FBI Headquarters Consolidation

Section 106 Consulting Parties Meeting

January 19, 2016
I. Opening Remarks
   • Welcome
   • Introductions
   • Review Agenda and Meeting Goals and Objectives

II. GSA Project Status Review and Update
   • Overall Project Update
   • Summary of Issues Raised at June 16 CP Meeting
   • Review Definition of Undertaking

III. Development of Plan Amendment and Square Guidelines
   • Plan Amendment
   • Square Guidelines
   • Section 106 Responsibilities
   • Schedule

IV. BREAK

V. Programmatic Agreement Discussion
   • Content Review
   • Schedule

VI. Overall Regulatory Schedule

VII. Further Discussion and Closing Remarks
Goals and Objectives

• Review key issues and action items from the June 16 meeting

• Update Consulting Parties on project developments since last meeting

• Begin discussion on Programmatic Agreement content
Project Update

• NEPA/EIS
  • Draft EIS released to the public on November 6, 2015
  • Three public hearings held in December, 2015
  • Draft EIS public comment period ended on January 6, 2016
  • GSA is beginning work on the Final EIS

• Exchange Partner Procurement Process
  • Phase II RFP will be released this winter

• Project Funding/Omnibus Bill

• Pennsylvania Avenue Plan
  • Plan Amendment transmitted to Congress January 13, 2016
Consulting Parties Comments and Concerns from June 16th, 2015 Meeting

• Clarify the need for a Plan Amendment as well as Square Guidelines and how they will be developed.

• Clarify GSA's and NCPC's role in the development of the Plan Amendment and Square Guidelines.

• Clarify the Plan Amendment and Square Guidelines process, including public notification and opportunity for public comment.

• Define how Section 106 applies throughout the consolidation and exchange process.

• Clarify the overall project schedule.
Definition of Undertaking

The Undertaking is composed of the following components:

- Consolidation (new construction) of FBI HQ at one of three suburban sites
  - Greenbelt, MD
  - Landover, MD
  - Springfield, VA

- Exchange of Squares 378 and 379 (the JEH Parcel) pursuant to 40 USC § 581 (c) 3304

- Retention of the existing structure or redevelopment of Squares 378 and 379
  - Subject to 1996 PADC MOA between GSA, NPS and NCPC
In 1996, Public Law 104-134, dissolved PADC and transferred authorities to GSA, the National Park Service (NPS), and NCPC.

NCPC and GSA were given responsibilities to ensure that redevelopment occurs consistent with the PADC Plan. Authority to amend the PADC Plan was transferred to GSA.

In 1996, GSA, NCPC, and NPS signed a Memorandum of Agreement (1996 PADC MOA), which specifies the process for reviewing redevelopment proposals and for amending the PADC Plan and Square Guidelines.

- The MOA gives NCPC and NPS roles in the Plan Amendment and/or Square Guidelines process.
Planning Definitions

**Pennsylvania Avenue Plan (PADC Plan):** Provides a conceptual planning redevelopment framework

**General Guidelines:** Provides area-wide guidance and uniform standards for development

**Square Guidelines:** Considering the site’s context, provides more detail guidance for each square
Existing PADC Plan for Squares 378 and 379

- There are currently no Square Guidelines for these squares
Why amend the Plan?

• Current PADC Plan for Squares 378/379 are specific to the FBI Building.
• NCPC determined a Plan Amendment is required to change designation from federal office to private mixed use development.
• The Plan Amendment will guide preparation of Square Guidelines.

How is the PADC Plan being amended?

• NCPC developed and transmitted the Plan Amendment to GSA and NPS per Section V of the 1996 PADC MOA.
• Upon agreement by both agencies, GSA submitted the Plan Amendment to Congressional Committees per Section V of the 1996 PADC MOA on January 13, 2016.
Plan Amendment Process

NCPC Submits Plan Amendment to NPS and GSA

NPS and GSA review for 45 days

If agencies agree, GSA transmits Plan Amendment to Committees* for 60 days

If the agencies do not agree, they will meet to reconcile differences

After 60 days, GSA will amend the Plan

GSA may at its discretion transmit the Plan Amendments to Committees* or take no further action

* The Committees referenced herein are the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate.
Square Guidelines

- The purpose of Square Guidelines is to help implement the Pennsylvania Avenue Plan and to help inform development plans for the site.

- The Square Guidelines are planning and urban design objectives that reflect federal and local interests and will build on the proposed Plan Amendment.

- The level of detail of the Square Guidelines needs to be discussed in the context of the overall development process and the Programmatic Agreement.

- The Square Guidelines development process will include public notification and opportunities for public comment.
Development of Square Guidelines – Draft Schedule for 2016

<table>
<thead>
<tr>
<th>Plan Amendment</th>
<th>Spring 2016</th>
<th>Summer 2016</th>
<th>Fall 2016</th>
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</thead>
<tbody>
<tr>
<td>NCPC Initiated Square Guidelines</td>
<td>Submit to Congress</td>
<td>60 Days</td>
<td>Approved</td>
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<tr>
<td></td>
<td>Data Collection /Modeling (NCPC)</td>
<td>Public Meeting #1</td>
<td>Commission Meeting (Info Presentation)</td>
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<td>CFA (Info Presentation)</td>
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<td>Pennsylvania Avenue Initiative</td>
<td>Market Study/Draft Urban Design &amp; Economic Strategies (Executive Committee – NCPC, NPS, GSA, the District)</td>
<td>Public Meeting</td>
<td>Urban Development Feasibility Scenarios</td>
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- **Spring 2016**: Submit to Congress, Data Collection /Modeling (NCPC), Market Study/Draft Urban Design & Economic Strategies (Executive Committee – NCPC, NPS, GSA, the District)
- **Summer 2016**: Public Meeting #1, Commission Meeting (Info Presentation), CFA (Info Presentation)
- **Fall 2016**: Public Meeting #2, Commission Meeting (Preliminary/Final), Commission Meeting (Final - if needed), Urban Development Feasibility Scenarios
NCPC Submits Square Guidelines to GSA

GSA reviews for 30 days

GSA accepts the Square Guidelines

If GSA does not agree, GSA and NCPC will meet to reconcile differences

GSA accepts Square Guidelines and transmits a copy to NCPC

If GSA and NCPC continue to disagree, GSA may elect to take no further action
Summary of Key Section 106 Actions in the Development of the Pennsylvania Avenue Plan Amendment and Square Guidelines

- NCPC not subject to Section 106
- GSA Section 106 Obligations:
  - Transmittal of Plan Amendment to Committees
  - Acceptance and Approval of Square Guidelines
  - Determination of Redevelopment Plan’s conformance with PADC Plan and Square Guidelines
Redevelopment Plan General Process

1996 PADC MOA Section II: Property Redevelopment

• Property owner submits redevelopment plan to GSA and NCPC

• GSA and NCPC determine if the proposal (redevelopment plan) *conforms*
  
  • *If the proposal* *conforms*, it would not require an amendment to the PADC Plan and/or Square Guidelines
  
  • *If the proposal* *does not conform*, it may require an amendment to the PADC Plan and/or Square Guidelines

• GSA Section 106 Notification of Determination
Programmatic Agreement (PA) Regulation

§ 800.14 Federal Agency Program Alternatives

(b) Programmatic Agreements. The Council and the agency official may negotiate a Programmatic Agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings:

(ii) when effects on historic properties cannot be fully determined prior to approval of an undertaking

(iii) when nonfederal parties are delegated major decision making responsibilities

(v) where other circumstances warrant a departure from the normal Section 106 process.
Programmatic Agreement (PA) Proposed Content

The PA will establish a process through which GSA will meet its compliance responsibility. While there is a regulatory framework (legally binding and enforceable guidance) in place (the 1996 PADC MOA) the PA will define, reinforce and set a course for implementation of this process:

• Stipulate roles and responsibilities of parties as outlined in the 1996 PADC MOA to delineate how the Undertaking will be carried forth in compliance.

• Establish a framework for the development of Square Guidelines for Squares 378 and 379 in advance of possible redevelopment of the site.

• Define how the 1996 PADC MOA, in accordance with Section 106, will guide establishment of a redevelopment plan for Squares 378 and 379.

• Clarify procedures omitted from the 1996 PADC MOA.

• GSA oversight throughout Undertaking.
Programmatic Agreement (PA) Proposed Content

Key Stipulations

• Development of Plan Amendment and Square Guidelines (prior to exchange of Squares 378 and 379)
  • Process as it relates to Section V of the 1996 PADC MOA
  • Public notification and opportunities for comment
  • Submittal of design by developer for review in conformance to the Square Guidelines
    • Follows the process set forth in Section II of the 1996 PADC MOA for redevelopment

• Exchange of Squares 378 and 379
  • Exchange will not occur until the Plan Amendment and Square Guidelines are developed

• Consolidated Headquarters Construction
  • Consultation with Maryland or Virginia SHPO
  • Process and Procedures for unanticipated discoveries during construction
Programmatic Agreement Schedule

January 2016
  • **Consulting Parties provide comments on PA outline by February 2**
  • **GSA incorporates comments and prepares first draft of PA**

February 2016
  • **Development of PA**

March 2016
  • **Consulting Parties meeting to discuss first draft of PA**

April 2016
  • **Consulting Parties provide comments on first draft of PA**
  • **Consulting Parties meeting to review second draft of PA**

May 2016
  • **Consulting Parties provide final comments**
  • **Final draft PA for review and comments**

June 2016
  • **GSA executes PA**
Overall Regulatory Process Schedule

Winter 2016
- GSA submits Plan Amendment to Congress
- GSA provides information presentation to Commission on project
- Consulting Parties provide comments on draft PA content
- GSA incorporates comments and prepares first draft of PA
- NCPC commences square guideline development

Spring 2016
- Ongoing consultation meetings and reviews of PA
- GSA executes PA
- Amendment of Pennsylvania Avenue Plan
- NCPC holds 1st public hearing on Square Guidelines

Spring/Summer 2016
- NCPC holds 2nd public hearing on Square Guidelines

Summer/Fall 2016
- NCPC Commission reviews the Square Guidelines

Fall/Winter 2016
- Final EIS released with preferred alternative for 30-day public review
- GSA issues Record of Decision
Comments and Next Steps

• Key Contacts:

**Joan M. Brierton**
Senior Historic Preservation Specialist, GSA  
joan.brierton@gsa.gov  
202.494.7868

**Nancy Witherell**
Regional Historic Preservation Officer, GSA  
nancy.witherell@gsa.gov  
202.260.0663

**Diane Sullivan**
Senior Urban Planner, NCPC  
diane.sullivan@ncpc.gov  
202.482.7244

• Project Website: [www.gsa.gov/fbihqconsolidation](http://www.gsa.gov/fbihqconsolidation)
FBI Headquarters Consolidation

Section 106 Consulting Parties Meeting
Pennsylvania Avenue Development Corporation Memorandum of Agreement (1996 PADC MOA)

Section V: NCPC Proposals for Plan, General and/or Square Guidelines Amendments

• If NCPC wishes to amend the Plan, the General and/or Square Guidelines, NCPC shall transmit a proposal to NPS and GSA (along with all relevant documentation) for consideration. NPS and GSA shall have 45 calendar days to consider proposals for Plan amendment. GSA shall have 30 days to consider proposals for amendment of General and/or Square Guidelines.
Square Guidelines Development

• NCPC to lead development of Square Guidelines per Section V of the 1996 PADC MOA.

• Once the Plan makes its way out of Committee the Square Guidelines will be developed in accordance to the Pennsylvania Avenue Plan, as amended.

• GSA accepts Square Guidelines in accordance with 1996 PADC MOA.

• The Square Guidelines, with the Plan, will inform any future redevelopment plan.