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MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NATIONAL PARK SERVICE,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,
MARYLAND STATE HISTORIC PRESERVATION OFFICER, AND
VIRGINIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
WOODROW WILSON MEMORIAL BRIDGE PROJECT ON INTERSTATE 95/495
IN VIRGINIA, MARYLAND AND THE DISTRICT OF COLUMBIA
(Project No. FHWA-MD-VA-DC-EIS-91-01-F)

WHEREAS, the Federal Highway Administration (FHWA), in cooperation with the District of Columbia Department of Public Works (DCDPW), the Maryland State Highway Administration (MSHA) and the Virginia Department of Transportation (VDOT), is proposing to construct a replacement for the Woodrow Wilson Memorial Bridge, and Preferred Alternative 4A provides for two parallel drawspan bridges on the south side of the existing bridge with a clearance of 70 feet above the navigational channel of the Potomac River and other improvements and enhancements within the project corridor (the Project), as recommended by the Coordination Committee in September 1996, and as described in Attachment 1; and

WHEREAS, the *Woodrow Wilson Bridge Improvement Study Draft Environmental Impact Statement/Section 4(f) Evaluation* (issued August 1991), two *Woodrow Wilson Bridge Improvement Study Supplemental Draft Environmental Impact Statements/Section 4(f) Evaluations* (issued January and July 1996), the *Woodrow Wilson Bridge Improvement Study Final Environmental Impact Statement/Section 4(f) Evaluation* (FEIS) (issued August 1997), and supporting technical reports provide background information to this Memorandum of Agreement (MOA); and

WHEREAS, the National Park Service (NPS) owns in fee the property on both sides of the Potomac River which will contain the replacement Woodrow Wilson Bridge abutments and piers, and will undertake a transfer of jurisdiction to the FHWA of the footprint of the bridge, issue a permit for construction of the bridge, and issue an Archeological Resources Protection Act permit, all constituting Federal undertakings by the NPS; and

WHEREAS, the FHWA and the NPS, in consultation with the Advisory Council on Historic Preservation (ACHP) and the respective SHPOs, have determined that the Woodrow Wilson Memorial Bridge project will have an Adverse Effect on the following historic properties:

In Alexandria, Virginia:

(a) Alexandria Historic District, a National Historic Landmark;
(b) Alexandria Historic District (National Register-listed, Identification No. 100-21);
(c) Jones Point Lighthouse and District of Columbia South Cornerstone (National Register-

(d) Two terrestrial archeological resources (Sites 44AX78 and 44AX165) located within Jones Point Park not yet evaluated for National Register eligibility, but considered eligible for the purposes of identification and preliminary determination of effect;

In Prince George's County, Maryland:

(e) Two underwater archeological resources (Targets 66-8 and 64-3) not yet evaluated for National Register eligibility, but considered eligible for the purposes of identification and preliminary determination of effect; and

WHEREAS, the Project will have an effect on the Mount Vernon Memorial Highway/George Washington Memorial Parkway (National Register-listed, Identification No. 29-218), hereafter referred to as the Mount Vernon Memorial Highway, in Alexandria, Virginia; and

WHEREAS, the Project may have an effect on the following historic properties

(a) Freedmen's (Contraband) Cemetery (Identification No. 44AX179);
(b) Oxon Hill Manor (National Register-listed, Identification No. PG 80-1);
(c) Fort Washington (National Register-listed, Identification No. PG 80-16);
(d) Hard Bargain Farm (National Register-eligible, Identification No. PG 83-2);
(e) Longview (National Register-eligible, Identification No. PG 83-3);
(f) Butler House (National Register-eligible, Identification No. PG 76A-14); and

WHEREAS, the Project may have an effect on additional properties, yet to be identified, that are eligible for inclusion in the National Register, as the result of activities related to implementation of the Project, including, but not limited to construction staging, dredge disposal, wetland mitigation, or other ancillary activities; and

WHEREAS, the FHWA and NPS have consulted with the SHPOs and ACHP pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended (16 USC 470f) and Section 110 of the same act (16 USC 470h-2(f)); and

WHEREAS, it is understood that this MOA is based upon review of conceptual designs as shown in the FEIS; and

WHEREAS, the National Register-listed Jones Point Lighthouse (owned by the NPS and preserved and maintained under a 25-year permit which expires April 10, 2016 by the Mount Vernon Chapter, National Society of the Daughters of the American Revolution), the District of Columbia South Cornerstone, and potentially eligible archeological resources are located within Jones Point Park, which is owned by the NPS and managed under a 25-year permit by the City of Alexandria until September 30, 2011; and

WHEREAS, for the purposes of this Agreement, jurisdiction for resources identified or referenced herein is defined as follows: in the District of Columbia, the District of Columbia SHPO; in

Maryland, the Prince George's County Government or Maryland-National Capital Park and Planning Commission and the Maryland SHPO; on National Park Service land in Maryland, the Maryland SHPO and the NPS; in Fairfax County, Virginia, the Virginia SHPO, in Alexandria, Virginia, the City of Alexandria and the Virginia SHPO; and on National Park Service land in Virginia, the Virginia SHPO and the NPS; and

WHEREAS, Preferred Alternative 4A may be implemented by a bridge authority (Authority) established by the US Congress or the State Legislatures at a future date, and such Authority may be vested with, and bound by, responsibilities herein assigned to the FHWA, and/or State implementing agencies, and it is recognized that this MOA may be amended to clarify such responsibilities; and

WHEREAS, the FHWA, in carrying out the stipulations of this Agreement will coordinate with the DCDPW, the MSHA, and the VDOT, as appropriate; and

WHEREAS, the DCDPW, the MSHA, the VDOT, the Maryland-National Capital Park and Planning Commission (M-NCPPC), the Prince George's County Government, and the City of Alexandria, Virginia (a Certified Local Government) participated in the consultation and have been invited to concur in this MOA; and

WHEREAS, other interested parties, including the Alexandria Historical Restoration and Preservation Commission, the Daughters of the American Revolution, the Friends of Jones Point, the Historic Alexandria Foundation, the Old Town Civic Association, the Old Town/Hunting Creek Civic Association, the Yates Garden Civic Association, all in Alexandria, Virginia; the National Trust for Historic Preservation; and the US Army Directorate of Public Works, Fort Belvoir have been invited to participate in the consultation process and to review and comment on this MOA; and

WHEREAS, any rights and responsibilities assigned to a specific party herein shall be voided if that party does not sign the Agreement;

NOW, THEREFORE the FHWA, the NPS, the ACHP, the District of Columbia SHPO, the Maryland SHPO, and the Virginia SHPO agree that the Project will be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

STIPULATIONS

The FHWA will ensure that the following measures are carried out:

I. HISTORIC RESOURCES IDENTIFICATION & EVALUATION REPORT: ALEXANDRIA, VIRGINIA

The FHWA shall prepare a *Historic Resources Identification and Evaluation Report* for the APE in Alexandria, Virginia, as defined in April 1997. This report shall be prepared by qualified

architectural historians and archaeologists meeting the Federal requirements outlined in 36 CFR Part 61, Appendix A. This report shall identify and evaluate the defining historic characteristics of the Alexandria Historic District within the APE.

1. For archeological resources, specific topics to be addressed in the report should include, but are not limited to: (a) a summary of known archeological resources, including areas already surveyed, (b) the potential for additional resources within the project area, based on historic and pre-historic context and cartographic data, and (c) a discussion of how the archeological resources do or do not contribute to the Alexandria Historic District. For historic architectural resources, specific topics to be addressed in the report should include, but are not limited to: (a) the historic street plan and circulation patterns, (b) development of the City of Alexandria as it pertains to this plan, (c) industrial development along the Potomac River waterfront, (d) open spaces and park lands, (e) building density (i.e., scale, massing, setback, etc.), and (f) a discussion of existing conditions (i.e., the current Capital Beltway and Woodrow Wilson Bridge). This report shall define the National Historic Landmark within the APE in Alexandria, Jones Point historic resources, and the Freedmen's (Contraband) Cemetery boundaries, and include a base map indicating the location of all historic resources, including archeological sites, within the APE in Alexandria.

2. This report shall be prepared in accordance with the Federal standards included in: *Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines* (48 FR 44716-44742), 36 CFR Part 79—*Curation of Federally-Owned and Administered Archeological Collections*, and where appropriate, the *Archeology Laboratory Manual* of the NPS Regional Archeology Program, National Capital Region. The report shall meet the Virginia SHPO's *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1992 Session Amendments* (June 1992), and comply with the Virginia SHPO's guidance document entitled *How to Use Historic Contexts in Virginia: A Guide for Survey, Registration, Protection, and Treatment Projects* (1991). This report shall also include the curriculum vitae (resumes) of each of the principal authors.

3. Within 90 calendar days of the execution of this Agreement, the NPS, the ACHP and the Virginia SHPO shall be notified of the status of this report and the progress made to date. Prior to final publication of this report, it shall be submitted for review and approval to the ACHP and the Virginia SHPO, and for review and comment to the City of Alexandria. Each of these parties shall be afforded an opportunity, not to exceed 30 calendar days, to provide comments on the report. If no comments are received within 30 calendar days of confirmed receipt, approval of the report may be assumed. This schedule will allow the results of the report to be taken into consideration during the design of Project elements.

II. PROJECT DESIGN AND REVIEW

A. Design Goals

The design development process for the Project shall meet the following design goals to the maximum extent possible, as determined by the FHWA in consultation with the NPS, the DCDPW, the MSHA, the VDOT, and the Design Review Working Group defined in Section II.B of this Agreement:

1. The Bridge (Potomac River crossing) shall be a structure designed with high aesthetic values, deriving its form in relation to the monumental core of Washington, D.C., and shall be an asset to the Nation's capital and the surrounding region.

2. The concepts for the Bridge shall be based on arches in the tradition of notable Potomac River bridges (e.g., Key Bridge, Memorial Bridge).

3. The Bridge design shall employ span lengths which minimize the number of piers occurring in the viewshed of the Alexandria Historic District and other historic properties. Every effort will be made to minimize the footprint of the Project without adversely affecting safety and operations.

4. The Bridge design shall also include pier placement which maintains the park use areas in Jones Point Park and Rosalie Island Park, preserves views southward along Royal, Fairfax, and Lee Streets, and avoids terrestrial and underwater archeological areas to the maximum extent possible.

5. The Bridge design should encourage the use of lands under the bridge in Jones Point Park. For example, the structure could approach this goal by introducing and/or reflecting light into the area under the bridge.

6. The Bridge design should preserve or enhance views along the Potomac River toward the National Capital and the Alexandria Historic District.

7. The design of the Bridge and other Project elements shall take into account the City of Alexandria's *Design Guidelines of the Old and Alexandria Historic District and the Parker-Gray District* (1993). The Bridge design shall also respect the distinguishing historic characteristics of the Alexandria Historic District, as defined in the report prepared under Section I of this MOA.

8. The Bridge design shall include features appropriate to its status as a memorial to President Woodrow Wilson.

9. All practicable measures shall be taken to minimize the construction period of the Project.

10. Construction impacts to historic and archeological resources shall be avoided or minimized to the extent possible. If possible, construction-related traffic in the City of Alexandria will be routed away from residential areas via South Street to minimize construction-related traffic through the residential areas north of the Capital Beltway.

11. The design of the Bridge and other Project elements shall take into account the historic plan for the Mount Vernon Memorial Highway, the NPS General Management Plan for the facility, the agreement between the NPS and the City of Alexandria for the management of Jones Point Park and resources therein by the City, the agreement with the Daughters of the American Revolution for the management of Jones Point Lighthouse, and effects on archeological resources.

12. The Project shall be designed to avoid all temporary and permanent impacts to the Freedmen's (Contraband) Cemetery.

B. Design Review Coordination

1. A Design Review Working Group, consisting of one representative from the NPS, the ACHP, the District of Columbia SHPO, the Maryland SHPO, the Virginia SHPO, the M-NCPPC, the Prince George's County Government, and the City of Alexandria shall be established prior to the initiation of the detailed design phase of the Project to provide comments to ensure that the Project design meets the stipulations outlined in this MOA.

2. The FHWA, and as appropriate, the DCDPW, the MSHA, the VDOT and Project design consultants shall meet with the Design Review Working Group prior to beginning the preliminary design phase to review the general design goals for the Project and specific treatment measures for adverse effects to historic resources. Subsequently, this Working Group will convene to review pertinent plans and specifications at the completion of preliminary design (30 percent), intermediate design (65 percent) and pre-final design (90/95 percent). This Working Group will be informed by the findings of the *Historic Resources Identification and Evaluation Report* and measures to minimize effects to historic resources will be incorporated into treatment plans, as appropriate. The FHWA will provide one set of plans and specifications to each member of the Working Group 30 calendar days prior to each milestone review meeting. Copies of these plans will also be available for review at the Woodrow Wilson Bridge Project Office in Alexandria, Virginia. The FHWA shall announce their availability to all parties to this Agreement.

3. The Design Review Working Group shall provide one set of written comments to the FHWA within 45 calendar days of receiving the design plans and specifications for each major milestone. Review comments from the Working Group will be incorporated into the design of specific Project elements to the maximum extent possible. Individual representatives in the Working Group may submit separate review comments and the

FHWA may consider such comments in addition to the consensus comments of the Working Group.

4. The FHWA shall continue consultations with the Design Review Working Group throughout the detailed design phase as necessary to address review comments and other elements of project design such as materials, finish, lighting, etc.

III. IDENTIFICATION, EVALUATION, AND TREATMENT OF ARCHAEOLOGICAL RESOURCES

A. Identification

1. The FHWA shall ensure completion of terrestrial and underwater archeological identification efforts in areas where ground disturbance is expected and for which surveys have not been completed in accordance with applicable standards and guidelines in order to identify the presence of archeological resources potentially eligible for inclusion in the National Register. Due to its archeological potential, particular care and attention will be given to work conducted in the vicinity of the Freedmen's (Contraband) Cemetery. Additional identification efforts shall be conducted in a manner consistent with the standards and guidelines listed in Section VIII.B of this MOA.

   Scopes of Work for terrestrial or underwater archeological identifications shall be developed in consultation with the appropriate SHPO and concurring parties, as indicated by jurisdiction. Each SHPO shall be provided an opportunity, not to exceed 30 calendar days, to review and approve draft scopes of work. Concurring parties shall be provided an opportunity, not to exceed 30 calendar days, to review and comment on draft scopes of work. Archeological investigations on Federal lands shall require filing and receipt of an approved Application for Federal Permit under the Archeological Resources Protection Act (ARPA Permit).

2. Areas to be surveyed shall be jointly determined by consultation among the FHWA, the appropriate SHPO, and concurring parties, as indicated by jurisdiction. In determining areas to be surveyed, the FHWA will also solicit and consider comments from other known interested parties. At a minimum, these areas shall include the right-of-way, and all areas of construction activity that are unsurveyed and where ground disturbance may occur. Such additional identification efforts may be necessary at interchanges, wetland and other mitigation sites, dredge disposal sites, or construction staging areas. The extent of archeological work within land over which the NPS has jurisdiction shall be jointly determined by the NPS and the appropriate SHPO after considering the comments of other interested parties. The extent of archeological work on non-Federal lands will be determined by the appropriate SHPO, after considering the comments of other interested parties. The surveys shall be conducted in consultation with the appropriate SHPO and concurring parties, as indicated by jurisdiction.

3. Each SHPO and the NPS, as appropriate, shall be afforded an opportunity, not to exceed 30 calendar days, to review and approve survey reports. Concurring parties shall be afforded an opportunity, not to exceed 30 calendar days, to review and comment on these survey reports. If no responses are received within 30 calendar days of confirmed receipt, concurrence may be assumed.

4. The results of archeological identification efforts will be shared with the Design Review Working Group on an on-going basis as the field work is completed. Identification of affected archeological resources will be initiated no later than the 30 percent design milestone and survey reports shall be completed before the 65 percent review is conducted by the Design Review Working Group.

B. Evaluation

1. Following completion of any surveys, the National Register eligibility of identified archeological resources shall be evaluated using the criteria outlined in National Register Bulletin 15, *Guidelines for Applying the National Register Criteria for Evaluation*, published by the NPS. Evaluation efforts shall be conducted in a manner consistent with the standards and guidelines listed in Section VIII.B of this MOA.

2. Each SHPO and the NPS, as appropriate, shall be afforded an opportunity, not to exceed 30 calendar days, to review and approve the evaluation reports. Concurring parties shall be afforded an opportunity, not to exceed 30 calendar days, to review and comment on these evaluation reports. If no comments are received within 30 calendar days of confirmed receipt, concurrence may be assumed.

C. Treatment

1. If any survey results in the identification of properties that are eligible for the National Register, the FHWA shall endeavor to avoid adverse effects. If avoidance is not possible, then an appropriate treatment plan, as described below, shall be developed and implemented to minimize or mitigate the adverse effects. All treatment plans shall be developed in consultation with the appropriate SHPO and concurring parties, as indicated by jurisdiction. Preparation of treatment plans shall be consistent with the standards and guidelines listed in Section VIII.B of this MOA.

2. Treatment plans shall include educational or interpretive programs about the significance, preservation and public interpretation of archeological resources. Such programs may include preparation of a brochure for public distribution, publication of scholarly articles, interpretive displays, site interpretation, museum exhibits, videos, or other interpretive/educational materials. Any treatment plan shall specify, at a minimum:

   a. Description of the property, properties, or portions of properties where treatment measures shall be carried out;

b. Methods for site preservation/protection, such as controlled site burial or restricted access, or landscape restoration, as appropriate;
c. Description of any property, properties, or portions of properties that will be destroyed without treatment with justification for such action;
d. Research questions to be addressed through data recovery, with an explanation of their relevance and importance;
e. Mitigation efforts to be used, with an explanation of their relevance to the research questions;
f. Methods to be used in analysis, data management, and dissemination of data, including a schedule;
g. Methods to fulfill requirements for curation of recovered materials and records;
h. Methods to fulfill requirements for involving and educating the interested public;
i. Methods to fulfill requirements for disseminating results of the work to the interested public;
j. Methods to fulfill requirements for keeping local governments informed of the work and providing them an opportunity to participate; and
k. Proposed schedule for the submission of progress reports.

3. Treatment plans shall be prepared and submitted to each SHPO, as appropriate, for review and approval. Concurring parties to this Agreement, as appropriate, shall also be provided an opportunity to review and comment on proposed treatment plans. Treatment plans affecting NPS lands shall be jointly approved by the NPS and the appropriate SHPO. If comments on a proposed treatment plan are not provided to the FHWA within 30 calendar days of confirmed receipt, acceptance of the plan shall be assumed.

IV. TREATMENT OF HISTORIC ARCHITECTURAL RESOURCES

Treatment plans shall be prepared and implemented for each of the following properties, as well as for any additional resources identified under the provisions of Section IV.F, in consultation with the appropriate and concurring parties, as indicated by jurisdiction, to minimize or mitigate adverse effect to historic buildings, districts, and objects resulting from the Project. Proposed treatment plans, including enhancement measures deemed by the FHWA to be reasonable public expenditures, shall be provided to ACHP and each SHPO, as appropriate, for review and approval. Treatment plans shall also be provided to concurring parties, as appropriate, for review and comment. If comments on a proposed treatment plan are not provided to the FHWA within 30 calendar days of confirmed receipt, acceptance of the plan may be assumed.

Treatment plans shall include educational or interpretative programs on the significance, preservation and public interpretation of historic resources. Such programs may include preparation of a brochure for public distribution, publication of scholarly articles, interpretive displays, museum exhibits, educational videos, or other interpretive/educational materials. Treatments for effects to specific historic properties include the following:

A. Alexandria Historic District (NHL and National Register)

1. The FHWA shall prepare and implement an appropriate system of permanent improvements, which shall include:

    a. An entry demarcation to the City of Alexandria and Alexandria Historic District at US Route 1 to clearly delineate the transition from the interstate highway and from Fairfax County into the historic district;
    b. Advisory signs on I-95/495 identifying exits to the Alexandria Historic District;
    c. Historical markers defining the boundaries of the Alexandria Historic District at Washington, Patrick, Henry, Duke and King Streets;
    d. An entry demarcation at Franklin Street, at its intersections with US Route 1 and with South Washington Street, to denote the entry to the historic waterfront and to Jones Point Park;
    e. Appropriate directional signage from major automobile and pedestrian/bicycle routes to indicate access routes to the historic waterfront and Jones Point Park.
    f. Historical marker for the Freedmen's (Conuraband) Cemetery.

2. If adversely affected by the proposed construction, the FHWA shall restore or reconstruct historically appropriate fencing along the boundary of St. Mary's Cemetery where it is adjacent to Washington Street and I-95/495. Retaining walls adjacent to the cemetery shall be constructed of materials compatible with the historic character of the cemetery and the Alexandria Historic District. Designs for fencing and retaining walls shall be reviewed by the ACHP and Virginia SHPO, in consultation with the City of Alexandria, to ensure that the finish materials and architectural character are appropriate and compatible with the standards and guidelines outlined in Section VIII.B of this Agreement.

3. The FHWA shall avoid impacts to the Freedmen's (Contraband) Cemetery by constructing the replacement bridge for Washington Street over the Capital Beltway in place, two lanes at a time, instead of using a temporary bridge which would encroach upon the boundaries of the cemetery.

B. Jones Point Park, Jones Point Lighthouse and the District of Columbia South Cornerstone

In consultation with the NPS, the Virginia SHPO, and the City of Alexandria, the FHWA shall provide improvements within Jones Point Park to aid in the recognition of the historic past of the park and implement measures to preserve historic resources within the park that shall include:

a. Entrance signage, entry plantings or other appropriate improvements that convey the historic past of Jones Point Park.

b. System of markers interpreting the history and significance of Jones Point, the Jones Point Lighthouse and the District of Columbia South Cornerstone within the park.
c. Interpretations of the historic land forms and activities/sites within Jones Point Park.
d. Stabilization, preservation and interpretation of the Virginia Shipbuilding Corporation shipways.
e. Maintenance of existing utility services to the Jones Point Lighthouse throughout the construction period.
f. Maintenance of access routes to the Jones Point Lighthouse for maintenance and emergency vehicles throughout the construction period. Routes for public access will be provided to the extent that such routes are feasible, practical and safe. Public access may be temporarily restricted during the construction period.
g. Preparation of an historic structure report, in accordance with NPS guidelines contained in *National Register Bulletin 28 (Chapter 8: Management of Historic and Prehistoric Structures),* for the Jones Point Lighthouse to provide a baseline record of its condition at the start of construction.
h. Development of a condition report, in accordance with NPS guidelines contained in *National Register Bulletin 28 (Chapter 8: Management of Historic and Prehistoric Structures),* for the District of Columbia South Cornerstone.
i. Restoration of the lighthouse and grounds to the condition evidenced by the baseline record should the Jones Point Lighthouse deteriorate during the construction period to a degree in excess of normal wear and tear.
j. Riverbank treatments, seawall repair and landscaping along the boundary of the Jones Point Lighthouse and District of Columbia South Cornerstone site (approximately 200 feet) to provide appropriate public access and allow for long-term protection of the site.

C. Mount Vernon Memorial Highway

In consultation with the Virginia SHPO, the NPS, and the City of Alexandria, the FHWA shall develop a treatment plan for Project elements that avoids, minimizes or mitigates effects to the historic characteristics of the Mount Vernon Memorial Highway in the vicinity of the Washington Street Bridge. This treatment plan shall include the following:

a. A deck-over shall be constructed adjacent to Washington Street/Mount Vernon Memorial Highway as it crosses above I-95/495 to limit views of I-95/495 from the Memorial Highway.

b. The design for the deck-over shall include historically appropriate monumental light fixtures and signage to clearly indicate an entrance to the Alexandria Historic District for those traveling north on Mount Vernon Memorial Highway. The design shall also include an entrance to the Mount Vernon Memorial Highway for those traveling south toward Mount Vernon. Finally, the deck-over will be designed to be compatible with adjacent cemeteries.

D. Oxon Hill Manor, Fort Washington, Hard Bargain Farm, and Longview

During final design phase, the FHWA will consult with the Maryland SHPO, NPS, appropriate concurring parties, and other interested parties to assess the Project's effects on Oxon Hill Manor, Fort Washington, Hard Bargain Farm, and Longview. If the FHWA determines in consultation with the above parties that the Project may have adverse visual effects to these historic properties, the FHWA shall develop and implement a treatment plan to avoid, minimize, or mitigate visual impacts. The treatment plan shall be prepared and implemented in accordance with the appropriate standards and guidelines listed in Section VIII.B of this MOA. The treatment plan for these properties shall be submitted to the Maryland SHPO and the NPS for review and approval. Concurring parties to this Agreement, as appropriate, shall also be provided an opportunity to review and comment on the proposed treatment plan. If comments on the proposed treatment plan are not provided to the FHWA within 30 calendar days of confirmed receipt, acceptance of the plan may be assumed.

E. Butler House

In consultation with the Maryland SHPO, the FHWA shall develop and implement an appropriate landscaping plan to ensure that the Project does not have adverse visual impacts to the Butler House. The FHWA shall submit the plan to the Maryland SHPO for review and comment prior to implementation. If the Maryland SHPO does not provide comments on the proposed landscaping plan within 30 calendar days, the FHWA may assume acceptance of the plan.

F. Unknown Effects to Historic Properties within the APE

If historic properties within the APE are later found to be affected by the construction or implementation of the Project, the FHWA shall endeavor to avoid adverse effects. If avoidance is not possible, then an appropriate treatment plan shall be developed to minimize or mitigate the adverse effect. Any treatment plan shall be developed in consultation with the appropriate SHPO and other parties, as indicated by jurisdiction. Preparation of treatment plans shall be consistent with the standards and guidelines listed in Section VIII.B of this MOA.

Treatment plans shall be prepared and submitted to the appropriate SHPO for review and approval. Concurring parties to this Agreement, as appropriate, shall also be provided an opportunity to review and comment on proposed treatment plans. Treatment plans affecting NPS lands shall be jointly approved by the NPS and the appropriate SHPO. If comments on a proposed treatment plan are not provided to the FHWA within 30 calendar days of confirmed receipt, acceptance of the plan shall be assumed.

V. UNANTICIPATED DISCOVERIES OF ARCHAEOLOGICAL RESOURCES

A. In the event that previously unidentified archeological resources are discovered during ground disturbing activities with the APE, the FHWA shall halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. The FHWA shall immediately notify the appropriate SHPO and the NPS (for discoveries on NPS lands) of the discovery.

B. The FHWA, the NPS, and the appropriate SHPO, or an archeologist approved by them, shall immediately inspect the work site and determine the area and nature of the affected archeological resource. Construction work may then continue in the area outside the archeological resource as defined by the FHWA, the NPS (on NPS lands) and the appropriate SHPO, or their designated representative.

C. Within three working days of the original notification of discovery, the FHWA, in consultation with the appropriate SHPO and the NPS (for discoveries on NPS lands), shall determine the National Register eligibility of the resource.

D. If the resource is determined eligible for the National Register, the FHWA shall prepare a plan for its avoidance, protection, recovery of information, or destruction without data recovery. Such a plan shall be approved by the NPS and/or the appropriate SHPO prior to implementation.

E. Work in the affected area shall not proceed until either:

1. The development and implementation of appropriate data recovery or other recommended mitigation measures, or

2. The determination is made that the located remains are not eligible for inclusion on the National Register.

F. Any disputes over the evaluation or treatment of previously unidentified archeological resources will be resolved using the process provided in Section X. of this Agreement.

VI. ADDITIONAL HISTORIC PROPERTIES TO BE CONSIDERED

Prior to the selection of sites for construction staging, wetland mitigation, dredge disposal, or other ancillary activities associated with construction of the Project, the FHWA shall consult with the appropriate SHPO and concurring parties to determine the effect on historic properties. If indicated, the FHWA will undertake a survey adequate to identify and evaluate for National Register eligibility any historic properties which may be affected by these activities. In consultation with the appropriate SHPO, the FHWA shall apply the National Register criteria

to each potentially eligible property identified in the survey(s). For each historic property identified, the FHWA, in consultation with the appropriate SHPO, shall then apply the Criteria of Effect and Adverse Effect (36 CFR Part 800.9), giving consideration to the views, if any, of interested parties.

If the effect is not adverse, the FHWA will obtain the SHPO's concurrence, and the action may proceed as proposed. If the SHPO does not concur, the action will be treated as an adverse effect. If the potential for an adverse effect to historic properties is found, the FHWA shall consult with the SHPO and other interested parties to seek ways to avoid or reduce the effects on historic properties by relocating or modifying the proposed action. If the avoidance of adverse effects proves to be infeasible or impractical, the FHWA, the appropriate SHPO, and other interested parties will consult to develop and implement a treatment plan consistent with Sections III and IV of this MOA, as appropriate.

VII. EXCESS AND ABANDONED RIGHT-OF-WAY

Should the Project result in excess right-of-way to be abandoned, the FHWA shall consult with the appropriate SHPO and concurring parties to determine whether the abandonment would have an effect on National Register-eligible resources. If consultations indicate the potential for historic resources to be affected, the SHPO and concurring parties shall then consult on appropriate treatment of the affected resources and disposition of the property.

VIII. PERFORMANCE STANDARDS

A. Professional Qualifications

The FHWA shall ensure that all cultural resource work carried out pursuant to this Agreement shall be carried out by or under the direct supervision of qualified individuals meeting, at a minimum, the appropriate federal qualifications presented in 36 CFR Part 61, Appendix A.

B. Standards and Guidelines

The FHWA, shall also ensure that all cultural resource work carried out pursuant to this Agreement shall be carried out in accordance with the following standards and guidelines, as applicable:

1. The Secretary of Interior: *Standards and Guidelines for Archeology and Historic Preservation* (1983) (48 FR 44716-44742).

2. Advisory Council on Historic Preservation: *Treatment of Archeological Properties: A Handbook* (1980).

3. National Park Service: *The Archeological Survey: Methods and Uses* (1978), *The Archeological Resources Protection Act* (1979), National Register Bulletin 15—*Guidelines for Applying the National Register Criteria for Evaluation*, National Park Service Guideline No. 28—*Cultural Resource Management Guideline*, and the *Archeology Laboratory Manual* of the Regional Archeology Program, National Capital Region.

4. 16 USC 470aa - 470ll: *Archeological Resources Protection Act of 1979.*

5. 25 USC 3001 et. seq: *Native American Graves Protection and Repatriation Act.*

6. 36 CFR Part 79: *Curation of Federally-Owned and Administered Archeological Collections.*

7. Maryland Historical Trust: *Standards and Guidelines for Archeological Investigations in Maryland* (1994) and *Guidelines for Completing the Maryland Inventory of Historic Properties Form* (1991)

8. Maryland State Highway Administration: *Consultant Specifications for Archeological Services* (1992).

9. Virginia Department of Historic Resources: *Guidelines for Archaeological Survey in Virginia* (1995), *Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1992 Session Amendments* (June 1992), *How to Use Historic Contexts in Virginia: A Guide for Survey, Registration, Protection, and Treatment Projects* (1991), *and State Standard Curation Guidelines* (1993).

10. City of Alexandria: *City of Alexandria Archaeological Standards* (January 1996); *Design Guidelines for the Old and Historic Alexandria District and Parker-Gray District* (May 1993).

C. Curation

1. In Maryland, the FHWA shall ensure that all materials resulting from work conducted in Maryland land or waters and non-NPS owned lands pursuant to this MOA are curated by the Maryland SHPO in accordance with 36 CFR Part 79 and the Maryland SHPO's *Standards and Guidelines for Archeological Investigations in Maryland* (1994). The FHWA and the NPS shall ensure that all materials and records, recovered and produced as a result of work conducted on NPS lands in Maryland, are curated at the NPS National Capital Region Museum Resource Center in Glenn Dale, Maryland in accordance with 36 CFR Part 79 and the *Archeology Laboratory Manual* of the NPS Regional

Archeology Program, National Capital Region. The NPS shall provide access to these materials for study and exhibit in accordance with Federal law and NPS policy.

2. In Virginia, the FHWA shall ensure that all materials resulting from work conducted in Virginia land or waters and non-NPS owned lands pursuant to this MOA are curated in accordance with 36 CFR Part 79 and the Virginia SHPO's *State Standard Curation Guidelines* (1993). The FHWA will consult with the Virginia SHPO and the City of Alexandria to determine the appropriate repository for the materials to be curated. The FHWA and the NPS shall ensure that all materials and records, recovered and produced as a result of work conducted on NPS lands in Virginia, are curated at the NPS National Capital Region Museum Resource Center in Glenn Dale, Maryland in accordance with 36 CFR Part 79 and the *Archeology Laboratory Manual* of the NPS Regional Archeology Program, National Capital Region. The NPS shall provide access to these materials for study and exhibit in accordance with Federal law and NPS policy.

D. Distribution of Final Reports

The FHWA, in consultation with the appropriate SHPO, shall prepare sufficient copies of final reports completed pursuant to this Agreement for dissemination to the appropriate public libraries, educational institutions, and other repositories.

IX. PROGRESS REPORTS AND ALERTS

A. Progress Reports

Progress reports shall be submitted by the FHWA to the parties to this MOA every six months, or annually as appropriate, for the duration of the Project. The first progress report shall be distributed six months following execution of this Agreement, with subsequent reports following each six months thereafter until the Project is completed. The progress report shall identify steps initiated, underway, or completed for the most recent performance period and identify steps to be initiated, continued, or completed in the next two six month periods.

B. Progress Alerts

Progress alerts shall be issued by the FHWA to the parties to this MOA 30 days prior to anticipated decision points that would affect historic properties. These decision points include: initiation of construction activities; final selection of construction staging areas or ancillary activities associated with construction; and final selection of sites for dredge disposal or wetland mitigation. The progress alerts shall describe the pending action, summarize consultation completed or to be initiated regarding the pending action, and outline the agreed-upon conditions that have been completed or that would be initiated for the pending action.

IX. AMENDMENT

If an alternative other than Preferred Alternative 4A, as described in Attachment 1, is selected for construction, or if the preferred alternative is substantially modified, the parties shall consult to consider the need to amend this Agreement. Any party to this MOA may request an amendment, whereupon the FHWA, the NPS, the ACHP, and the respective SHPOs shall consult in accordance with 36 CFR Part 800.5 (e)(5) to consider such an amendment.

X. DISPUTE RESOLUTION

A. Should the FHWA, the NPS, the ACHP, the District of Columbia SHPO, the Maryland SHPO, or the Virginia SHPO object in writing within 30 days of the receipt of any plans or actions proposed pursuant to this MOA, the FHWA shall take the objection into account and consult, as needed, within 10 days with the appropriate parties as respective to their responsibilities stipulated under this MOA to resolve the written objection. Copies of written objections shall be submitted simultaneously to all parties. Copies of FHWA's resolution shall also be provided to all parties.

B. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the ACHP and request that the ACHP comment. Within 30 days of receipt of all pertinent documentation, the ACHP shall either:

   1. Provide the FHWA with recommendations to take into account in reaching a final decision regarding the dispute; or

   2. Notify the FHWA that it will comment pursuant to 36 CFR Part 800.6(b) and proceed to comment.

C. Any ACHP comment provided in response to such a request shall be taken into account by the FHWA, in accordance with 36 CFR Part 800.6(c)(2) with reference only to the subject of the dispute. The FHWA's responsibility to carry out all actions under this Agreement that are not subject to the dispute shall remain unchanged.

[illegible] of the Memorandum of Agreement is evidence that the FHWA has afforded the ACHP an opportunity to comment on the Woodrow Wilson Memorial Bridge Project and its effects on historic properties, that the FHWA has taken into account the effects of the undertaking on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: David C. Lawton — Date: 10-16-97

David C. Lawton
Director, Office of Planning and Program Development, Region 3

NATIONAL PARK SERVICE

By: Terry R. Carlstrom — Date: 10/31/97

Terry R. Carlstrom
Regional Director, National Capital Region

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Cathryn B. Slater — Date: 11-5-97

Cathryn B. Slater
Chairman

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER

By: Hampton Cross — Date: 10/27/97

Hampton Cross
District of Columbia State Historic Preservation Officer

MARYLAND STATE HISTORIC PRESERVATION OFFICER

By: [illegible] — Date: 10-22-97

J. Rodney Little
Maryland State Historic Preservation Officer

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: H. Alexander Wise, Jr. — Date: 10/29/97

H. Alexander Wise
Virginia State Historic Preservation Officer