FBI HEADQUARTERS CONSOLIDATION AND EXCHANGE
PROGRAMMATIC AGREEMENT
Preliminary Draft Outline
REVISED 14 January 2015

Please note that for the purposes of review only, the following outline has been presented in sections (I, II, III...), simply to best chart content organization and to make referencing content easier in discussion. Content will not necessarily be represented/identified as such in the Programmatic Agreement, though order will remain similar to proposed.

PREAMBLE

I. Definition of Undertaking
   A. FBI Headquarters Consolidation and Exchange
      i. Project Scope and Regulatory Authorities
         1. New Construction:
            a. Suburban Sites (Maryland and Virginia)
         2. Exchange:
            a. Exchange Definition/40 USC § 581 (c)
            b. Squares 378 and 379, Washington, D.C.
               i. GSA as lead agency under NHPA
      ii. Selection and Exchange Process
         1. Selection of Exchange Partner
         2. Conclusion of NHPA and NEPA
         3. Construction of FBI Consolidated Headquarters
         4. Exchange of Squares 378 and 379

II. Programmatic Agreement
   A. 36 CFR § 800.14(b)(1)(ii-iii,v)
      i. Complex project situations
      ii. Multi-state/Regional
      iii. Federal Agency Program Alternatives
         1. Negotiation of Agreement
         2. Effects that cannot be fully determined prior to approval of Undertaking
         3. Major decision-making by non-federal parties
         4. Where circumstances warrant departure from the normal Section 106 process

III. Regulatory Environment [IDENTIFY ATTACHMENTS]
   A. National Historic Preservation Act (NHPA)
   B. National Environmental Policy Act (NEPA)
   C. 1996 Non Section 106 MOA between GSA, DOI/NPS and NCPC
   D. Public Law 104-134
   E. Shipstead-Luce
F. Respective Local Codes (DC, Maryland, Virginia)
G. Respective Local Commission Regulations (DC, Maryland, Virginia)
H. D.C. Zoning
I. Height of Buildings Act
J. Secretary of the Interior’s Standards
K. INSERT ADDITIONAL

IV. Identification of Historic Properties
   A. Exchange Site (Squares 378 and 379): Area of Potential Effect (APE)
      i. Plan for the City of Washington (L’Enfant and McMillan Plans)
      ii. Sites, Districts, NHLs, Cultural Landscapes within APE
      iii. J. Edgar Hoover Building
         1. Determination of Eligibility
            a. DCSHPO Concurrence
   B. Potential New Construction Sites: Areas of Potential Effect
      i. Greenbelt, Maryland
      ii. Landover, Maryland
      iii. Springfield, Virginia

V. Findings of Effect
   A. Cultural Resource Evaluations
      i. District of Columbia
      ii. Greenbelt, Maryland
      iii. Landover, Maryland
      iv. Springfield, Virginia

VI. Section 106 Consultation
   A. Public Notice
   B. Section 106 Initiation
      i. Advisory Council
      ii. District of Columbia SHPO
      iii. Maryland SHPO
      iv. Virginia SHPO
   C. Federal Partnership Coordination

VII. Consulting Parties
   A. Identification
   B. Outreach and Communication
      i. Scoping Meetings
      ii. Consultation Meetings
      iii. Project Website Development
   C. Participating Consulting Parties
   D. Coordination with actions undertaken by other Federal agencies as a result of Undertaking
E. Ongoing Opportunities for Comment and Communication

STIPULATIONS

VIII. General Requirements [IDENTIFY ATTACHMENTS]
   A. Reference Documents, Evaluations and Other Analyses
      i. Pennsylvania Avenue Plan of 1974
      ii. Amendment to Pennsylvania Avenue Plan of 1974 (Squares 378 and 379)
      iii. Pennsylvania Avenue National Historic Site National Register Nomination, 2007
      iv. Cultural Landscape Inventory, Pennsylvania Avenue National Historic Site
      v. INSERT OTHER

IX. Roles and Responsibilities
   A. Federal Agencies
      i. U.S. General Services Administration
         1. Jurisdiction/Governance
            a. Lead Agency under Section 106
         2. Specific Obligations as Lead Agency under NHPA
            a. Regulations, Code, Agreements
      ii. National Capital Planning Commission
         1. Jurisdiction/Governance
            a. Plan of the City of Washington
            b. Pennsylvania Avenue Plan
            c. Review of the Master Plan and Transportation Management Plan for the selected site
            d. Section 106 Responsibilities associated with Greenbelt site (per NCPC Section 106 legal memo)
         2. Cooperating Agency under NEPA
         3. Specific Obligations
            a. Regulations, Code, Agreements
      iii. National Park Service
         1. Jurisdiction/Governance
            a. Pennsylvania Avenue National Historic Site
            b. National Historic Landmark Properties
         2. Cooperating Agency under NEPA
         3. Specific Obligations
            a. Regulations, Code, Agreements
      iv. Commission of Fine Arts
         1. Jurisdiction/Governance
            a. Shipstead-Luce Act
            b. Design Review/Permitting
      v. Advisory Council on Historic Preservation
         1. Jurisdiction/Governance
            a. National Historic Preservation Act
B. District of Columbia State Historic Preservation Office
   1. Jurisdiction/Governance
      a. D.C. Historic Preservation Law 2-144
      b. Design Review/Permitting

C. Maryland
   1. Local Codes and Commission Regulations
   2. State Historic Preservation Office/Maryland Historic Trust
   3. Prince George’s County Planning Commission/MNCPPC

D. Virginia
   1. Local Codes and Commission Regulations
   2. State Historic Preservation Office, Virginia Department of Historic Resources
   3. Fairfax County History Commission

X. FBI Consolidated Headquarters Undertaking Activities in Maryland or Virginia
   A. Site Selection:
      i. GSA Section 106 Compliance Responsibilities
         1. Review Process and Resultant Effect Determination
   B. Design and Construction:
      i. GSA Section 106 Compliance Responsibilities
         1. Review Process and Resultant Effect Determination
         2. Design Review and Resultant Processes

XI. Squares 378 and 379 Undertaking Activities in Washington, D.C.
   A. Review Processes for Retention of Structure or Redevelopment of Site
      i. 1996 Non Section 106 MOA between GSA, DOI/NPS and NCPC
         1. Plan Amendment
            a. NCPC Roles, Responsibilities, Process
            b. NPS Roles, Responsibilities, Process
            c. GSA Section 106 Compliance and Reinforcement of Federal and Local Preservation Processes
               i. Transmit to Congress
               ii. Amendment of Plan
                  1. Retention of Structure
                  2. Redevelopment of Site
               iii. Public Comment and Notification
         2. Square Guidelines
            a. NCPC Roles, Responsibilities, Process
            b. NPS Roles, Responsibilities, Process
            c. GSA Section 106 Compliance and Reinforcement of Federal and Local Preservation Processes
               i. Accept/Approve Guidelines
               d. Public Comment and Notification
         3. Redevelopment Plan
a. NCPC Roles, Responsibilities, Process
b. NPS Roles, Responsibilities, Process
c. GSA Section 106 Compliance and Reinforcement of Federal and Local Preservation Processes
   i. Submit to NCPC
   ii. Approve Proposal
d. Public Comment and Notification

XII. Stewardship Responsibilities
    A. GSA Ownership until Exchanged
       i. Existing Condition
       ii. Maintenance, Operations, Evaluation

XIII. Exchange Partner/Developer Responsibilities
    A. GSA Oversight
    B. Retention of Structure
       i. In accordance with Pennsylvania Avenue Plan of 1974, as amended
    C. Redevelopment of Site
       i. 1996 Non Section 106 MOA between GSA, DOI/NPS and NCPC
          1. Design Review Coordination
          2. Concept Development
          3. Redevelopment Plan
             a. Effect Determination (See OPO PA, Section II.A(3) re in accordance with 1974 Plan, as amended
                i. Reference appropriate Standard clause(s) below regarding re-opening of consultation, if necessary
             ii. Other Regulatory Authorities and Permitting Processes
                1. D.C. Historic Landmark and Historic District Protection Act
                2. Shipstead-Luce
                3. Proposed D.C. Zoning
                4. Height of Buildings Act

STANDARD CLAUSES

XIV. Definitions

XV. Public Involvement and Communication with Consulting Parties

XVI. Administration of Agreement

XVII. Annual Reporting

XVIII. Dispute Resolution
XIX. Unanticipated Discoveries
XX. Project Signage
XXI. Amendments
XXII. Termination
XXIII. Alterations to Project
XXIV. Emergency Situations
XXV. Security
XXVI. Effective Date of Agreement
XXVII. Duration
XXVIII. Electronic Copies
XXIX. Attachments
XXX. Signatures