

MEMORANDUM OF AGREEMENT
AMONG
THE NATIONAL PARK SERVICE,
THE UNITED STATES SECRET SERVICE,
THE NATIONAL CAPITAL PLANNING COMMISSION,
AND
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE
WHITE HOUSE VISITOR SCREENING FACILITY PROJECT
AT
THE PRESIDENT’S PARK, WASHINGTON, DC

This Memorandum of Agreement (MOA) is made as of the ____ day of _____, by and among the National Park Service (NPS), the United States Secret Service (USSS), the National Capital Planning Commission (NCPC), and the District of Columbia State Historic Preservation Officer (DC SHPO) (all referred to collectively herein as “Signatories”), pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 CFR Part 800, regarding the construction of the White House Visitor Screening Facility (VSF) and associated landscape and security improvements within and adjacent to Sherman Park (Undertaking); and

WHEREAS, the White House and President’s Park are a nationally significant landscape that is a key element of Pierre Charles L’Enfant’s 1791 plan for the City of Washington (L’Enfant Plan), and a core remnant of Andrew Jackson Downing’s 1851 landscape design for the National Mall, and within it Sherman Park is owned by the United States government and administered by the NPS; and

WHEREAS, Sherman Park is within an area known as Reservation 1, which was formally designed to provide a setting for the General William Tecumseh Sherman Memorial (Sherman Memorial) between 1896 and 1903; and

WHEREAS, the NPS is charged in its administration of the units of the National Park System to meet the directives of other laws, regulations, and policies including the NPS Organic Act, as amended and supplemented, 54 U.S.C. § 100101 et seq., which charges the NPS to “conserve the scenery, natural and historic objects, and wild life in the System’s units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;” and

WHEREAS, the Undertaking consists of construction of a permanent and primarily underground screening facility with two separate above-ground buildings for entry and exit as well as associated transportation and landscape improvements, which will support security needs for White House tours, large-scale events, personnel, and contractors, while enhancing the overall visitor experience; and

WHEREAS, the above-ground entry building would be located in the west side of Sherman Park along East Executive Avenue, south of Alexander Hamilton Place NW, with approximately 8,000 square feet of space for visitor screening, exhibits, and back-of-house, and the

approximately 4,000-square foot, one-story exit building (referred to as the North Screening Post) would sit along East Executive Avenue north of Alexander Hamilton Place and allow cleared visitors to exit onto the north side of the secure complex as well as provide screening for badged staff and contractors (see **Exhibit A, Design Drawings**); and

WHEREAS, the USSS is charged by the United States Code (18 U.S.C. §§ 3056, 3056A) with securing key locations and events of national significance, including the White House and its grounds, and accomplishes this mission by conducting visitor screening before visitors enter the White House and its secure grounds;

WHEREAS, the USSS has designated the NPS as lead agency to fulfill their collective responsibilities under Section 106; and

WHEREAS, the USSS supported the NPS in its selection of the location and configuration of the Undertaking based on security and operational requirements necessary to fulfill its protective mission, while considering functionality, visitor flow and experience, aesthetics, effects on historic properties, and cost; and

WHEREAS, the Undertaking is subject to review under the National Environmental Policy Act (NEPA), 42 U.S.C. § 4231 *et seq.*, and in accordance with NEPA, the NPS has prepared an Environmental Assessment (EA), and the views of the public were coordinated with NEPA per 36 CFR § 800.8(a) and via the NPS Planning, Environment, and Public Comment system; and

WHEREAS, the NPS initiated Section 106 consultation with DC SHPO via a letter dated March 25, 2026; and

WHEREAS, the NPS also identified and invited other consulting parties including NCPC, the U.S. Commission of Fine Arts (CFA), National Trust for Historic Preservation (NTHP), D.C. Preservation League (DCPL), U.S. Department of the Treasury, and the Cultural Landscape Foundation, which participated in Consulting Parties meetings (together with the Signatories, Consulting Parties) (see Exhibit B, List of Consulting Parties); and

WHEREAS, the NCPC has approval authority over projects on Federal land located within the District of Columbia and over physical alterations to Federal property, pursuant to the National Capital Planning Act (40 U.S.C. § 8722(b)(1) and (d)), and is a Consulting Party in the Section 106 process pursuant to 36 CFR § 800.3(f)(1) and a Signatory to this MOA pursuant to 36 CFR § 800.6(c)(2); and

WHEREAS, the CFA has design review authority over new structures erected in the District of Columbia under the direction of the Federal Government (45 CFR §§ 2101 (a)(1), 2101(f)) and over all important plans for parks and all public buildings that “in any essential way affect the appearance of the City of Washington, or the District of Columbia” (45 CFR §§ 2101(a)(2), 2101(d)), and is a Consulting Party in the Section 106 process pursuant to 36 CFR § 800.3(f)(1) and is invited to concur with this MOA pursuant to 36 CFR 800.6(c)(3); and

WHEREAS, on April 13, 2026, the NPS sent letters to the federally recognized Indian Tribes that have a government-to-government relationship with the United States and an interest in the area affected by the Undertaking, which include the Absentee Shawnee Tribe of Indians of

Oklahoma Nation, Catawba Indian Nation, Cherokee Nation, Chickahominy Indian Tribe, Chickahominy Tribe Eastern Division, Delaware Nation, Monacan Indian Nation, Nansemond Indian Nation, Pamunkey Indian Tribe, Rappahannock Tribe, Shawnee Tribe, and Upper Mattaponi Indian Tribe (collectively referred to as “Tribes” in this MOA), which informed the Tribes about the project and invited them to be a Consulting Party, pursuant to 36 CFR § 800.2(c)(2), and invited each of these Tribes to concur with this MOA pursuant to 36 CFR § 800.6(c)(3); and

WHEREAS, the Cherokee Nation and Chickahominy Indian Tribe accepted the NPS’s invitation via e-mail to consult in the Section 106 process and they are Consulting Parties; and

WHEREAS, the Tribes that did not respond to the invitation were invited to Consulting Party meetings and will continue to be included in accordance with this MOA; and

WHEREAS, the NPS held Consulting Parties meetings virtually on April 20, 2026, May 19, 2026, and June 17, 2026; and

WHEREAS, the NPS, in consultation, established the Area of Potential Effects (APE) and identified historic properties; and

WHEREAS, the NPS identified twelve (12) above-ground historic properties within the APE, including the National Historic Landmark (NHL)-designated Lafayette Square Historic District (HD) and NHL-designated U.S. Treasury Department Building, as well as the President’s Park South HD, Federal Triangle HD, Fifteenth Street Financial HD, National Mall HD, Pennsylvania Avenue National Historic Site (NHS), the Plan of the City of Washington (L’Enfant-McMillan Plan), General William Tecumseh Sherman Memorial (Sherman Memorial), Bullfinch Gatehouses, Hotel Washington, the Willard Hotel, and one below-ground archeological resource, 51NW131, the Sherman Park site; and

WHEREAS, the NPS prepared a Draft Assessment of Effects (AOE) Report for Consulting Party review on April 21, 2026, and a Revised AOE for Consulting Party review on July 15, 2026, (Exhibit C), which discussed the APE and determined that the Undertaking will have adverse effects on the U.S. Treasury Department Building, the National Mall and President’s Park South Historic Districts, the Pennsylvania Avenue NHS, and the Plan of the City of Washington, resulting from changes in spatial organization, land use, vegetation, circulation, building and structures, and views and vistas that affect aspects of integrity for these resources; and

WHEREAS, Section 110(f) of the NHPA, 54 U.S.C. § 306107, and 36 CFR § 800.10 require federal agencies to minimize the adverse effects of an Undertaking on NHLs to the maximum extent possible; and

WHEREAS, the NPS has also determined there would be adverse effects on two (2) NHLs, specifically the Lafayette Square Historic District and U.S. Treasury Department Building; and

WHEREAS, in consultation, the NPS developed the final design (**Exhibit A**), which minimizes effects on NHLs, and other historic properties, to the maximum extent possible while also meeting necessary requirements and addressing site constraints; and

WHEREAS, Sherman Park is a historic property and NPS and USSS will continue identification of archeological historic properties within Sherman Park, and the NPS will continue to consult with the DC SHPO regarding the identification, evaluation, and assessment of effects on archeological historic properties as detailed in this MOA; and

WHEREAS, the NPS notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation on April 13, 2026, and the ACHP has not chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the NPS, USSS, NCPC, and the DC SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to resolve the adverse effects of the undertaking on historic properties and complete compliance with Section 106 of the NHPA for the Undertaking.

STIPULATIONS

Unless otherwise specified below, the NPS and USSS shall jointly ensure the following measures are carried out:

I. GENERAL

A. TIME AND NOTIFICATIONS

1. All time designations are in calendar days unless otherwise stipulated. If a review period ends on a Saturday, Sunday, or federal holiday, the review period will be extended until the first following business day.
2. All communication and notifications required by this MOA will be sent by email or other electronic means.

B. ROLES AND RESPONSIBILITIES

1. NPS

- a. The NPS is responsible for all government-to-government consultation with federally recognized Tribes.
- b. The NPS is responsible for coordinating federal agencies' compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) within its jurisdictional areas.
- c. The NPS is responsible for ensuring compliance with and enforcing the applicable provisions of the Archaeological Resources Protection Act (ARPA), 16 U.S.C. § 470aa *et seq.*, including but not limited to the issuance of permits and investigation of any damages resulting from prohibited activities.
- d. The NPS shall coordinate with USSS regarding implementation of the mitigation measures and other commitments established by this MOA and shall conduct or facilitate consultation with the DC SHPO and other consulting parties.
- e. The NPS shall review cultural resources workplans, reports, design documents, and other deliverables.

2. USSS

- a. The USSS shall cooperate and coordinate with the NPS in carrying out the measures, commitments, and mitigation required by this MOA while maintaining its responsibility for protection of the White House Complex and associated security requirements.
- b. Unless otherwise expressly provided in this MOA, the USSS shall provide or secure funding for the studies, documentation, treatment, mitigation, monitoring, professional services, and other work required to fulfill the stipulations of this MOA that arise from the Visitor Screening Facility undertaking.
- c. The USSS shall execute, or require its contractors or other agents to execute, the mitigation measures assigned to USSS under this MOA and shall coordinate such work with NPS sufficiently in advance to allow NPS to carry out required reviews, approvals, and consultation.
- d. The USSS shall incorporate applicable requirements of this MOA into contracts, scopes of work, task orders, and other instruments used to implement the Undertaking.
- e. The USSS will cooperate and coordinate with the NPS to implement the NPS's required protocols and procedures for archeological and unanticipated discoveries and DC SHPO consultation while ensuring the security of the White House grounds.
- f. The USSS will ensure that all cultural resources work products, such as workplans and reports, are reviewed by NPS for compliance with this MOA.

II. PROFESSIONAL QUALIFICATIONS STANDARDS

All historic preservation work performed in accordance with this MOA 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 of the Interior's Historic Preservation Qualification Standards*, 62 Fed. Reg. 33708 (June 20, 1997).

III. RESOLUTION OF ADVERSE EFFECTS

A. Design Review

1. The design drawings in Exhibit A illustrate the proposed final design for the White House VSF at the time this MOA was executed. If any changes to the final design are proposed, the NPS shall consult with the DC SHPO to determine if any new or intensified adverse effects will result. If either the NPS or the DC SHPO determine new or intensified adverse effects will result, the NPS shall immediately notify the other Signatories and Consulting Parties and will consult further to determine whether any additional mitigation and/or an amendment to this MOA will be necessary. Any such amendment will be addressed in accordance with Stipulation V.

B. Avoidance

1. Direct views of the U.S. Treasury Department Building's southern temple front along the primary north-south axis through Sherman Park will not be obstructed by the White House VSF.
2. Direct views of the General William Tecumseh Sherman statue along the primary north-south axis of Sherman Park or from the east side of the park will not be obstructed by the White House VSF.
3. The Sherman Memorial will remain in place and be protected throughout construction to avoid additional adverse effects. Protection methods will be guided by a construction protection plan to be approved by NPS and provided to DC SHPO for review prior to the start of construction.
4. Trees and vegetation within the construction area that are to remain (see **Exhibit D**, Landscape Plan) will be protected throughout construction to avoid additional adverse effects. Protection methods will be guided by a construction protection plan to be approved by NPS prior to the start of construction.
5. Previously identified segments of the Sherman Park archeological site, 51NW131, shall be avoided.

C. Minimization

1. To the extent feasible, the proposed project design for the White House VSF will be overall consistent with the Secretary's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.
2. The White House VSF will be located primarily underground and the above-grade portions will be located on the west side of Sherman Park to minimize interruption of views to the U.S. Treasury Department Building and the Sherman statue from primary and public rights-of-way.
3. The White House VSF's entry plaza/pavilion and north screening building will both employ a low-profile, classical design for above-ground portions that will be harmonious with the surrounding area without competing with the size of nearby landmark buildings, particularly the U.S. Treasury Department Building.
4. The proposed design will use materials and design elements compatible with the NHL-designated U.S. Treasury Department Building and Lafayette Square Historic District, such as cut stone, flat roof profiles, elongated window openings, and entry porticos as well as classically inspired features including columns, pilasters, and pronounced entablatures.
5. The White House VSF will result in greater accessibility to the above-ground open green space of Sherman Park, as public access generally would no longer be restricted during tour hours and special events under normal conditions, absent unusual security situations. Additionally, its grounds will no longer be used for tents, trailers, and queuing during special events, absent unusual security situations, and access to existing publicly accessible areas will be maintained and improved (see Exhibit E, Sherman Park Public Access Plan).
6. The project shall replace the sidewalks and curbing along E Street, NW, and East Executive Avenue as part of the project.
7. During construction, temporary adverse effects on the surrounding historic properties will be minimized by installing fencing and signage that will be detailed

in a construction staging plan and provided to DC SHPO for review prior to installation. The fencing will screen the active construction site. The signage will explain the project, educate passersby on the general historic significance of the affected historic properties, and direct visitors around the construction.

D. Mitigation

1. Development and Implementation of a Comprehensive Landscape Treatment and Management Plan

- a. To mitigate the loss of trees from the project area, a Comprehensive Landscape Treatment and Maintenance Plan for Sherman Park shall be prepared prior to the completion of construction. A draft will be provided to DC SHPO for review and comment before being finalized.
- b. The plan will establish the overall historic significance of the landscape, how it evolved over time, and how the Undertaking will protect the historic integrity of the Sherman Park.
- c. The plan will lay out the strategy for replacing removed canopy trees and other historic and/or contributing vegetation, as well as a recurring maintenance schedule to ensure the health and success of all plantings. Proposed treatments will be consistent with NPS's Guidelines for the Treatment of Cultural Landscapes.
- d. The plan shall be implemented with the approved treatments within 1 year following completion of the construction of the White House VSF, or sooner.
- e. Any modifications to the White House VSF plans and/or construction methods will be implemented in a way that ensures all new trees will have sufficient space and soil depth to thrive.

2. Historic American Landscapes Survey (HALS) Documentation

- a. The documentation for Sherman Park shall consistent with HALS Level II documentation.
- b. Prior to construction of the White House VSF, the documentation shall be completed to include the large-format, black-and-white photography portion of the documentation in accordance with HALS Guidelines. Digitized contact prints of all photographic views will be provided to the DC SHPO for comment and acceptance prior to finalization.
- c. The draft Historical Report portion of the HALS documentation will be provided to the DC SHPO for comment and acceptance prior to finalization and transmission of the final documentation package to the HALS collection at the Library of Congress. As part of the Historical Report, printed, graphic, and photographic information regarding Sherman Park's history, original and early design and layout, and subsequent changes over time shall be obtained from accessible archival source.
- d. Archival copies of the final HALS recordation document will be provided to DC SHPO.
- e. Non-archival print and/or electronic copies of the documentation to the following local repositories: Martin Luther King Jr. Memorial Library – Washingtoniana Collection at The People's Archive; and the Historical

Society of Washington, D.C will also be provided if requested by the DC SHPO.

- f. HALS documentation (Stipulations III.D(2)(c)-(e)) will be completed within 2 years following completion of the White House VSF, or sooner.
3. National Register of Historic Places (NRHP) Nomination Update for the U.S. Treasury Department Building
 - a. The 1971 NRHP Nomination for the U.S. Treasury Department Building shall be updated within 3 years of the completion of the White House VSF (Updated Nomination).
 - b. The updated Nomination will focus on key periods of development for the building with an emphasis on the building's post-19th century history and evolution. The Updated Nomination will identify character-defining features, relevant historic contexts, and areas of significance. An expanded period of significance should be identified, if appropriate.
 - c. The draft of the updated nomination to the U.S. Department of the Treasury, will be provided to the NPS-National Landmarks Program, and DC SHPO for review and comment prior to finalization.
4. Historical Signage and Digital Exhibit
 - a. Permanent historical signage within a publicly available portion of Sherman Park shall be developed and installed.
 - i. Project documents and drawings detailing the design, content, and placement of the exhibit at the 45 percent design development stage shall be submitted to the Signatories for review and consultation.
 - ii. The Signatories will provide written comments within 45 calendar days of receipt. If the Signatories do not provide comments on the proposed exhibit within 45 calendar days, proposed plan may move forward.
 - b. The exhibit will broadly address the history of Sherman Park and the land's early use by the US Department of the Treasury.
 - c. The exhibit will be developed in accordance with NPS's design standards for permanent indoor displays. the exhibit shall be installed within 3 years following completion of the White House VSF.
 - d. A digital version of the exhibit shall be developed and made accessible to the public via a web page, ArcGIS StoryMap, or similar platform. The web page or StoryMap host and any related maintenance requirements will be determined by USSS in consultation with NPS and the other Signatories. The web page or StoryMap shall be completed and available within 1 year of the completion of the exhibit.
5. Public Access to Sherman Park
 - a. Upon completion of the White House VSF, public access to the above ground, open green space of Sherman Park, absent unusual security situations, will be expanded to include the easternmost diagonal walkways that extend from 15th Street, NW, as well as the walkways surrounding all sides of the memorial, as shown in **Exhibit E**.

- b. USSS may still occasionally close the entirety of Sherman Park when necessary for security concerns, including, but not limited to, during delegate visits, inaugural processions, or presidential motorcades.
- 6. Removal of Security Barriers at Sherman Park and along the South Side of Alexander Hamilton Place at 15th Street, NW
 - a. Upon completion of the White House VSF, USSS, in coordination with NPS, and the U.S. Department of the Treasury, will remove all existing temporary security barriers, including the bike rack barriers, that currently line the northern perimeter of Sherman Park and the walkway along the south side of Alexander Hamilton Place at 15th Street NW with the implementation of a permanent security fence that achieves the public access to Sherman Park described within this MOA.
 - b. USSS will ensure that no temporary barriers block publicly accessible walkways in Sherman Park under typical security conditions.

IV. ARCHEOLOGICAL INVESTIGATIONS

A. General Requirements

All work for archaeological investigations shall be conducted in conformity with NPS-28, Director's Order 28A, and the 1998 Guidelines for Archaeological Investigations in the District of Columbia (hereafter DC Guidelines), as amended, published by the District of Columbia Office of Planning, Historic Preservation Office, available at: <https://planning.dc.gov/page/archaeology-district-columbia/>. No archeological investigations shall start without a DC SHPO-approved archeological workplan. Archeological investigations will be divided into a) pre-construction Phase IB/II investigations within the limits of hand excavation combined with a geoarchaeological investigation and b) during-construction monitoring in lieu of traditional pre-construction Phase IB identification survey below the limits of hand excavation. Each part of the investigation will have a separate workplan, and one technical report shall be produced combining the results of all investigations.

B. Archeological Identification Investigations, Eligibility Evaluation, and Documentation

- 1. Pre-Construction Phase IB/II and Geoarchaeological Investigations
 - a. A Phase IB/II Workplan shall be developed that includes Phase IB/II investigations within the limits of hand excavation and a geoarchaeological investigation to the maximum depths of disturbance in consultation with the DC SHPO prior to starting any ground-disturbing activities on the property other than geotechnical borings.
 - b. The goals of the Phase IB/II and geoarchaeological investigations are to identify potential archeological resources and to evaluate subsurface areas within the project's Limits of Disturbance (LOD) to better ascertain the archeological potential within the LOD and the depths at which archeological historic properties could be expected to inform the next part of the investigations.

- c. The results of the Phase IB/II and geoarchaeological investigations shall be incorporated into the Archeological Monitoring and Documentation Workplan.
 - d. Technical reporting of the Phase IB/II and geoarchaeological investigations shall be in a single archeological report incorporating and addressing DC SHPO comments on the draft Phase IA report. This report will be submitted to the DC SHPO for review and comment. The Phase IB/II and geoarchaeological investigation results shall not be appended to previously submitted reports as an appendix.
2. Archeological Monitoring and Identified Resource Documentation
- a. An Archeological Monitoring and Documentation Workplan shall be developed in consultation with the DC SHPO that shall cover all archeological activities to be carried out throughout the duration of the project's ground disturbing activities.
 - b. The Archeological Monitoring and Documentation Workplan shall be informed by the Phase Ib/II and geoarchaeological investigations and include the during-construction identification activities and appropriate excavation methods given the vertical and horizontal extent of areas of potential.
 - c. The NPS and DC SHPO agree to review and return all comments within two (2) weeks on drafts of the workplan, unless otherwise agreed upon in writing.
 - d. The mechanical excavation shall be executed in accordance with the Archeological Monitoring and Documentation Workplan immediately at the outset of the project once the workplan is approved by DC SHPO.
 - i. Archeological monitors shall be required to observe and document ground disturbing activities in all areas as described in the approved Archeological Monitoring and Documentation Workplan (Section 2.B.).
 - ii. A sufficient number of qualified archeological monitors will be present on site at all locations subject to ground disturbance to fulfill the workplan.
 - iii. The archeological monitors will be provided adequate time and support to document identified resources during construction.
 - e. In accordance with the Archeological Monitoring and Documentation Workplan, if NPS in consultation with DC SHPO determines that an archeological resource identified during excavation represents an historic property that will be adversely effected, NPS will consult with DC SHPO, Tribal representatives, and/or other consulting parties, as necessary, on appropriate steps to mitigate adverse effects consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 Fed. Reg. 44734-37) and the DC Guidelines and shall take into account the ACHP's Treatment of Archeological Properties.
 - f. The results of the archeological monitoring and documentation shall be presented in a single archeological report also incorporating and addressing DC SHPO comments on the draft Phase IA report and the results of the Phase IB/II and geoarchaeological investigations, which will be submitted to the DC SHPO for review and comment.

C. Post-Review Discoveries

1. Unanticipated Discoveries

If newly identified historic properties are discovered or unanticipated effects on known historic properties are identified during construction, after the completion of archeological monitoring activities, the NPS and USSS will comply with 36 CFR § 800.13 by consulting with DC SHPO and, if applicable, Native American Tribes that may attach religious and/or cultural significance to the affected property; and by developing and implementing avoidance, minimization, or mitigation measures with the concurrence of DC SHPO and, if applicable, Native American Tribes.

- a. The NPS will include a term in its permit authorizing construction activities for the Undertaking that requires the permittee to immediately notify the NPS and USSS of any unanticipated discoveries and cease all ground disturbing and/or construction activities within a twenty-five (25)-foot radius of the discovery. The permit will also require that the permittee not resume ground disturbing and/or construction activities until the specified Section 106 process required by this MOA is complete.
- b. The NPS will inform the Signatories of the discovery within forty-eight (48) hours and, together with the Signatories, will determine the projected path forward to comply with Section 106 within fourteen (14) calendar days or as expeditiously as possible.
- c. The Signatories will review the plan documents and provide written comments to NPS within seven (7) calendar days.
- d. The NPS will consider the written comments to the fullest reasonable extent. Should the NPS object to any comments made by the Signatories, the NPS will provide a written explanation of the objection and will consult with the Signatories to resolve the objection. If no agreement is reached within thirty (30) calendar days following receipt of a written explanation, the NPS will request the ACHP to review the dispute resolution pursuant to Article V.B.
- e. If no Signatory provides written comments within the agreed upon time, the NPS may proceed with the submitted plan.
- f. The NPS will notify the Tribes in the event that any pre-historic resources are discovered and are considered potentially eligible for the NRHP. Notification of any pre-historic resources will also be given should additional phases of archeological investigation be necessary or in a Post Review Discovery.

D. Treatment of Human Remains

The NPS will include a term in its permit authorizing construction activities for the Undertaking that requires the permittee, in the event that human remains, burials, or funerary objects are discovered during construction, to 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 and notify the NPS and USSS of this discovery. Upon notification of such discovery NPS will immediately notify DC SHPO and the Metropolitan Police Department and District Chief Medical Examiner

(CME) of the discovery under DC Code Section 5-1406 and other applicable laws and regulations.

1. If the CME determines that the human remains are not subject to a criminal investigation by federal or local authorities, NPS will 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) in consultation with the DC SHPO.
2. For actions involving Native American human remains or burials, the appropriate Native American Tribes and the DC SHPO will be consulted to determine a treatment plan for the avoidance, recovery, or reburial of the remains.
3. The NPS will ensure compliance with applicable laws in accordance with provisions of NAGPRA, as amended (Public Law 101-601, 25 U.S.C. § 3001, et seq.) and regulations of the Secretary of the Interior at 43 C.F.R. Part 10.

E. Laboratory Work and Curation

The NPS shall ensure recovered artifacts are processed, analyzed, and prepared for permanent curation according to 36 CFR Part 79, Curation of Federally Owned and Administered Archeological Collections, the DC Guidelines, and District protocols. The NPS shall also ensure compliance with other provision in 36 CFR Part 79, including those that mandate permanent curation for all field records, images, digital data, artifact catalog, maps, and related information resulting from these investigations in a curation facility must meet the outlined standards. The DC SHPO shall receive copies.

F. Reporting Requirements

The NPS shall develop draft and final technical reports in accordance with Director's Order 28 and the Secretary of Interior's Standards for Archeological Documentation, DC Guidelines, and protocols outlined in Stipulation V.A. and District report submission protocols in the DC Guidelines. The reports will incorporate the DC SHPO comments on the Phase IA report, the results of the Phase IB/II and geoarchaeological investigations, and the results of the archeological monitoring and documentation. A draft and final DC Archaeological Site Form shall be completed and submitted for each archeological resource identified regardless of eligibility.

V. ADMINISTRATION

A. Duration

This MOA will expire five (5) years from the date of its execution. Prior to expiration, the NPS may consult with the Signatories to reconsider the terms of this MOA and amend or extend it in accordance with Stipulation V.F below. Execution and implementation of this MOA documents that NPS, USSS, and NCPC have considered the effects of this Undertaking on historic properties and satisfied their responsibilities under Section 106 of the NHPA and its implementing regulations.

B. Monitoring and Reporting

Each year following the execution of this MOA, the NPS shall provide all Signatories to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received by the NPS pursuant to this MOA. The summary will be distributed by electronic mail within one (1) week of the anniversary of the last signature of a Signatory on this MOA.

C. Emergency Situations

Should an emergency situation occur which represents an imminent threat to public health or safety, or creates a hazardous condition, and such emergency situation or its response has the potential to affect historic properties, the NPS and USSS shall immediately notify DC SHPO and the ACHP of the condition which has initiated the situation and the measures taken to respond to the emergency or hazardous condition. Should the DC SHPO or the ACHP desire to provide technical assistance, they shall submit comments within seven (7) calendar days from notification, if the nature of the emergency or hazardous condition allows for such coordination. The USSS reserves the right to initiate any reasonable emergency response posture to prevent or mitigate an emergency situation.

D. Dispute Resolution

Should any Signatory object in writing to the NPS regarding any action carried out in accordance with this MOA, the Signatories and Consulting Parties shall consult to resolve the objection. Should the Signatories be unable to resolve the disagreement, the NPS shall forward its background information on the dispute as well as the NPS's proposed resolution of the dispute to the ACHP. Within 30 days after receipt of all pertinent documentation, the ACHP shall provide the NPS with written recommendations, which the NPS shall take into account in reaching a final decision regarding the dispute or notify the NPS that it shall comment pursuant to 36 CFR § 800.7(c) and then proceed to comment.

The Signatories shall take the ACHP comments into account, in accordance with 36 CFR § 800.7(c)(4). Any ACHP recommendation of comment shall be understood to pertain only to the subject matter of the dispute; the Signatories' responsibility to carry out all actions under this MOA that are not subjects of the dispute shall remain unchanged.

E. Adoptability

In the event that a federal agency other than the Signatories intends to provide financial assistance, permits, licenses, approvals or other assistance that meets the definition of undertaking at 36 CFR 800.16(y) and relates to the Undertaking, such federal agency may become a Signatory to this MOA as a means of satisfying its Section 106 responsibilities. To become a Signatory to this MOA, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the MOA, specifying the extent of the agency's involvement with the project, the agency's intent to participate in the MOA, and identifying NPS as the lead federal agency for its undertaking. The participation of the agency is subject to approval by the Signatories, who must respond to the written notice within thirty

(30) calendar days. If no responses are provided, approval will be granted.

F. Amendments

Any Signatory to this MOA may request that it be amended. The Signatories will consult for no more than thirty (30) calendar days (or another time period agreed upon by all Signatories) to consider such amendment. The amendment will be effective on the date a copy of the amendment, signed by all the Signatories, is filed with the ACHP.

G. Signatures And Effective Date

This MOA may be executed in counterparts, with a separate page for each Signatory. This MOA will become effective immediately upon execution by all Signatories.

H. Electronic Copies

Within one (1) week of the last signature on this MOA, the NPS shall provide each Signatory with one high quality, legible, full color, electronic copy of this fully-executed MOA and all of its attachments fully integrated into one, single document. Internet links shall not be used as a means to provide copies of attachments since links to web-based information often change. If the electronic copy is too large to send by e-mail, NPS shall provide each Signatory with a copy of this MOA as described above, on a compact disc or other suitable, electronic means.

I. Termination

If any Signatory to this MOA determines that the terms of the MOA will not or cannot be carried out, that Signatory will immediately notify the other Signatories in writing and consult with them to seek resolution or amendment pursuant to Stipulation V.D of the MOA. If within sixty (60) days a resolution or Amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories.

If the MOA is terminated, prior to work continuing on the Undertaking, NPS must either (a) execute a new MOA pursuant to 36 CFR § 800.6 with the Signatories or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. NPS will notify the Signatories as to the course of action it will pursue.

J. Fiscal Considerations

Expenditures by the parties in carrying out their respective responsibilities are subject to their budgetary processes and availability of funds and resources pursuant to applicable laws, regulations, and policies. No provision of this MOA shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341, or the purpose statute, 31 U.S.C. § 1301(a). Any action requiring reimbursement or contribution of funds or resources between the parties shall be handled in accordance with applicable laws, regulations, and procedures, and shall be the subject of separate written agreements, contingent upon the availability of funds. Any procurement actions conducted in furtherance of this MOA shall

Memorandum of Agreement
White House Visitor Screening Facility Project

comply with federal procurement law and regulations and shall be the subject of separate written agreements.

SIGNATURES AND EXHIBITS FOLLOW ON SEPARATE PAGES

LIST OF EXHIBITS

A: DESIGN DRAWINGS

B: INVITED CONSULTING PARTIES

C: ASSESSMENT OF EFFECTS (AOE) REPORT

D: LANDSCAPE PLAN

E: SHERMAN PARK PUBLIC ACCESS PLAN

**SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
REGARDING THE
WHITE HOUSE VISITOR SCREENING FACILITY PROJECT
AT
PRESIDENT'S PARK, WASHINGTON, DC**

SIGNATORY

NATIONAL PARK SERVICE

BY: John Stanwich
Superintendent
White House and President's Park

Date

**SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
REGARDING THE
WHITE HOUSE VISITOR SCREENING FACILITY PROJECT
AT
PRESIDENT’S PARK, WASHINGTON, DC**

UNITED STATES SECRET SERVICE

BY:

[NAME]

[TITLE]

United States Secret Service

Date

**SIGNATURE PAGE
MEMORANDUM OF AGREEMENT
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NATIONAL CAPITAL PLANNING COMMISSION

BY: Marcel Acosta
Executive Director
National Capital Planning Commission

Date

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DC STATE HISTORIC PRESERVATION OFFICE

BY: David Maloney
DC State Historic Preservation Office

Date