### A. Phase 1 Scope:

- 1. Based on the Preliminary Drawings per Exhibit D, DOS plans to submit a NCPC preliminary submission for review and approval.
- 2. After the NCPC preliminary approval, DOS shall submit 60% Construction Drawings to the Signatories for review and comment.
  - a) Signatories shall submit written comments to DOS within fifteen (15) working days of receipt of 60% Construction Drawings.
  - b) DOS will consolidate all Signatory review comments, and distribute the consolidated comments to the Signatories. DOS shall consider and may incorporate changes into the final design submission, and shall provide a written summary of those changes to the Signatories.

- c) Should DOS object to any comment(s), DOS will provide SHPO and the Signatory that made the comment(s) with a written explanation of the objection, and will initiate consultation with the Signatory to resolve the objection. If no agreement is reached within ten (10) working days following receipt of DOS's written explanation, DOS will request the ACHP to review the comment and explanation pursuant to Stipulation X (Dispute Resolution).
  - d) Failure to Comment. If the Signatories do not provide written comments within the agreed upon timeframe, DOS may assume that there are no comments regarding the design submission, and DOS may proceed with finalizing the 65% Construction Drawings.
3. The 65% Construction Drawings will be used to prepare and submit for final CFA and NCPC approvals. DOS will distribute copies, in electronic format only unless requested otherwise by a Signatory, of both the CFA and NCPC final submissions to the Signatories. DOS will distribute the CFA's Secretary correspondence, and the NCPC's Action and Executive Director's Recommendation to all Signatories.
  4. Upon written request from a Signatory, DOS shall provide the bid set used for construction and/or the as-built construction plans.

B. Phase 2 Scope:

1. DOS plans to prepare NCPC preliminary and final submissions, and CFA concept and final submissions for the respective Agency approvals. All NCPC and CFA submissions shall be distributed to the Signatories.
2. Due to funding availability or sequencing with the "Extension Modernization PA", DOS may choose to design the three (3) Phase 2 pavilions in more discrete increments.
3. In consultation with the Signatories, DOS shall submit 15% Schematic Drawings and 35% Design Development Drawings to the Signatories for their review and comment.
  - a) Signatories shall submit written comments to DOS within twenty (20) working days of receipt of a submission.
  - b) DOS will consolidate all Signatory review comments, and distribute the consolidated comments to the Signatories. DOS shall consider and may incorporate changes, and shall provide a written summary of those changes to the Signatories.
  - c) Should DOS object to any comment(s), DOS will provide SHPO and the Signatory that made the comment(s) with a written explanation of the objection(s), and will initiate consultation with the Signatory to resolve the objection(s). If no agreement is reached within ten (10) working days following receipt of DOS's written explanation, DOS will request the ACHP to review the comment and explanation pursuant to Stipulation X (Dispute Resolution).
  - d) Failure to Comment. If the Signatories do not provide written comments within the agreed upon timeframe, DOS may assume

that there are no comments regarding the design submission, and DOS may proceed to the next design phase.

4. The 35% Design Development Construction Drawings and the Signatories' review comments will be used to prepare and submit for CFA concept and NCPC preliminary approvals.
  5. After the NCPC preliminary approval, DOS shall prepare and submit 60% Construction Drawings identical to the procedural steps outline for Phase 1 scope in Stipulation III.A.2
  6. The Phase 2 65% Construction Drawings will be used to prepare and submit for final CFA and NCPC approvals. DOS will distribute copies, in electronic format only unless requested otherwise by a Signatory, of both the CFA and NCPC final submissions to the Signatories. DOS will distribute the CFA's Secretary correspondence, and the NCPC's Action and Executive Director's Recommendation to all Signatories.
  7. Upon written request from a Signatory, DOS shall provide the bid set used for Phase 2 construction and/or the as-built construction plans.
- C. Final Design. After the preliminary submission is reviewed by NCPC and further consultation as outlined in Stipulation III.A or III.B has occurred, but prior to DOS's submission of the final design documentation to the CFA or the NCPC, DOS shall provide the proposed CFA and NCPC Final Submission documentation to the Signatories for consideration and consultation. The determinations of effect related to any changes made to the Preliminary Drawings, per Exhibit D, are to be considered as part of the CFA and NCPC final review and approval process, and will be made through the following steps:
1. DOS shall review the CFA and NCPC Final Submissions focusing on any proposed changes from the Preliminary Drawings and make a determination as to whether the final design may result in new adverse effects that have not already been resolved and/or the intensification of known adverse effects to historic properties.
  2. DOS shall forward, via electronic media, its determination in Stipulation III.C.1 to the Signatories for a ten (10) calendar day review and comment period. NCPC will also post the DOS determination along with the NCPC Final Submission on NCPC website to notify Consulting Parties and the public so that they may additionally review and comment.
  3. If DOS determines that no new adverse effects may result or no known adverse effects to historic properties would be intensified, and no Signatories, Consulting Parties or the public objects within the ten (10) calendar day review period, DOS shall submit the final design documentation to CFA and NCPC for their formal approvals.

4. If DOS determines that no new adverse effects may result or no known adverse effects to historic properties would be intensified and a Signatory objects in writing within the ten (10) calendar day review period, DOS shall notify the Signatories to consult with the objecting party to seek ways to resolve the objection. If DOS determines that the objection cannot be resolved, DOS shall follow the procedures in the Dispute Resolution clause of this Agreement.
5. If DOS determines that no new adverse effects may result or no known adverse effects to historic properties would be intensified and a Consulting Party or the public objects in writing within the ten (10) calendar day review period, DOS shall consider the objection, notify the Signatories, and submit the written objection(s) and the DOS position on the objection, with the final design documentation being submitted to CFA and NCPC for their formal approvals.
6. If DOS determines that a new adverse effect may result or a known adverse effect to a historic property would be intensified, DOS shall immediately advise the Signatories, and provide an opportunity to revise the final design documentation to avoid, minimize, or mitigate the new or intensified adverse effect. If DOS determines that unavoidable adverse effects to historic properties may result or be intensified, DOS shall consult with the Signatories to determine whether the final design documentation warrants an Amendment to this PA to identify additional measures that will be carried out to avoid, minimize or mitigate any new or intensified adverse effects.
7. If the Agreement is amended, DOS will notify the Consulting Parties and the public, and provide or post the Amendment.

#### IV. Archaeological Resources Identification

- A. The DOS will pursue a phased approach to the identification and evaluation of archeological resources within the project area in consultation with the SHPO. All investigations will follow the *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended), the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation [as amended and annotated], and be conducted under the direct supervision of an archaeologist that meets or exceeds the pertinent qualifications in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738- 44739).
- B. All archaeological work and Treatment of potentially eligible resources will be determined in consultation with the SHPO and be consistent with: the *Secretary of the Interior's Standards for the Treatment of Historic Properties*; The *Secretary of the Interior's Standards for Archeological Documentation* [as amended and annotated]; and the ACHP's publications, including the *Advisory Council on Historic Preservation's Treatment of Archeological Properties: A*



*Handbook(1980), Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites (1999), and current Section 106 Archaeology Guidance (at: <http://www.achp.gov/archguide/>).*

- C. The DOS will permanently curate or arrange for permanent curation of the archaeological collections, field records, images, digital data, maps, and related information resulting from investigations for this undertaking in accordance with 36 CFR 79, Curation of Federally-Owned and Administered Archaeological Collections.

V. Construction Activities

- A. Construction Monitoring. DOS will hire an independent consultant who meets the professional requirements set forth in Stipulation I.B to monitor the construction work associated with the Undertaking to ensure consistency with the final submission.
- B. Construction Modifications. The independent consultant will determine whether any conflicting conditions discovered or modifications may result in adverse effects on Historic Properties within the APE. If the determination is that an adverse effect may result, DOS will forward written documentation of the determination, along with proposed measures to resolve the adverse effect, to SHPO. Unless SHPO objects in writing within fifteen (15) calendar days of receiving the submission from DOS, DOS may proceed with the work. Otherwise, DOS will resolve the objection through further consultation with SHPO, or in accordance with Stipulation X (Dispute Resolution) or Stipulation XI (Amendments) before proceeding with the work.

VI. Mitigation

- A. Phase 1. The following mitigation is applicable to all Phase 1 scope and the known Phase 2 adverse effects as shown in Exhibit F (Summary of Adverse Effects, Phases I and II).
  - 1. Northwest Rectangle Historic District Nomination.
    - a. DOS will revise and update the National Register Nomination for the Northwest Rectangle Historic District that was previously determined to be eligible for listing in 1998. The revised nomination will include expanded descriptions and histories of each building and an evaluation of the landscape.
    - b. DOS will notify property owners and solicit public feedback.
    - c. DOS shall distribute a draft Nomination for the Signatories' review and comment within two hundred forty (240) calendar days after DOS has obtained a Public Space Permit from DDOT.
    - d. Signatories shall submit written comments to DOS within sixty (60) calendar days of receipt of the draft Nomination. If the Signatories do not provide written comments within the agreed upon timeframe noted

above, DOS may assume that there are no comments regarding the draft Nomination, and DOS may proceed.

- e. DOS and SHPO shall discuss review comments, and agree how changes should be incorporated into the Nomination submitted to the HPRB review.
- f. DOS will apply for Historic Preservation Review Board (HPRB) review of the Nomination for DC landmarking.
- g. As appropriate, DOS will revise the draft Nomination based on comments from HPRB within one hundred twenty (120) calendar days, and submit to SHPO for final review. SHPO shall provide comments within thirty (30) calendar days.
- h. DOS shall submit the final nomination to the Keeper of the National Register of Historic Places, National Park Service within sixty (60) calendar days.

## B. Phase 2.

### 1. 23<sup>rd</sup> Street Interpretive Signage

- a. After the completion of the U.S. Diplomacy Center Construction and at the initiation of design for any portion of the Phase 2 scope, DOS in consultation with the Consulting Parties will develop interpretive signage for incorporation into the perimeter security elements.
- b. The signage will inform the public regarding the history and architecture of HST, and the mission of DOS.
- c. Submissions.
  - 1) DOS shall propose interpretive signage locations as part of the Schematic (15%) Construction Drawings submission for Signatory review per Stipulation III.B.
  - 2) DOS shall propose sign content and material characteristics as part of the Design Development (35%) Construction Drawings for Signatory review per Stipulation III.B.
  - 3) Interpretive signage will be included in the CFA Concept and Final submissions and the NCPC Preliminary and Final submissions.
  - 4) The interpretive signage will be fabricated and installed in conjunction with the first Phase 2 construction activities.

### 2. Stone Paving

- a. The design for paver reuse will be consulted upon early and frequently during the Phase 2 design review process as outlined in Stipulation III.B.
- b. The historic stone paving at each entrance pavilion will be retained in place and reused in the new entrances to the maximum extent possible.
- c. Pavers that must be removed will be carefully packaged so as to avoid breakage, labeled and cataloged to maintain provenance, and stored for the reuse in a manner to be determined through consultation per Stipulation III.B

- d. If not enough suitable locations for reuse are identified at Phase 2 pavilions, DOS shall investigate and propose the reuse of stone paving materials at other locations on site.

## VII. Post-Design Review Archaeological Discoveries

- A. Should cultural resources be unexpectedly identified during the implementation of the Undertaking or any actions taken pursuant to this PA, DOS shall ensure that reasonable efforts are made to avoid, minimize or mitigate adverse effects to such properties, and shall consult SHPO to resolve any unavoidable adverse effects pursuant to 36 CFR § 800.6. DOS shall ensure that any resulting cultural resources work is accomplished in accordance with the relevant performance standards in Stipulation IV (Archeological Resources Identification). DOS and SHPO shall resolve any disputes over the evaluation or treatment of previously unidentified resources using the processes outlined in Stipulation X (Dispute Resolution) of this PA.
- B. Treatment of Human Remains - In the event that human remains, burials, or funerary objects are discovered during construction of the Undertaking or any action taken pursuant to this PA, DOS shall immediately halt subsurface construction disturbance in the area of the discovery and in the surrounding area where additional remains can reasonably be expected to occur. DOS shall immediately notify SHPO and the District of Columbia Chief Medical Examiner (CME) of the discovery under DC Code Section 5-1406 and other applicable laws and regulations.
  1. If CME determines that the human remains are not subject to a criminal investigation by federal or local authorities, DOS shall comply with the applicable federal or local laws and regulations governing the discovery and disposition of human remains and consider the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects (2007).
  2. For actions involving Native American human remains or burials, DOS shall comply with applicable laws. in accordance with provisions of the Native American Graves Protection and Repatriation Act, as amended (Public Law 101-601, 25 USC 3001 et seq.) and regulations of the Secretary of the Interior at 43 CFR Part 10. Should human remains or such objects be found, DOS shall notify SHPO pursuant to 43 CFR Section 10.4(d).

## VIII. Duration

This PA will expire if its terms are not carried out within fifteen (15) years from the date of its execution. Prior to such time, DOS may consult with the other Signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XI (Amendments).

IX. Monitoring and Reporting

Following the execution of this PA until it expires or is terminated, DOS shall provide all the Signatories to this PA an annual summary report detailing work undertaken pursuant to its terms, and a final report for each completed phase. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in DOS's efforts to carry out the terms of this PA.

X. Dispute Resolution

Should any Signatory to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, DOS shall consult with such party to resolve the objection.

If DOS determines that such objection cannot be resolved, DOS will forward all documentation relevant to the dispute, including DOS's proposed resolution, to ACHP who shall provide DOS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, DOS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and Signatories, and provide them with a copy of this written response. DOS will then proceed according to DOS's final decision.

If ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, DOS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DOS shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories to the PA, and provide them and ACHP with a copy of such written response.

DOS's responsibilities to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XI. Amendments

This PA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date a copy signed by all of the Signatories is filed with ACHP.

XII. Termination

If any Signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XI (Amendments), above. If within thirty (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the PA upon written notification to the other Signatories.

Once the PA is terminated, and prior to work continuing on the Undertaking, DOS must either (a) execute an agreement pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. DOS shall notify the Signatories as to the course of action it will pursue.

Execution of this PA by the Signatories and implementation of its terms evidence that DOS has taken into account the effects of this Undertaking on Historic Properties and afforded ACHP an opportunity to comment.

## **EXHIBITS**


- Exhibit A: Existing Conditions Plan
- Exhibit B: Areas of Potential Effects and Contributing Resources Map
- Exhibit C: Phasing Plan
- Exhibit D: Preliminary Drawings
- Exhibit E: Original Paving at D Street, 23<sup>rd</sup> Street, C Street, and Jogger's Entrances
- Exhibit F: Summary of Adverse Effects, Phases I and II



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AT THE HARRY S TRUMAN BUILDING, WASHINGTON, D.C.

FOR THE GENERAL SERVICES ADMINISTRATION

By:  12/18/15

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

Date

By:  11/30/2015

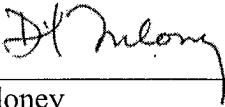
Beth L. Savage  
Director, Center for Historic Buildings  
Federal Preservation Officer

Date

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**FOR THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER**

By:  August 21, 2015  
David Maloney Date  
State Historic Preservation Officer, District of Columbia



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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
AND THE NATIONAL PARK SERVICE**

**REGARDING THE PERIMETER SECURITY IMPROVEMENT PROJECT  
AT THE HARRY S TRUMAN BUILDING, WASHINGTON, D.C.**

**FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**

By: John M. Fowler 12/22/15

John Fowler  
Executive Director

Date

**PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. DEPARTMENT OF STATE,  
THE U.S. GENERAL SERVICES ADMINISTRATION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
AND THE NATIONAL PARK SERVICE**

**REGARDING THE PERIMETER SECURITY IMPROVEMENT PROJECT  
AT THE HARRY S TRUMAN BUILDING, WASHINGTON, D.C.**

**FOR THE NATIONAL CAPITAL PLANNING COMMISSION**

By: MC Acosta

AUG 18, 2015

Marcel C. Acosta  
Executive Director

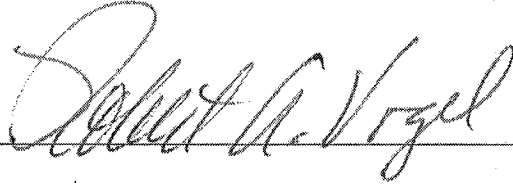
Date

PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. DEPARTMENT OF STATE,  
THE U.S. GENERAL SERVICES ADMINISTRATION,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE NATIONAL CAPITAL PLANNING COMMISSION,  
AND THE NATIONAL PARK SERVICE

REGARDING THE PERIMETER SECURITY IMPROVEMENT PROJECT  
AT THE HARRY S TRUMAN BUILDING, WASHINGTON, D.C.

FOR THE U.S. DEPARTMENT OF INTERIOR NATIONAL PARK SERVICE

By: \_\_\_\_\_



Robert A. Vogel  
Regional Director, National Capital Region

9/14/15

Date