MEMORANDUM OF AGREEMENT AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE,
THE UNITED STATES FEDERAL HIGHWAY ADMINISTRATION,
THE NATIONAL CAPITAL PLANNING COMMISSION,
AND
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
REGARDING A
SECOND AMENDMENT TO THE MASTER PLAN FOR THE REDEVELOPMENT OF THE ST. ELIZABETHS
WEST CAMPUS AND ASSOCIATED CONSTRUCTION
AT ST. ELIZABETHS NATIONAL HISTORIC LANDMARK,
WASHINGTON, D.C.

WHEREAS, this Memorandum of Agreement ("MOA") is made as of this _25 day of _September, 2020,
by and among the United States General Services Administration ("GSA") as lead federal agency, the
Advisory Council on Historic Preservation ("ACHP"), the District of Columbia State Historic Preservation
Office ("DCSHPO"), the United States Federal Highway Administration ("FHWA"), the National Capital
Planning Commission ("NCPC"), and the United States Department of Homeland Security ("DHS") (all
referred to collectively herein as the “Signatories" or individually as a “Signatory" pursuant to Sections
106 and 110 of the National Historic Preservation Act ("NHPA"), 16 U.S.C. §§ 470f and 470h-2(f), the
Section 106 implementing regulations at 36 CFR Part 800, and the 2008 Programmatic Agreement ("PA")
among GSA, ACHP, DCSHPO, FHWA ("Federal Highway Administration"), NCPC, and DHS regarding the
Redevelopment of St. Elizabeths National Historic Landmark, Washington, D.C., dated December 9,
2008, and amended June 4, 2018, which contemplated a multi-phased Redevelopment Project
("Redevelopment Project") and the execution of one or several separate MOAs to develop and
implement the project per 36 CFR § 800.6 (Exhibit 1); and

WHEREAS, St. Elizabeths ("St. Elizabeths") is located in the Southeast quadrant of Washington, D.C. and
consists of the 176-acre West Campus ("West Campus") and the 173-acre East Campus ("East Campus")
divided by Martin Luther King, Jr., Avenue, SE ("MLK Avenue"), all of which contribute to the St.
Elizabeths National Historic Landmark (NHL) (Exhibit 2). The West Campus is under GSA’s jurisdiction
and is being redeveloped by GSA for occupancy by DHS. The East Campus and MLK Avenue are under
the jurisdiction of the Government of the District of Columbia ("D.C. Government"); and

WHEREAS, GSA’s ongoing redevelopment of the West Campus has occurred in accordance with The DHS
Headquarters Consolidation at St. Elizabeths Final Master Plan, Washington, DC, November 10, 2008
(“2008 Master Plan”) as documented in the PA, and the subsequent DHS Consolidation at St. Elizabeths
Master Plan Amendment: Federal Use Parcel of the East Campus, Washington, DC, March 30, 2012
(“Master Plan Amendment”); and

WHEREAS, the adverse effects of the Master Plan Amendment were accounted for in The Memorandum
of Agreement among the United States General Services Administration, the Advisory Council on Historic
Preservation, the Government of the District of Columbia acting by and through the Deputy Mayor for
Planning and Economic Development, the District of Columbia Office of Planning, the District of Columbia
Department of Transportation, the District of Columbia State Historic Preservation Office, the National
WHEREAS, on August 19, 2020, GSA notified the Signatories and Consulting Parties (“Consulting Parties”) to the 2012 MOA that it was vacating the MOA because the undertaking proposed therein was not carried out and is not intended to be carried out now or in the future due to changed circumstances (Exhibit 3); and

WHEREAS, GSA plans to complete and implement the Second Amendment to the Master Plan for the Redevelopment of the St. Elizabeths West Campus (“Second Amendment”), which constitutes the undertaking (“Undertaking”) and which will be attached herein without amendment of this MOA following approval by NCPC and acceptance by GSA (Exhibit 4); and

WHEREAS, the Undertaking, the Second Amendment, mainly will affect two areas of the West Campus: the Plateau (“Plateau”) which includes Buildings 56/57, 60, 64, 66, 67, 68, and 69 and the Sweetgum Lane site (“Sweetgum Lane Site”) which includes Building 15. Both areas encompass landscape features that contribute to the NHL, including the Ravine and the Athletic Field, as well as spatial organization and land use patterns, topography and drainage, circulation, views and visual relationships, landscape structures, constructed water features, and small-scale furnishings and objects; and

WHEREAS, the Undertaking includes design and construction of two new office buildings on the Plateau; design and construction of one new building at the Sweetgum Lane site; landscape and site work at the Plateau site including on the Plateau and in the Ravine; the rehabilitation of contributing Buildings 56/57; the continued stabilization of Buildings 64 and 52; and the associated demolition of 6 buildings that contribute to the NHL: Buildings 15, 60, 66, 67, 68, and 69, upon appropriation from the U.S. Congress of sufficient funding for new construction; and

WHEREAS, GSA committed in the 2008 Master Plan and the 2008 PA to the rehabilitation and use of the historic buildings on the West Campus that contribute to the NHL, and this Undertaking, the Second Amendment, does not affect that commitment with the exception of the 6 buildings to be demolished; and

WHEREAS, GSA, during consultations leading to the MOA, committed to evaluating Building 69 to determine if it was feasible to retain it for federal government office space, and GSA reaffirmed the commitment to evaluate it at NCPC’s commission meeting on November 7, 2019; and

WHEREAS, GSA determined an Area of Potential Effects (“APE”) (Exhibit 5), as defined in 36 CFR § 800.16(d) in the 2008 PA, and during consultation for this Undertaking GSA determined the APE for this Undertaking was the entire St. Elizabeths NHL; and

WHEREAS, in consultation with DCSHPD, GSA will delineate Limits of Disturbance (“LOD”) associated with each Design Submission (“Design Submission”) under the Second Amendment in the process described in Stipulation III.C.2. of the PA; and

WHEREAS, NCPC will review the Second Amendment and the subsequent Design Submission components of the Undertaking pursuant to the National Capital Planning Act of 1952, and has
designated GSA lead agency for NCPC’s compliance pursuant to 36 CFR § 800.2(a). NCPC will rely upon
the PA and this MOA to fulfill its Section 106 obligation for any approval action taken in its review; and

WHEREAS, GSA, in accordance with Stipulation III.C.1.c of the PA, consulted with NCPC, a Signatory, and
with the U.S. Commission of Fine Arts (“CFA”), a Consulting Party, and anticipates determining
appropriate submittal dates for the draft and final Second Amendment to the Master Plan and the
eventual phases of Design Submissions; and

WHEREAS, as required under 54 USC § 306107 (commonly known as Section 110(f) of the NHPA) and its
implementing regulations (specifically 36 CFR §§ 800.6 and 800.10), prior to the approval of any federal
undertaking that may directly and adversely affect an NHL, the head of the responsible federal agency
shall to the maximum extent possible undertake such planning and actions as may be necessary to
minimize harm to the NHL; in accordance with the code and its implementing regulations, GSA has
notified the ACHP and the U.S. Department of the Interior- National Park Service (DOI-NPS, as the
Secretary of the Interior’s designee) of this consultation regarding the NHL property and invited the NPS
to participate in the development of this MOA and to consult on the resolution of any adverse effects to
the NHL as a consulting party; and

WHEREAS, pursuant to the National Environmental Policy Act, GSA has prepared a Supplemental
Environmental Impact Statement (“2020 SEIS”) to address changed circumstances since the publication
of the Consolidation at St. Elizabeths Master Plan Amendment – East Campus North Parcel
Environmental Impact Statement in 2012. GSA has provided the 2020 SEIS for public comment in
accordance with 36 CFR § 800.8(a)(1); and

WHEREAS, GSA consulted with the D.C. Government to ensure the goals and objectives of the Second
Amendment are compatible with the District of Columbia’s St. Elizabeths East Master Plan and Design
Guidelines (2012); and

WHEREAS, in coordination with the D.C. Department of Transportation (DDOT), GSA has assessed
transportation needs and determined that no right-of-way improvements are necessary on MLK Avenue
at this time for the implementation of the Second Amendment; and

WHEREAS, GSA initiated consultation with the federally recognized Delaware Tribe, which has historic
ties to the area that includes the St. Elizabeths West Campus, provided notification of GSA’s
determination of adverse effects, invited the tribe to participate in consultation, and the Tribe did not
reply; and

WHEREAS, pursuant to 36 CFR 800.3(f), in addition to the Signatories to this MOA, GSA identified and
invited to consult the following Consulting Parties: Advisory Neighborhood Commissions 8A, 8B, 8C, 8D,
and 8E, CFA, The Committee of 100 on the Federal City, The Cultural Landscape Foundation, the D.C.
Preservation League, the D.C. Office of Planning, DDOT, the National Trust for Historic Preservation, the
U.S. Department of the Interior- National Park Service, and the U.S. Navy; and

WHEREAS, in consultation, GSA applied the Criteria of Adverse Effects (36 CFR 800.5(a)(1)) and
determined that the Undertaking will have an adverse effect on the NHL due to the anticipated
demolition of 6 contributing buildings; the proposed construction of new buildings with different
locations, larger footprints, and significantly more mass than those proposed in the 2008 Master Plan;
the alteration or demolition, during landscape and site work, of historic landscape features such as
topography, circulation patterns, and vegetation; and the anticipated changes to the integrity of the
visual environment of the NHL. In addition, there is an intensification of the adverse effect previously
determined in the PA on the adjacent eligible Congress Heights Historic District due to anticipated
changes to the integrity of views from the historic district toward the proposed new buildings on the
Plateau; and

WHEREAS, GSA completed archaeological assessments of the sites constituting the area of the Second
Amendment and determined there is no known potential for adverse effect to archaeological resources,
and that in the event of an unanticipated discovery, Exhibit 14 of the PA stipulates the procedures for
notification and site treatment; and

WHEREAS, GSA notified the DCSHPO and ACHP of its adverse effect determination for this Undertaking,
and continued its ongoing consultation with the Signatories and Consulting Parties to avoid, minimize, or
mitigate adverse effects in accordance with the PA; and

WHEREAS, this consultation led to the Second Amendment to the Master Plan appended to this MOA,
and, pursuant to Stipulation III.C.1 of the PA, will continue consultation with the Signatories and
Consulting Parties during development of Design Submissions as described herein. Consultation is also
informed by the Governing Documents as defined in Stipulation 1.a. herein and the Historic Structure
Reports; and

WHEREAS, GSA informed the Signatories and Consulting Parties during consultation that GSA will
continue to make consultation and non-sensitive Undertaking-related documents accessible to the
public through a project website at \texttt{http://www.stelizabethsdevelopment.com/document_center.cfm}

NOW THEREFORE, the Signatories agree that the Undertaking will be implemented in accordance with
the following Stipulations ("Stipulations") in order to take into account the effect of the Undertaking on
historic properties.

\textbf{STIPULATIONS}

GSA will ensure the following measures are carried out:

\textbf{I. GENERAL REQUIREMENTS}

a. Reference Documents and Documentation

The Second Amendment provides, at the Master Plan level, GSA’s proposed massing, height,
and scale for new agency buildings; landscape and site work; and rehabilitation and/or
stabilization of historic buildings.

GSA’s Design Submissions will be based on the Second Amendment, the Secretary of the
Interior’s Standards for the Treatment of Historic Properties (Rehabilitation), NPS
Preservation Brief 31, the campus Cultural Landscape Report, the Landscape Preservation
Plan, the Landscape Integration Plan, and the Architectural Resources Management Plan, all
specific to the redevelopment of the St. Elizabeths West Campus. The Undertaking will also
be carried out in accordance with the 2020 SEIS. Collectively, these documents will be
referred to as governing documents ("Governing Documents"); and GSA also will comply
with applicable Building and Life Safety Codes.
b. **Qualified Personnel**

GSA will ensure that all historic preservation and archaeological work, if an unanticipated discovery is made, performed by GSA or on its behalf pursuant to this MOA, will 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 of the Interior’s Professional Standards located at [http://www.nps.gov/history/local-law/arch_stnds_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm).

II. **AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES**

GSA consulted with Signatories and Consulting Parties to determine the effects caused by the Second Amendment and measures to avoid, minimize, or mitigate them. GSA will take the following specific actions:

a. **Avoidance Measures**

GSA, pursuant to the protection measures stipulated in the PA, will ensure that the measures, including vibration monitoring and the physical and marked separation of new construction from adjacent historic buildings, are in place.

b. **Minimization Measures**

GSA, pursuant to the stipulations in the PA, will ensure that effects to historic landscape features and trees are avoided or minimized during construction. During consultation on the development of the Design Submissions, GSA will continue to seek ways to minimize adverse effects caused by the Second Amendment, and will take the following actions:

1. Retain the historic pedestrian pathways to the extent possible.
2. Design any new hardscape around new buildings in a manner that respects the NHL’s historic landscape character in order to minimize the adverse effect to the landscape setting.
3. Augment the wooded buffer between the cemetery and the new building on the Sweetgum Lane site to avoid or minimize the potential effect on views from the cemetery toward the Sweetgum Lane site.
4. Install a green roof on the new building at the Sweetgum Lane site to minimize effects on views across the site.
5. Design the Plateau buildings to respond to views from within the West Campus, more distant views from the west, and into the site from the St. Elizabeths East Campus of the NHL along Redwood Street and Gate 3.
6. Follow the procedures set out in Exhibit 14 of the PA if unanticipated archaeological discoveries occur.
7. Inspect and reinforce current protective mothballing measures and make necessary repairs to historic buildings, in consultation with DCSHPO.
c. **Mitigation Measures**

GSA will take the following actions to mitigate adverse effects associated with this Second Amendment:

1. Conduct additional documentation, including digital documentation of the interiors and exteriors of Buildings 60, 66, 68, and 69 and make it available to the public through an online platform.

2. Provide tags with botanical information on historic trees as defined in the Landscape Preservation Plan within 5 years of the execution of this MOA, and replace historic trees removed for construction with the same or similar species in a nearby location as feasible and subject to guidance from GSA’s Regional Horticulturalist and in consultation with the DC SHPO.

3. Create an online version of materials from the 2017-2018 St. Elizabeths exhibit at the National Building Museum, and add the interpretive sign program, and other educational materials and documentation, within 5 years of execution of this MOA and in consultation with the DCSHPO.

### III. DESIGN REVIEW PROCESS

GSA will continue to follow the Consultation Process and Procedures for Design Submissions stipulated under III.C. of the PA and consult with Signatories and Consulting Parties for each component of this Undertaking. The components of the Second Amendment may advance individually.

### IV. ALTERATIONS TO PROJECT DOCUMENTS

GSA will comply with the procedures laid out in Stipulation IX.C. of the PA.

### V. DEMOLITION AND FURTHER EVALUATION

GSA will not demolish buildings that contribute to the NHL, including Buildings 15, 60, 66, 67, 68, and 69 until the U.S. Congress appropriates sufficient funding for the construction of a new building that affects that historic building and GSA notifies the Consulting Parties of receipt of such funding in writing.

Further, for Building 69, GSA will also evaluate it to determine if it can be feasibly retained and used as federal government office space, will report findings to the Consulting Parties in writing, and will consider their comments on the findings. Should GSA’s evaluation conclude that it can be feasibly retained and used by the federal government, this MOA will remain in force and a revised master plan amendment, if GSA determines it necessary, will be consulted on and attached herein without further amendment of this MOA. Should GSA’s evaluation conclude that Building 69 cannot be feasibly retained and used by the federal government, GSA will notify the Consulting Parties of its decision in writing following the comment period.
VI. DISPUTE RESOLUTION
For disputes initiated by Signatories, GSA will comply with procedures in Stipulation V. of the PA. For disputes initiated by Consulting Parties, GSA will comply with procedures in Stipulation VI of the PA.

VII. AMENDMENTS
GSA will comply with procedures in Stipulation VII of the PA. If GSA, in consultation determines that there is an intensification of the adverse effect, GSA will propose amending this MOA as set forth in Stipulation VII of the PA.

VIII. TERMINATION
GSA will comply with the procedures in Stipulation VII of the PA. If this MOA is terminated, the Signatories shall take such actions as are necessary to comply with all requirements of 36 C.F.R. Part 800.

IX. DURATION
This MOA shall remain in effect for a period of 15 years, unless extended through an amendment per Stipulation VII of the PA or terminated per Stipulation VIII of the PA.

Availability of Funds: Per Stipulation XII.B. of the PA, fulfillment of the terms of the projects in the Second Amendment and this Undertaking’s MOA are subject to the availability of funds, pursuant to the Anti-Deficiency Act, 31 U.S.C. § 1341 et seq. This MOA is not an obligation of funds in advance of an appropriation of such funds, and it does not constitute authority for the expenditure of funds.

Execution and implementation of this MOA by the Signatories and implementation of its terms will evidence that GSA, as lead agency, has afforded DC SHPO, ACHP, DOI-NPS, the Signatories and Consulting Parties an opportunity to comment on the Undertaking and its effects on the St. Elizabeths NHL.

Signatures Follow
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THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA HISTORIC PRESERVATION OFFICE,
THE UNITED STATES FEDERAL HIGHWAY ADMINISTRATION,
THE NATIONAL CAPITAL PLANNING COMMISSION,
AND
THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
REGARDING A
SECOND AMENDMENT TO THE MASTER PLAN FOR THE REDEVELOPMENT OF THE ST. ELIZABETHS WEST CAMPUS AND ASSOCIATED CONSTRUCTION AT ST. ELIZABETHS NATIONAL HISTORIC LANDMARK,
WASHINGTON, D.C.

UNITED STATES GENERAL SERVICES ADMINISTRATION

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

August 26, 2020
MEMORANDUM OF AGREEMENT AMONG
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WASHINGTON, D.C.

UNITED STATES GENERAL SERVICES ADMINISTRATION

By: Darren J. Blue
Regional Commissioner
Public Buildings Service
National Capital Region
8/27/2020
MEMORANDUM OF AGREEMENT AMONG
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AT ST. ELIZABETHS NATIONAL HISTORIC LANDMARK,
WASHINGTON, D.C.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler
Executive Director

Date: 9/25/2020
MEMORANDUM OF AGREEMENT AMONG
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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA HISTORIC PRESERVATION OFFICE,
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AT ST. ELIZABETHS NATIONAL HISTORIC LANDMARK,
WASHINGTON, D.C.

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE

By:
David Maloney
State Historic Preservation Officer

Date:
9/2/2020
MEMORANDUM OF AGREEMENT AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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WASHINGTON, D.C.

THE UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

MONIQUE REDWINE EVANS
Digitally signed by MONIQUE REDWINE EVANS
Date: 2020.09.14 10:26:23 -04'00'

By: Monique R. Evans
Division Director, Eastern Federal Lands Highway Division

Date:
MEMORANDUM OF AGREEMENT AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA HISTORIC PRESERVATION OFFICE,
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WASHINGTON, D.C.

NATIONAL CAPITAL PLANNING COMMISSION

By: Marcel C. Acosta
Executive Director

Date: 9/9/2020
MEMORANDUM OF AGREEMENT AMONG
THE UNITED STATES GENERAL SERVICES ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE DISTRICT OF COLUMBIA HISTORIC PRESERVATION OFFICE,
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WASHINGTON, D.C.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

By: Thomas D. Chaleki
Chief Readiness Support Officer

Date: 2020.09.01 11:12:39 -04'00'
Exhibit 1: 2008 Programmatic Agreement (found on project website):

Exhibit 2: St. Elizabeths National Historic Landmark. The EIS Study Area (shaded blue) defines the boundaries of the Second Amendment, defined as the Undertaking and the subject of this MOA.
Exhibit 3: Statement to Vacate April 19, 2012 Memorandum of Agreement
The U.S. General Services Administration (GSA) is notifying you as a signatory/consulting party to this agreement that we are vacating the “Memorandum of Agreement for Transportation Improvements along a Segment of Martin Luther King, Jr. Avenue and Construction of the Federal Emergency Management Agency Headquarters within the Federal Use Parcel on the East Campus of St. Elizabeth’s National Historic Landmark, Washington, D.C.,” that was executed on April 19, 2012. Neither GSA nor any other party carried out any work under these stipulations or otherwise took any action to implement this Memorandum of Agreement (MOA). GSA did not initiate the undertaking proposed in the MOA. Therefore, effective immediately, GSA no longer has any Section 106 responsibility for this MOA’s undertaking.

This constitutes GSA’s written notice to all consulting parties of GSA’s decision to vacate the MOA. As of the date of this notice, this MOA is no longer in effect. Please contact Nancy Witherell at 202-251-4901 or nancy.witherell@gsa.gov for further information.

UNITED STATES GENERAL SERVICES ADMINISTRATION

By:          Date

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

By:          Date

Darren J. Blue  
Regional Commissioner  
Public Buildings Service  
National Capital Region

1800 F Street, NW
Washington DC 20405-0002
www.gsa.gov
Exhibit 4: Final Approved Master Plan Second Amendment, to be added to this MOA without amendment following final approval by NCPC and acceptance by GSA.

https://www.gsa.gov/cdnstatic/StEs-MPA2_Final-081420.pdf
Exhibit 5: Area of Potential Effect

Historic Resources and Areas of Potential Effect

**National Register Listed**

1. St. Elizabeths NHL
2. Anacostia Historic District
3. Frederick Douglass National Historic Site (Cedar Hill)
4. Sulland Parkway

**Civil War Fort Sites and Fort Circle Park System**

5. Battery Ricketts
6. Fort Carroll
7. Fort Dupont
8. Fort Stanton
9. Fort Greble
10. Shepherd Parkway
11. Fort McNair

**Army War College**

12. East Polomac Park
13. George Washington Memorial Parkway
14. Arlington Cemetery, Custis Lee Mansion
15. City of Alexandria Historic District
16. Pentagon
17. Ronald Reagan Washington National Airport
18. Congress Heights Firehouse

**National Register Eligible**

19. Anacostia Freeway
20. Bolling Air Force Base/Naval Annex
21. Anacostia Park
22. Congress Heights Historic District

(Color outlines are for clarity only.)