



FINDING OF NO SIGNIFICANT IMPACT

C&O CANAL NHP PARK HEADQUARTERS RELOCATION

Hagerstown, Maryland

The Chesapeake and Ohio Canal National Historical Park (the Park), an administrative unit of the National Park Service (NPS), prepared an Environmental Assessment (EA) to evaluate the impacts associated with the relocation of park headquarters from Hagerstown, Maryland, to a newly-developed site in Williamsport, Maryland. The project will include the construction of a new leased administrative building including a visitor contact station, subsequently moving interpretive operations from the Cushwa Basin into the project area, directly adjacent to the park.

The purpose of the project is to locate NPS staff offices adjacent to the park, consolidate disparate staff offices to improve collaboration among employees, and to enhance the visitor experience in the Williamsport area through the development of the site and a provision for a new visitor contact station. The project is needed because 1) the current administrative center of the park is located in Hagerstown, Maryland, approximately 10 miles from the closest area of the park; 2) park staff are located in several, disparate buildings across the park; and 3) the existing lease of the current park headquarters building expires in 2022. The new site is proximate to the park but outside of the current legislative boundary.

The NPS and the Maryland Economic Development Corporation (MEDCO), with support from Washington County, Maryland, entered into a Cooperative Management Agreement (CMA) that has allowed the agencies to work together to identify the site to be developed. The CMA additionally allows the agencies to collaboratively develop the site as described in the EA. Under this collaborative partnership between the agencies, MEDCO will build the park headquarters and visitor contact station on land owned by Washington County. The NPS will then make base lease payments for use of the facilities and utilities over the life of the CMA. At the expiration of the CMA in 2050, the NPS will evaluate whether the facilities and lands associated with the site could be donated to the NPS.

The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), the regulations of the Council on Environmental Quality (CEQ) for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and NPS Director's Order (DO) 12, *Conservation Planning, Environmental Impact Analysis, and Decision-making*. The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

SELECTED ALTERNATIVE

The EA analyzed the impacts associated with relocating the park headquarters and development of the site, as well as the no-action alternative. Based on the analysis presented in the EA, the NPS has selected the preferred alternative of relocating its headquarters.

The selected alternative will provide consolidated office space for disparate staff offices and will shift the interpretive center of the park from the adjacent Cushwa Basin approximately one block away to the project area. The new park headquarters will consist of a 2-story administrative building and will provide a public meeting space as well as office space for interns, seasonal and permanent park staff, and employees of the C&O Canal Trust. The park will continue consultation with the Maryland Historical Trust (MHT) regarding appropriate exterior façade for the park headquarters, visitor contact station, and cultural landscape of Williamsport, Maryland. The alternative will require removal of the existing Planing

Mill, wood sheds, and Malott House, all non-NPS historic structures currently located on the site. The historic Cline House and Potomac Street buildings will be stabilized. This alternative also includes stormwater retention measures, including water-attenuating basins and/or vegetation, as required by local and state regulations. The actions to be implemented under this alternative are described in detail in the Alternatives section of the EA. The park studied the potential construction of a building for interpretation purposes. That building is not yet funded and is not being implemented through this headquarters project.

RATIONALE FOR DECISION

The NPS selected the preferred alternative for implementation because it will consolidate disparate park staff offices, establish the park headquarters directly adjacent to the park, and enhance the visitor experience in Williamsport, Maryland. Although there will be some negative impacts to non-NPS historic structures in the Williamsport Historic District, sub-surface archeology, and components of the Williamsport cultural landscape, these effects are not considered significant.

MITIGATION MEASURES

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse impacts to affected resources, whether under the jurisdiction of the NPS or as a result of an NPS decision. To help ensure the protection of cultural and natural resources, and the quality of the visitor experience, the NPS will implement mitigation measures to avoid and/or minimize impacts. Subject to the final design and approval of plans by the agencies involved in the CMA, the following mitigation measures will be implemented:

- The 1,916 archeological artifacts discovered during Phase IA and IB investigations throughout the project area will be catalogued. The NPS will work with Washington County as the land owner to store the artifacts at the Maryland Archaeological and Conservation Lab. The NPS will develop an archeological monitoring plan in consultation with the MHT and consulting parties to ensure that any significant archeological deposits under the modern concrete slab of the existing building or other sites within the project area are identified prior to development. If significant resources are identified, an appropriate mitigation plan will be prepared and implemented by the park.
- NPS will continue consultation with the MHT and consulting parties regarding appropriate exterior façade, including design, color, and materials, for the new buildings and site design that will be consistent with The Secretary of the Interior's Guidelines for the Treatment of Historic Properties and The Secretary of the Interior's Guidelines for the Treatment of Cultural Landscapes. The exterior of the building will be sympathetic to the character of the Williamsport Historic District in order to minimize impacts to viewsheds from the park. The new building will be compatible with the Williamsport Historic District and to the historic buildings in scale, material selection, building architecture, and placement on the property.
- The orientation and placement of the Headquarters building will be consistent with that of the current Planing Mill and wooden shed. The building will beneficially block views of the parking lot from the NPS property at the Cushwa Basin.
- At such time as funds and approvals are in place, the proposed placement of any future visitor contact station will approximate the previously demolished structures that faced Potomac Street. The potential future building will maintain the street wall, infilling a gap left by the prior demolition of two houses that faced the street. The new structure will be in character with the

Potomac Street context, which is a mix of two-story residential and commercial masonry and wood-frame structures.

- NPS will complete an updated Cultural Landscape Report for the Williamsport sections of the park, including the Cushwa Basin, adjacent to the project area. The CLR will additionally include the full extent of the project area.
- A Historic Structures Report will be completed for the Miller Lumber building. Historic American Building Survey Level II documentation will also be completed for historic buildings to be demolished, including the Malott House and the Planing Mill.
- The NPS will structurally stabilize and make weatherproof the remaining historic structures, including the Cline House and Potomac Street storefront buildings. The NPS will also, in consultation with the MHT, create a plan to rehabilitate these structures to accommodate adaptive reuse.
- The NPS will develop interpretive material regarding the history of the Miller Lumber property and the lives of the workers who worked at Miller Lumber and other industrial sites around the Cushwa Basin. Interpretive materials will be displayed in the visitor contact station.

FINDING OF NO SIGNIFICANT IMPACT

As documented in the EA, the selected alternative has the potential to adversely impact visitor use and experience, historic structures, archeology, and cultural landscapes; however, the NPS has determined that the selected alternative can be implemented without significant adverse impacts as defined in 40 CFR §1508.27.

Several non-NPS historic structures listed in the Williamsport Historic District, including the Malott House, Planing Mill, and lumber storage sheds, will be removed from the landscape under the preferred alternative. The previous demolition of houses surrounding the Malott House, coupled with the current poor condition and structural integrity of the building, have caused the house to lose much of its historic context, ultimately affecting its integrity of setting and feeling. Currently, this building does not present an option for suitable reuse within the project area and proposed site development. The Planing Mill similarly does not present a suitable option for adaptive reuse as the building would require substantial renovation, modification, and reinforcement from its current state. While the selected alternative will remove these historic structures, their removal will not be significant given the condition, loss of structural integrity, and cultural context. Several modern buildings and structures will also be removed, including the modern component of the Miller Lumber building, the open garage bay structure behind the Malott House, and the concrete masonry unit garage behind the Cline House. No NPS structures will be affected by this alternative.

Stone foundations of the Stricker/Loy and Long/Denham houses as well as the remaining stone foundation of the outbuilding will be destroyed or removed during development of the site. These foundations and structures are not included in the Williamsport Historic District and lack the integrity and eligibility to be listed in the National Register of Historic Places. The foundation or cellar of the blacksmith shop was discovered through ground penetrating radar but not uncovered during field investigations; nonetheless, development of the site will not affect any potential resources associated with this site due to the depth of the resources. No NPS resources will be affected by this alternative.

Some non-NPS buildings that contribute to the Williamsport Historic District will be removed, ultimately altering views from the park. While the newly constructed headquarters will constitute a new building on the landscape, it will be contextual to the District and evocative of the historic Planing Mill. Despite new construction on the landscape, it will be compatible with the historic character of Williamsport and the C&O Canal cultural landscapes. Removal of the Planing Mill and new construction will beneficially alter

the viewshed from the Cushwa Basin and towpath but will not affect the vista of the Cushwa Warehouse or Power Generating Station. Construction of a paved parking lot will constitute an additional modern element to the Williamsport Historic District; however, general vehicle parking is planned to move out of the Cushwa Basin, ultimately removing general parking from within the cultural landscape of the C&O Canal National Historical Park Historic District.

Potential impacts of the NPS selected alternative on visitor use and experience, historic structures, archeology, and cultural landscapes and historic districts were identified. As described in the EA, cumulative impacts were determined by combining the impacts of the NPS selected alternative with other present and reasonably foreseeable future actions. Cumulative actions include an Environmental Assessment for Williamsport, the restoration of the Conococheague Aqueduct, rehabilitation of the Railroad Lift Bridge, past and future pedestrian access over the canal, and future rehabilitation of the Cushwa Warehouse and Power Generating Station. The impacts of the past, present and reasonably foreseeable future actions on resources, in conjunction with the NPS selected alternative, will result in beneficial cumulative impacts to the park. The Williamsport area of the park will be better equipped to facilitate increased visitation and past and future projects to restore historic structures in the area will cumulatively benefit the cultural landscape of the Cushwa Basin area of the park. Overall, the NPS selected alternative will not contribute to or result in significant cumulative impacts.

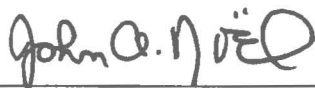
Overall, there will be no significant impacts on public health, public safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law.

CONCLUSION

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

Recommended:



John Noel
Acting Superintendent
Chesapeake and Ohio Canal National Historical Park

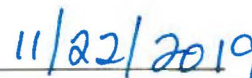


Date

Approved:



Lisa Mendelson
Acting Director
Region 1 – National Capital Area



Date

Appendix A Non-Impairment Determination
Appendix B Memorandum of Agreement

APPENDIX A: NON-IMPAIRMENT DETERMINATION

The NPS has determined that implementation of the selected alternative will not result in impairment of park resources and values of those National Park Units within the Region 1 - National Capital Area. Pursuant to the NPS Guidance for Non-Impairment Determinations and the NPS NEPA Process (October 31, 2011), a non-impairment determination for the selected alternative is included here as an appendix to this Finding of No Significant Impact.

The prohibition against impairment originates in the NPS Organic Act, which directs that the NPS shall:

promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

According to *NPS Management Policies 2006*, an action constitutes an impairment when its impact “will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values” (sec. 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (sec. 1.4.5).

National Park System units vary based on their enabling legislation, natural and cultural resources present, and park missions. Likewise, the activities appropriate for each unit and for areas in each unit also vary. For example, an action appropriate in one unit could impair resources in another unit. As stated in the *NPS Management Policies 2006* (sec. 1.4.5), an impact on any park resource or value may constitute an impairment, but an impact will be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park’s general management plan or other relevant NPS planning documents as being of significance

The resource impact topics carried forward and analyzed for the NPS selected alternative in the EA, and for which an impairment determination is contained in this appendix, include historic structures, archeology, and cultural landscapes and historic districts. The following describes these resources or values for which impairment is assessed and the reasons why impairment will not occur.

Historic Structures: The selected alternative will not result in impairment of NPS historic structures, as no NPS structures exist on the site to be developed. As no park resources or values will be negatively impacted by this alternative, no impairment will occur.

Archeology: The selected alternative will not result in impairment of NPS archeological resources. As no park resources or values will be impacted by this alternative, no impairment of resources will occur.

Cultural Landscapes and Historic Districts: The selected alternative will alter the view from the Cushwa Basin toward the town of Williamsport through the removal of the Planing Mill and construction of the park headquarters building; however, the new building will be constructed in consultation with the Maryland Historical Trust to ensure the building is compatible with the historic character of Williamsport and the view of the town from the park. Components of the C&O Canal National Historical Park Historic District will not be affected by this alternative. Overall, the selected alternative will not impair park resources or values.

Summary

The NPS has determined that the implementation of the NPS selected alternative will not constitute an impairment of the resources or values of the National Park Units of Region 1 - National Capital Area. As described above, adverse impacts anticipated as a result of implementing the selected alternative on a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of these parks, key to their natural or cultural integrity or to opportunities for enjoyment, or identified as significant in relevant NPS planning documents, will not constitute impairment. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the NPS *Management Policies 2006*.

APPENDIX B: MEMORANDUM OF AGREEMENT

Memorandum of Agreement
Between
The National Park Service and
The Maryland State Historic Preservation Officer,
Regarding
Construction of a New Headquarters and Visitor Center
for the Chesapeake and Ohio Canal National Historical Park in Williamsport, Maryland

WHEREAS, the National Park Service (NPS) has entered into a Cooperative Management Agreement (CMA) with the Maryland Economic Development Corporation (MEDCO) to develop the Miller Lumber Site in Williamsport, Maryland as a new Headquarters (HQ) and Visitor Contact Station (VCS) for the Chesapeake and Ohio Canal National Historical Park (Park) (Undertaking); and

WHEREAS, the NPS will enter into a CMA with the Town of Williamsport (Town) to assume management of property under Town ownership that will be part of the new HQ and VCS complex; and

WHEREAS, the development of the HQ and VCS complex at the Miller Lumber property (Attachment A) is an undertaking under Federal law, requiring compliance with Section 106 of the National Historic Preservation Act as amended (54 U.S.C. § 306108); and

WHEREAS, the Undertaking entails the following elements: construction of a new VCS along W. Potomac Street; construction of the Park HQ building in the interior of the property; a parking lot; related infrastructure improvements, utilities, pedestrian and vehicular access and circulation; signage and lighting; storm water management/environmental site design features; stabilization, preservation, and future reuse of the W. Potomac St. portions of the Miller Lumber building complex at 142 W. Potomac St. (WA-WIL-189), encompassing the c. 1790 stone structure on the corner and the early 20th c. frame additions; stabilization, preservation and future reuse of the Cline House at 122 W. Potomac St. (WA-WIL-185); and demolition of four structures: the Malott House at 127 W. Salisbury St. (WA-WIL-72); the southern L-addition (1918 and 1929) to the Miller Lumber stone building (known as the Planing Mill), the large, pre-engineered metal addition (1975) to the Miller Lumber building; and the wooden storage sheds of uncertain date, post 1890, situated on the southern end of the Miller Lumber lot; and

WHEREAS, the Undertaking is located within Williamsport Historic District (WHD) (WA-I-845) and situated immediately adjacent to the Park (WA-VI-048), which are both listed in the National Register of Historic Places; and the Miller Lumber property contains historic structures that are contributing elements to the WHD, specifically the Miller Lumber building at 142 W. Potomac Street (WA-WIL-189),

the Cline House at 122 W. Potomac Street (WA-WIL-185), and the Malott House at 129 W. Salisbury Street (WA-WIL-72); and

WHEREAS, the NPS has determined that the Undertaking will have an adverse effect on the WHD and the Park and has consulted with the Maryland State Historic Preservation Officer (MD SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the NPS has identified and invited the following federally recognized tribes (Tribes) to consult in the Section 106 process: Catawba Indian Nation, Delaware Nation, and Stockbridge Munsee Band of Mohican Indians ; and

WHEREAS, the NPS has identified and invited the following parties to consult in the Section 106 process for the Undertaking: Washington County Board of Education, Washington County Convention and Visitors Bureau, Washington County Historic District Commission, Maryland Economic Development Corporation, Washington County Historical Society, Washington County Historical Trust, Town of Williamsport, C&O Canal Trust, C&O Canal Association, Canal Towns, the Heart of the Civil War Heritage Area, Preservation Maryland, Maryland Department of Natural Resources, Maryland Department of Transportation State Highway Administration, Defenders of Potomac River Parkland, and the George Tyler Moore Center for the Study of the Civil War; and

WHEREAS, Washington County Board of Education, Washington County Convention and Visitors Bureau, Washington County Historic District Commission, Maryland Economic Development Corporation, Washington County Historical Society, Washington County Historical Trust, Town of Williamsport, C&O Canal Trust, C&O Canal Association, and the Heart of the Civil War Heritage Area (Consulting Parties) participated in the consultation and will continue to participate during implementation of this Memorandum of Agreement (MOA), where identified, and NPS may identify and invite other Consulting Parties as appropriate; and

WHEREAS, the NPS has hosted three Public Meetings and two Consulting Parties Meetings to share information regarding the Undertaking and to answer questions and gather comments, concerns and suggestions; and

WHEREAS, the NPS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has declined to participate pursuant to 36 CFR § 800.6(a)(1)(iii) as stated in a letter dated September 13, 2019; and

WHEREAS, the MD SHPO agrees that fulfillment of the terms of this MOA will satisfy the responsibilities of any Maryland state agency under the requirements of the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland, for any components of the Undertaking that require licensing, permitting, and/or funding actions from Maryland state agencies; and

NOW, THEREFORE, the NPS and MD SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

The NPS shall ensure that the following measures are carried out:

I. Stabilization and Retention of Historic Buildings

A. Miller Lumber Buildings (WA-WIL-189)

1. **Interim Protection:** NPS shall ensure that the W. Potomac Street portion of the Miller Lumber Buildings slated for retention shall be secured and protected against damage until the measures agreed upon in this stipulation are implemented, and will exercise caution particularly during the removal of the metal addition and planing mill to insure the remaining historic buildings are not harmed.
2. **Stabilization:** After the metal addition and planing mill addition have been removed, NPS will stabilize the four storefront structures that comprise the Miller Lumber building along W. Potomac Street, within one year after removal of the metal addition.
 - a. The stabilization scope of work will include at a minimum: closing the back wall, replacement of roof shingles and replacement/repair of rain gutters
 - b. NPS will submit the stabilization plan to the MD SHPO for review and comment pursuant to Stipulation VII.
 - c. NPS will notify the MD SHPO when the stabilization is complete and provide photographs of the stabilized buildings.
3. **Rehabilitation:** NPS will create a plan to rehabilitate the structures along W. Potomac Street to accommodate adaptive reuse. The CMA between MEDCO and NPS specifies that all of the Miller Lumber property will be used for "park purposes." Possible uses for the buildings include businesses that would provide services for park visitors such as food or bicycle rental. NPS will strive to accomplish feasible and successful reuse efforts within five years after completion of the VCS
 - a. NPS shall ensure that the rehabilitation of these structures meets the Secretary of Interior's Standards for Rehabilitation as defined in the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards) as codified in 36CFR 68.3 and published as the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*.
 - b. NPS shall submit proposed plans, including floor plans, elevations, and details as appropriate, for the rehabilitation of the Miller Lumber Buildings to the MD SHPO for review and comment pursuant to Stipulation VII and Consulting Parties.

B. Cline House, 122 W Potomac Street (WA-WIL-185)

1. Interim Protection and Stabilization: NPS shall ensure that the Cline House is secured, protected against damages, and stabilized until the measures agreed upon in this stipulation are implemented. Stabilization will include at a minimum the replacement of roof shingles and repair/replacement of soffits and rain gutters
2. Rehabilitation: NPS will create a plan to rehabilitate the Cline House to accommodate adaptive reuse. One use under consideration is Canal Quarters, overnight accommodations for people hiking or biking along the canal. NPS will strive to accomplish feasible and successful reuse efforts within five years after completion of the VCS
 - a. NPS shall ensure that the rehabilitation of these structures meets the Secretary of Interior's Standards for Rehabilitation as defined in the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards) as codified in 36CFR 68.3 and published as the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.
 - b. NPS shall submit proposed plans, including floor plans, elevations, and details as appropriate, for the rehabilitation of the Cline House to the MD SHPO for review and comment pursuant to Stipulation VII and Consulting Parties.

II. Documentation

A. Historic American Building Survey (HABS)

1. The NPS will complete recordation of the Malott House (WA-WIL-72) and the Planing Mill addition to Miller Lumber in accordance with HABS Level II Standards within one (1) year after the date of the last signature of this MOA.
2. Documentation shall conform to the guidelines specified by the NPS as set forth in Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) Guidelines (<http://www.cr.nps.gov/hdp/standards/haerguidelines.htm>), including 1) Drawings: select existing drawings, where available, should be photographed with large-format negatives or photographically reproduced on Mylar; 2) Photographs: photographs with large-format negatives of exterior and interior views, and historic views, where available; and 3) Written data: history and description.
3. Photographs shall comply with HABS/HAER Photographs Specifications and Guidelines (<http://www.cr.nps.gov/hdp/standards/HABS/photospecs.pdf>). Negatives and print sizes shall be 4" x 5". Negatives and prints shall be processed, labeled, and packaged according to HABS/HAER archival standards. A list of photo captions (index to photos) and a site plan of the building showing the location and direction of the photographs (key to photos) shall be included.
4. NPS shall submit a draft of the forms and attachments to the MD SHPO for review and comment, pursuant to Stipulation VII. NPS will address any comments received during the 30-day review period in preparation of the final documentation.
5. NPS shall provide copies of the final documentation completed as follows:

- a. An archival copy to the U.S. Department of the Interior, NPS National Capital Regional Office for review and approval.
 - b. An electronic digital copy to the MD SHPO for inclusion in the Maryland Inventory of Historic Properties and the Maryland Historical Trust Library.
6. NPS shall notify MD SHPO when the HABS documentation has been accepted by the NPS National Capital Regional Office

B. Historic Structure Report (HSR)

1. The NPS will complete a HSR on the Miller Lumber building that meets the requirements outlined for HSRs in NPS Director's Order 28, *Cultural Resource Management* within one (1) year after the date of the last signature of this MOA.
2. NPS shall submit a draft of the HSR to the MD SHPO for review and comment pursuant to Stipulation VII. NPS will address any comments received during the 30-day review period in preparation of the final HSR.
3. NPS shall provide one bound copy of the final HSR and one electronic copy on a thumb drive to the MD SHPO for inclusion in the Maryland Historical Trust Library.

C. Cultural Landscape Report (CLR)

1. The NPS will complete a CLR documenting the cultural landscape of the Miller Lumber property and adjacent portions of the NPS within one (1) year after the date of the last signature of this MOA.
2. The CLR will provide guidance for protecting the significant elements of the Miller Lumber property landscape as the development of the HQ and VCS is carried out.
3. NPS shall provide one bound copy of the final CLR and one electronic copy on disk to the MD SHPO for inclusion in the Maryland Historical Trust Library.

III. Design Review

- A. The NPS shall ensure that the design of the new VCS, fronting on W. Potomac Street, and the new HQ are compatible with the historic and architectural qualities of the WHD and are consistent with the recommended approaches to new construction set forth in the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards) as codified in 36CFR 68.3 and published as the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties. NPS will give particular consideration to ensure that the new design will be in keeping with the massing, materials, and general style of the WHD neighborhood, adjacent C&O Canal NHP, and any significant elements identified in the CLR.
- B. NPS shall submit proposed plans, including floor plans, elevations, details, and material choices, for the HQ and VCS and related site amenities to the MD SHPO for review and comment pursuant to Stipulation VII and the Consulting Parties. NPS will address any comments received during the 30-day review period in preparation of the final proposed design.

IV. Archeological Monitoring

- A. NPS completed archeological survey of accessible portions of the Miller Lumber property and did not identify National Register-eligible resources. However, archeological resources such as a cellar or well might be present under the large concrete slabs within and behind the metal addition to the Miller Lumber building, or under the concrete floor in the basement of the previously demolished house on Lot 5, areas not accessible for testing. NPS will develop and implement an archeological monitoring plan, in consultation with the MD SHPO pursuant to Stipulation VII, to ensure that any significant archeological deposits under the slabs are identified.
- B. If such resources are identified, NPS shall ensure that reasonable efforts are made to avoid, minimize, or mitigate adverse effects to such properties and will consult with the MD SHPO pursuant to Stipulation VIII to resolve the Undertaking's effects on any resources eligible for the National Register.
- C. NPS shall ensure that any resulting cultural resources work is accomplished in accordance with the relevant professional standards in Stipulation V.

V. Interpretive Exhibits

- A. As part of the exhibits and other interpretive material being developed for the VCS, the NPS will interpret the history of the Miller Lumber property, focusing on the lives of the workers who worked at Miller Lumber and other industrial sites around the Cushwa Basin. NPS shall submit plans for the proposed interpretive exhibits to the MD SHPO for review and comment, pursuant to Stipulation VII, within two (2) years after construction of the VCS. NPS will address any comments received during the 30-day review period in preparation of the final interpretive exhibits.
- B. NPS shall provide the MD SHPO with photographs of the completed exhibits prepared pursuant to this stipulation, following installation.

VI. Professional Qualifications and Standards

- A. NPS will ensure that all cultural resources investigations and documentation of historic properties carried out pursuant to this MOA is conducted by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology and Historic Preservation (36 CFR Part 61).
- B. NPS shall ensure that all archeological investigations and work performed pursuant to this MOA shall be conducted in a manner consistent with the principles and standards contained in the *Standards and Guidelines for Archeological Investigations in Maryland (1994)*

VII. MD SHPO Review and Comment

The MD SHPO will review and provide written comments within thirty (30) calendar days of receipt of complete documents, unless otherwise specified, on any documents and proposed plans prepared pursuant to this MOA. NPS will address any comments received during the 30-day review period in preparation of the final document or proposed design. If the MD SHPO fails to respond in writing within thirty (30) calendar days of receipt, NPS may assume that the MD SHPO has agreed to the documents or proposed plans submitted for review.

VIII. Duration

This MOA will be null and void if its terms are not carried out within eight (8) years from the date of its execution.

IX. Post-Review Discoveries

The NPS shall ensure that all construction documents include the following provisions:

- A. If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction, the construction contractor shall immediately halt all activity within a 25-foot radius of the discovery, notify the NPS within 24 hours of the discovery, and implement interim measures to protect the discovery from looting and vandalism.
- B. Immediately following receipt of the notification, the NPS shall
 1. inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted;
 2. clearly mark the area of the discovery;
 3. implement additional measures, as appropriate, to protect the discovery from looting and vandalism;
 4. have an archeologist meeting *Secretary of the Interior's Professional Qualifications Standards for Archeologists* inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and
 5. notify the MD SHPO and other Consulting Parties of the discovery describing the measures that have been implemented to comply with Stipulation IX.A.
 6. In the event that human remains are discovered, NPS shall consult with the MD SHPO and other relevant Consulting Parties to determine an appropriate course of action and comply with all applicable Maryland cemetery laws and regulations.
- C. Within 48 hours of receipt of the notification described in Stipulation IX.A of this document, the NPS shall provide the MD SHPO and other Consulting Parties with its assessment of the NRHP eligibility of the discovery and the measures the NPS proposes to take to resolve adverse effects. In making its official evaluation, the NPS, in consultation with the MD SHPO and other Consulting Parties may assume the discovery to be NRHP-eligible for the purposes

of Section 106 pursuant to 36 CFR Part 800.13(c). The MD SHPO and other Consulting Parties shall respond within 48 hours after receiving the NPS evaluation.

- D. The NPS, which shall take into account the Consulting Parties' recommendations on eligibility and treatment of the discovery, shall ensure that appropriate actions are carried out and provide the MD SHPO and the other Consulting Parties with a report on these actions when they have been implemented.
- E. Construction activities may proceed in the area of the discovery when the NPS has determined that implementation of the actions undertaken to address the discovery pursuant to Stipulation IX.A are complete.

X. Review and Monitoring

- A. Following the execution of this MOA until it expires or is terminated, NPS will provide to the MD SHPO an annual written summary report detailing work undertaken pursuant to the terms of this MOA. This report will include status of implementing the stipulations, scheduling changes proposed, any problems encountered, and any disputes and objections received by the NPS in its efforts to carry out the terms of this MOA.
- B. NPS and the MD SHPO may agree to hold progress meetings, conference calls, and site visits as needed during the duration of the MOA to facilitate implementation of its terms and resolution of any issues encountered during design and construction of the Undertaking.

XI. Dispute Resolution

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented the objecting party will consult with the other parties to resolve the objection. If the NPS determines that such objections cannot be resolved, the NPS will:

- A. Forward all documentation relevant to the dispute, including the proposed resolution, to the ACHP. The ACHP shall provide the NPS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the NPS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories and provide them with a copy of this written response. The NPS will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision on the dispute, the NPS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the signatories, and provide them with a copy of such written response.
- C. The NPS is responsible for all other actions subject to the terms of this MOA that are not the subject of dispute.

XII. Amendments

Any party to this agreement may propose to the other party that it be amended, whereupon the parties will consult and consider the amendment pursuant to 36CFR 800.6(c)(7). The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XIII. Termination

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to continuing work on the undertaking, the NPS shall execute a new MOA pursuant to 36 CFR 800.7. The NPS shall notify the signatories as to the course of action it will pursue.

XIV. Anti-Deficiency Act

NPS obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. The NPS shall make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the NPS's ability to implement the stipulations of this agreement, the NPS shall consult in accordance with the amendment and termination procedures found later in this MOA.

Execution of this MOA by the NPS and the MD SHPO and implementation of its terms constitutes evidence that the NPS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

C&O Canal National Historical Park Headquarters and Visitor Center
Williamsport, MD
Memorandum of Agreement

Signatories:

National Park Service

By: John A. Noel Date: 10/30/19

John Noel

Acting Superintendent, Chesapeake and Ohio Canal National Historical Park

Maryland State Historic Preservation Officer

By: Elizabeth Hughes Date: 11.8.2019

Elizabeth Hughes

Director/State Historic Preservation Officer

C&O Canal National Historical Park Headquarters and Visitor Center
Williamsport, MD
Memorandum of Agreement

List Of Attachments

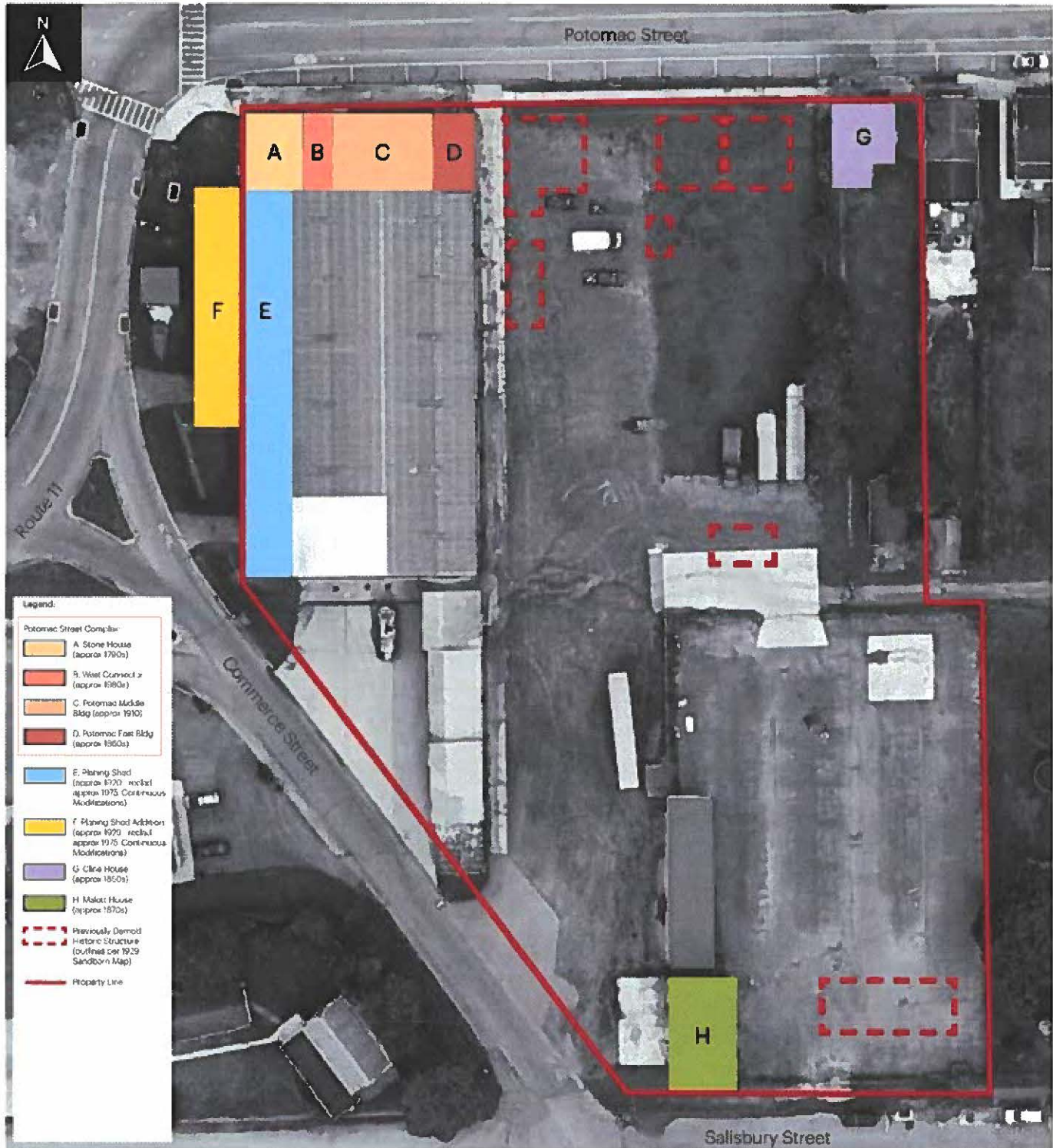
Attachment A: Map of Property

Attachment B: Site Plan of Proposed Development

C&O Canal National Historical Park Headquarters and Visitor Center
Williamsport, MD
Memorandum of Agreement

Attachment A

Map of Property



Attachment B
Site Plan of Proposed Development



Site Plan

- 1 UPLAND GROVE
- 2 PLANTED RAINWATER BASIN
- 3 CANAL PLANTER
- 4 STAFF ENTRANCE
- 5 BENCH
- 6 BIKE RACKS
- 7 SALVAGED WOOD BRIDGE
- 8 EXISTING SIDEWALK AND CROSSWALK TO REMAIN
- 9 SUBMERGED GRAVEL WETLAND
- 10 PUMP STATION
- 11 OVERLOOK
- 12 FLOODPLAIN MEADOW