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4 **Programmatic Agreement Among**
5 **The National Institute of Standards and Technology**
6 **and**
7 **The Maryland State Historic Preservation Officer**
8 **Regarding the Stewardship and Management**
9 **of the**
10 **National Institute of Standards and Technology’s**
11 **Gaithersburg, Maryland Campus**
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**Programmatic Agreement Among
The National Institute of Standards and Technology
and
The Maryland State Historic Preservation Officer
Regarding the Stewardship and Management
of the
National Institute of Standards and Technology’s
Gaithersburg, Maryland Campus**

56 **WHEREAS**, the mission of the National Institute of Standards and Technology (NIST), a
57 non-regulatory agency of the United States Department of Commerce (DoC), is to promote
58 U.S. innovation and industrial competitiveness by advancing measurement science, standards,
59 and technology in ways that enhance economic security and improve quality of life;

60
61 **WHEREAS**, NIST’s 579-acre campus, located in Gaithersburg, Montgomery County,
62 Maryland, was acquired by the Federal government for the National Bureau of Standards in
63 1956, designed by the prominent architectural firm of Voorhees, Walker, Smith, Smith &
64 Haines in 1961 and initially constructed in the 1960’s and thereafter by others;

65
66 **WHEREAS**, the National Bureau of Standards has hence forth been known as the National
67 Institute of Standards and Technology (NIST) as a result of the Omnibus Trade and
68 Competitiveness Act of 1988, P.L. 100-418;

69
70 **WHEREAS**, NIST, in order to carry out its mission as the Federal agency responsible for
71 advancing measurement science and standards and related technologies, taking a lead role in
72 stimulating cooperative work among private industrial organizations in efforts to surmount
73 technological hurdles, and otherwise engaged in assisting in the improvement of industrial
74 technology, conducts a variety of undertakings, including, but not limited to, operation,
75 management, administration, maintenance, rehabilitation, repair, construction, demolition,
76 replacement of buildings, structures and roads, and work regarding grounds and associated
77 landscaping that may affect Historic Properties (as defined in Appendix E) at the NIST
78 Gaithersburg Campus (Gaithersburg Campus);

79
80 **WHEREAS**, the entire 579-acre NIST Gaithersburg Campus (Maryland Inventory of Historic
81 Properties No. M: 20-47) has been determined eligible for listing in the National Register of
82 Historic Places (NRHP) under Criteria A and C as a Historic District for its historic and
83 architectural importance, as determined by the Keeper of the NRHP on June 22, 2016, with 26
84 contributing resources (Historic Properties) as well as non-contributing resources (Non-
85 historic Properties) as listed in Appendix A;

87 **WHEREAS**, the period of significance for the Gaithersburg Campus corresponds to the initial
88 period of construction (1960-1969);
89

90 **WHEREAS**, NIST, in consultation with the Maryland State Historic Preservation Officer
91 (MD SHPO), conducted an archeological assessment of the Gaithersburg Campus in 2019
92 which demonstrated extensive disturbance throughout much of the campus, revealed no
93 archeological resources eligible for the NRHP, and defined four areas that are recommended
94 for Phase I archeological survey if proposed for disturbance, as shown on Appendix F;
95

96 **WHEREAS**, NIST has consulted the MD SHPO pursuant to Section 106 of the National
97 Historic Preservation Act of 1966, as amended (NHPA), (codified as amended at 54 U.S.C. §
98 306108) and Section 110 of NHPA (codified as amended at 54 U.S.C. § 306101), and the
99 Advisory Council on Historic Preservation's (ACHP) Section 106 implementing regulations
100 (36 C.F.R. Part 800);
101

102 **WHEREAS**, pursuant to 36 C.F.R. § 800.14(b)(2), NIST, in consultation with the MD SHPO
103 determined that its Section 106 responsibilities can be more effectively and efficiently
104 implemented if a programmatic approach is used on the Gaithersburg Campus;
105

106 **WHEREAS**, this Programmatic Agreement (PA) encompasses the entire Gaithersburg Campus
107 (579 acres) as illustrated in Appendix C to this PA;
108

109 **WHEREAS**, the provisions of the PA only apply to the Gaithersburg Campus;
110

111 **WHEREAS**, the signatories of this PA acknowledge the national importance of the Gaithersburg
112 Campus to the history and development of the United States, especially in the areas of architecture,
113 research campus planning, and science and technology;
114

115 **WHEREAS**, the parties further desire that actions affecting built environment covered by this PA
116 be consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*
117 *with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*
118 (SOI Standards) (36 C.F.R. Part 68);
119

120 **WHEREAS**, NIST designates the NIST Chief Facilities Management Officer and the Director of
121 the Office of Facilities and Property Management (CFMO) as the responsible Agency Official for
122 the Gaithersburg Campus, in accordance with 36 C.F.R. § 800.2(a), the NIST CFMO may delegate
123 that authority to the NIST Federal Preservation Officer (FPO), qualified under the *Secretary of the*
124 *Interior's Professional Qualification Standards (PQS)* (36 C.F.R. Part 61);
125

126 **WHEREAS**, NIST in accordance with 36 C.F.R. § 800.6(a)(1)(iii), invited the ACHP to participate in
127 the Section 106 consultation process; and the ACHP notified NIST that it would not participate in the
128 consultation via an email dated March 19, 2019;
129

130 **WHEREAS**, NIST has determined that there are no Federally-recognized tribes that may have an

131 interest in the development of this PA;

132
133 **WHEREAS**, NIST has provided for public participation in the Section 106 consultation process
134 for this PA through a public notice on the City of Gaithersburg’s website;

135 **WHEREAS**, in accordance with 36 C.F.R. 800.14(b)(2)(ii), NIST has identified and invited the
136 following parties to participate in the development of this PA as Consulting Parties: City of
137 Gaithersburg, National Capital Planning Commission, Maryland-National Capital Park and
138 Planning Commission, and Montgomery Preservation;

139
140 **WHEREAS**, on October 21, 2019, NIST initiated Section 106 consultation with the City of
141 Gaithersburg, National Capital Planning Commission, Maryland-National Capital Park and
142 Planning Commission, and Montgomery Preservation and they responded that they did not want to
143 participate in the consultation; and

144
145 **NOW, THEREFORE**, the NIST and MD SHPO (Signatories) agree that undertakings on the
146 Gaithersburg Campus shall be administered in accordance with the following stipulations to satisfy
147 NIST's responsibilities under Section 106 and 110 of the NHPA.

148
149 **STIPULATIONS**

150
151 To the extent of its legal authority, NIST shall ensure that the following measures are carried out:

152
153 **I. Roles and Responsibilities**

154
155 The following lists the responsibilities and required qualifications for those individuals
156 responsible for implementing this PA.

157
158 **A. NIST Federal Preservation Officer (FPO)**

159
160 The FPO has oversight responsibility for the NIST’s historic preservation program
161 and is responsible for coordination of the program and implementation of the terms
162 of this PA, including determining whether undertakings are eligible for
163 Programmatic Allowances (Allowances) as described in Stipulation III.C
164 and Appendix B.

- 165
166 1. The FPO shall meet the PQS (36 C.F.R. Part 61) and endeavor to ensure
167 that staff are knowledgeable about the SOI Standards.
168
169 2. If necessary, per 36 C.F.R. § 800.2(a)(3), the FPO may engage qualified
170 consultants in the relevant discipline to identify, evaluate, and document
171 Historic Properties, to recommend findings of eligibility and effect, and to
172 determine whether treatments of Historic Properties comply with the SOI
173 Standards.
174

Programmatic Agreement
Between NIST and MD SHPO
NIST Gaithersburg Campus

- 175 3. The FPO shall ensure that Section 106 reviews conducted pursuant to this
176 PA will be carried out by qualified preservation professionals who meet
177 PQS, as determined by the FPO.
178
- 179 4. When clarification of the SOI Standards is needed, the FPO shall consult
180 with MD SHPO regarding their opinions about proper treatment of the
181 Historic Properties at the Gaithersburg Campus.
182
- 183 5. The FPO shall coordinate with the MD SHPO, as appropriate, regarding
184 general planning and development efforts that may have the potential to
185 affect Historic Properties on the Gaithersburg Campus.
186
- 187 6. The FPO shall maintain a file on all work accomplished under the
188 Allowances, as described in Stipulation IV.A.
189
- 190 7. The FPO will provide the MD SHPO an annual report for the
191 Gaithersburg Campus in accordance with Stipulation IV.B.
192
- 193 8. The FPO shall convene and participate in meetings with MD SHPO in
194 accordance with Stipulation IV.C.
195

196 B. MD SHPO
197

- 198 1. As requested, MD SHPO staff will be available to provide technical
199 assistance, guidance, and training. In those instances where consultation
200 with the MD SHPO has occurred, a written notice (via e-mail or regular
201 mail) will be generated and sent to confirm any decisions that were reached.
202
- 203 2. As requested, MD SHPO shall consult with the FPO, to identify consulting
204 parties, including any communities, organizations, or individuals that may
205 have an interest in individual undertakings and their effects on Historic
206 Properties.
207
- 208 3. The SHPO shall participate in meetings convened by FPO in
209 accordance with Stipulation IV.C.
210

211 C. Public Participation
212

213 NIST will ensure that an appropriate level of public involvement is provided in
214 accordance with 36 C.F.R. § 800.2(d)(1-3) and 36 C.F.R. § 800.3(e) during
215 implementation of actions pursuant to this PA.
216

217 D. Training
218

219 NIST shall ensure that key maintenance staff receive historic preservation training
220 needed to carry out their responsibilities and provide opportunities for other
221 involved staff to receive preservation training as funding opportunities permit.
222

223 E. Notifications, Timeframes, and Responses
224

- 225 1. Notifications and consultation pursuant to this PA shall be via electronic
226 mail or in writing. All formal submittals to the MD SHPO for official
227 review shall be via electronic mail unless otherwise specified. Large
228 files (*e.g.*, plans, maps, drawings, and photographs) will be submitted via
229 hard copy.
230
- 231 2. All time periods shall be counted in calendar days unless specifically
232 stated otherwise.
233
- 234 3. All MD SHPO reviews pursuant to this PA shall be completed within thirty
235 (30) days of its receipt of appropriate documents to be reviewed, unless
236 otherwise specified. If the MD SHPO does not respond in writing within
237 the specified time frame, MD SHPO review shall be deemed complete, and
238 NIST shall assume the MD SHPO's concurrence.
239

240 F. Regulations, Standards and Guidelines
241

242 Regulations, standards and guidelines relevant to this PA and its purposes,
243 as applicable, include the documents in Appendix D, as may be revised from
244 time to time.
245

246 **II. Management and Treatment of the Built Environment and Archaeology**
247

248 A. Gaithersburg Campus Master Plan
249

- 250 1. As necessary, when NIST update(s) its July 2018 approved Gaithersburg
251 Campus Master Plan (Master Plan), the Master Plan will be updated with
252 input from the MD SHPO, who will assist in considering potential adverse
253 effects on Historic Properties and in identifying ways to minimize adverse
254 effects, when possible.
255
- 256 2. MD SHPO shall have thirty (30) days to review Master Plan proposed
257 update(s) and provide comments. NIST shall consider these comments in
258 finalizing any updates to the Master Plan.
259
- 260 3. Should NIST decide to vary from or amend discussion of Historic Properties
261 in its approved Master Plan, NIST shall notify MD SHPO and will submit
262 the proposed variances/modifications to the MD SHPO for a thirty-day (30)

263 review and comment period, as necessary. NIST shall consider these
264 comments before modifying the Master Plan or adopting actions that vary
265 from the Master Plan.

266
267 B. Development of Design Guidelines for Gaithersburg Campus

- 268
269 1. As found in the current Master Plan, NIST shall use its Design Guidelines
270 for the Gaithersburg Campus to ensure a thoughtful and visually pleasing
271 environment by planning for consistent architectural themes that will
272 preserve the look of the historic campus while allowing for compatible
273 future growth and development and fulfilling NIST's program and scientific
274 mission.
- 275
276 2. NIST shall establish a Design Review Board to administer, guide and
277 enforce the Design Guidelines for capital projects affecting the Gaithersburg
278 Campus.
- 279
280 3. NIST shall keep a record of decisions made by the Design Review Board,
281 and upon request provide copies of those records to the MD SHPO.

282
283 C. Preservation Principles

- 284
285 1. NIST recognizes and accepts its responsibilities under Sections 106 and 110
286 of the NHPA and is committed to ensuring that these compliance
287 responsibilities are fulfilled at the Gaithersburg Campus.
- 288
289 2. To the extent practicable, NIST shall treat Historic Properties in accordance
290 with the SOI Standards; provided, however, that nothing contained herein
291 shall require NIST to restore rather than rehabilitate those properties as
292 defined in the SOI Standards.
- 293
294 3. NIST shall avoid adverse effects to Historic Properties at the Gaithersburg
295 Campus where possible, and when avoidance of adverse effects is not
296 possible, shall minimize or mitigate the effects in accordance with this PA.
- 297
298 4. Whenever feasible, NIST shall endeavor to keep Historic Properties in
299 productive use by using Historic Properties and considering new uses for
300 under-utilized resources.
- 301
302 5. NIST shall actively encourage the continuing and adaptive use of Historic
303 Properties in carrying out its mission at the Gaithersburg Campus.
- 304
305 6. Alterations needed to ensure continued use shall not radically change,
306 obscure, or demolish Character-defining features (as defined in Appendix E),

- 307 spaces, materials, or finishes of Historic Properties.
308
- 309 7. Additions to Historic Properties may be necessary to fulfill NIST’s program
310 and scientific mission. If, after thorough consideration, alterations to a
311 Historic Property are judged to be essential, they shall be designed in
312 consultation with the MD SHPO so that, to the greatest extent possible,
313 Character-defining features are not radically changed, obscured, damaged or
314 destroyed.
315
- 316 8. NIST shall give particular attention to avoiding undertakings that may
317 directly or indirectly adversely affect the Character-defining features of the
318 overall NRHP eligible Historic District at the Gaithersburg Campus.
319
- 320 9. New construction, additions, and exterior modifications to all Historic
321 Properties will take into consideration the recommended approaches in the
322 "Setting" and "New Additions to Historic Buildings" sections of the SOI
323 Standards and will consider the NRHP eligible Historic District
324 Gaithersburg Campus’ significant characteristics, including location, design,
325 setting, and feeling, along with the guidance on scale, massing, setback, and
326 related critical design elements.
327
- 328 10. NIST shall undertake reasonable measures to preserve any unused
329 Historic Properties and shall develop a plan to mothball buildings and
330 structures that have been or are to remain vacant for twelve months or
331 longer, according to the general guidance found in National Park Service
332 (NPS) *Preservation Brief 31: Mothballing Historic Buildings, Technical*
333 *Preservation Services*.
334
- 335 D. Historic Property Evaluation
336
- 337 1. As necessary, the FPO shall consult with the MD SHPO on updating
338 Appendix A (List of Historic Properties and Non-historic Properties at the
339 NIST Gaithersburg Campus) to document additional properties that have
340 been determined through prior consultation with the MD SHPO to be
341 eligible for or have been listed in the NRHP or have become ineligible for or
342 are delisted from the NRHP, to reflect ongoing survey and evaluation of
343 buildings and structures at the Gaithersburg Campus as they turn 50 years
344 old or are significantly altered.
345
- 346 2. A property previously evaluated by qualified personnel and determined to be
347 ineligible for listing in the NRHP shall not require reevaluation unless it has
348 since turned 50 years old or has acquired additional significance in
349 association with a newly developed or revised historic context statement, as
350 adopted by qualified personnel.

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3. If a property requires further evaluation to determine its eligibility for the NRHP, it shall be treated as a Historic Property under this PA and in accordance with the Allowances, until a determination of eligibility has been made in consultation with the MD SHPO.

E. Management and Treatment of Potential Archeological Sites

1. The 2019 archeological assessment of the Gaithersburg campus determined that four small areas of the campus may include archeological sites that have not yet been identified or evaluated for eligibility for listing in the NRHP. As shown on Appendix F, these four areas are recommended for Phase I archeological surveys if proposed for disturbance. To fulfill Federal agency obligations under Section 106 and 110 of the NHPA, NIST shall:
 - a. Consult with the MD SHPO following the Standard Project Review process referenced in Stipulation III.D for any undertaking that has the potential to adversely affect potential archeological sites that may be located within the four areas illustrated on Appendix F, and conduct archeological investigations needed to identify, evaluate, and or treat archeological resources in those areas deemed warranted by the consultation with the MD SHPO;
 - b. Ensure that any necessary archeological investigations (including identification, evaluation, or data recovery) shall be performed by qualified staff or contractors pursuant to Stipulation I.A.2 and in accordance with the standards listed in Appendix D;
 - c. Should archeological investigations result in the discovery of new archeological sites, NIST shall consult with the MD SHPO regarding appropriate treatments and endeavor to protect archeological sites that are NRHP-listed or NRHP-eligible from site development and other resource disturbing activities;
 - d. Maintain the confidentiality of archeological site location information consistent with the provisions of Archeological Resources Protection Act (ARPA) (16 U.S.C. § 470aa *et seq*);
 - e. Ensure that material remains and associated records generated from archeological investigations conducted at the Campus are curated in accordance with Curation of Federally-Owned and

394 Administered Archaeological Collections (36 C.F.R. Part 79), and
395 applicable State requirements at the Maryland Archeological
396 Conservation Laboratory or in a suitable repository as agreed to
397 by NIST and MD SHPO, and following applicable State
398 guidelines in Appendix D.
399

400 **III. Project Reviews**

401 NIST shall use the following review process for undertakings at its Gaithersburg Campus.
402

403 **A. Determine the Undertaking**

- 404 1. Consistent with 36 C.F.R. § 800.3(a), the FPO shall determine whether the
405 proposed activity constitutes an undertaking.
 - 406 a. If the activity is not an undertaking, NIST has no further
407 obligations under Section 106 or this PA.
408
 - 409 b. If the activity is an undertaking, the FPO will proceed to
410 Stipulation III.B.
411
- 412 2. If the activity is an undertaking, the FPO will proceed to
413 Stipulation III.B.
414

415 **B. Determine if there is No Potential to Cause Effects**

- 416 1. Pursuant to 36 C.F.R. § 800.3(a)(1), if the FPO determines that the
417 undertaking is the type of activity that has no potential to cause effects,
418 NIST has no further obligations under Section 106 or this PA.
419
- 420 2. If the FPO determines that the undertaking has the potential to cause
421 effects, the FPO will proceed to Stipulation III.C or III.D, as applicable.
422

423 **C. Programmatic Allowances**

- 424 1. The FPO shall review the undertaking to determine if the undertaking falls
425 within one or more of the Allowances listed in Appendix B to this PA.
426 Undertakings qualifying for the Allowances must be implemented as
427 specified in Appendix B and shall adhere to SOI Standards. Unless
428 otherwise noted in Appendix B, the Allowances are applicable anywhere at
429 the Gaithersburg Campus and on any type of property (e.g., Historic or Non-
430 historic Properties).
 - 431 a. If the FPO finds that the undertaking falls within one or more
432 Allowances, NIST shall follow the procedure set forth in Stipulation
433 III.C.2 below.
434
- 435
- 436
- 437

- 438 b. If the FPO is unclear whether a particular undertaking falls within
439 one or more of the Allowances the FPO will proceed in accordance
440 with Stipulation III.D below.
441
442 c. Programmatic Allowances may be revised and added to this PA in
443 accordance with Stipulation VIII. Appendix B will be amended
444 upon receipt of written concurrence from all signatories, in
445 accordance with Stipulation VIII of this PA.
446
447 2. Undertakings Meeting Allowances
448
449 a. The FPO shall document the determination that the undertaking falls
450 within one or more Allowances in the undertakings file. The FPO
451 shall include this determination in its annual report to the MD SHPO,
452 in accordance with Stipulation IV.B of this PA. No additional
453 consultation is required, and NIST has no further obligations under
454 Section 106.
455
456 b. Per Stipulation IV.A, the FPO shall maintain appropriate files on all
457 undertakings that fall within the Allowances. Such files will include,
458 at a minimum, the property name and number, a description of the
459 proposed undertaking, the name of qualified personnel who provided
460 review, and documentation that the undertaking falls within the
461 Allowances.
462
463 3. Changes to an Approved Scope of Work:
464
465 The FPO shall enact the following actions to address proposed changes to an
466 approved scope for an undertaking:
467
468 a. If the FPO, determines that the change(s) is eligible for the
469 Allowances in Appendix B or has no effect on the property, they will
470 approve the change, document the change, and conclude the Section
471 106 review responsibilities.
472
473 b. If the FPO, determines that the change is not eligible for the
474 Allowances in Appendix B, NIST shall follow the Standard Project
475 Review process (Section 106 process at 36 C.F.R. Part 800).
476
477 D. Standard Project Reviews
478
479 1. All undertakings that are not eligible for the Allowances as described in
480 Stipulation III and Appendix B, will be reviewed in accordance with the
481 Standard Project Review (Section 106 process at 36 C.F.R. Part 800).

482 Undertakings shall not be segmented into separate undertakings to fit within
483 the Allowances. NIST will follow the Standard Project Review for the
484 following undertakings:

- 485
- 486 a. Additions or alterations to Historic Properties listed in Appendix A
487 and/or contributing landscape features; or
 - 488
 - 489 b. Where there is a change in use of a Historic Property; or
 - 490
 - 491 c. Where a series of individual projects cumulatively results in the
492 complete rehabilitation or restoration of a Historic Property; or
 - 493
 - 494 d. New Construction; or
 - 495
 - 496 e. Proposed undertakings located within the four areas recommended
497 for Phase I archeological survey shown on Appendix F.
 - 498
- 499 2. NIST may choose to follow the Standard Project Review process
500 for any undertaking subject to this Agreement.
501
- 502 3. If warranted due to unusual circumstances, the MD SHPO may request
503 that NIST follow the Standard Project Review process for any
504 undertaking subject to this Agreement and NIST shall take under
505 consideration such a request. Any request by the MD SHPO for a
506 Standard Project Review shall be made in writing to the FPO. Any
507 dispute regarding this provision will be governed by Stipulation VII of
508 this Agreement (Dispute Resolution).
509

510 F. Adding to List of Allowances in Appendix B

511
512 Allowances may be revised and new Allowances may be added to this PA in
513 accordance with Stipulation VIII (Amendment).
514

515 G. Emergency Actions

516
517 In the case of an emergency, which shall be defined as situations in which there is
518 an immediate threat to life and/or property, affecting Historic Properties, NIST shall
519 first perform those undertakings necessary to protect life and property. As soon as
520 possible, given the emergency situation and conditions, NIST shall assess the status
521 of the Historic Properties, with on-site monitoring by the FPO. Where practicable,
522 emergency undertakings shall be carried out in a manner that is consistent to the
523 extent practicable with the SOI Standards. This emergency provision is limited to
524 work initiated within ten (10) days of an emergency. Should NIST determine that
525 the ten-day (10) period is insufficient, NIST shall notify and consult with the MD

526 SHPO to extend the emergency period. If an emergency undertaking is required and
527 carried out, NIST shall notify the MD SHPO, in writing, as soon as practical of the
528 need for said emergency undertaking. As part of the notification, NIST shall
529 provide a plan on how the emergency was addressed and shall document any
530 application of the Allowances in Appendix B. The MD SHPO shall have three (3)
531 days to review and comment on the plan to address the emergency.
532

533 **IV. Reporting and Documentation**

534 A. Documentation

535
536
537 The FPO shall maintain a file on all work accomplished using the Allowances in
538 Appendix B. Such files will include, at a minimum, the property name and number, a
539 description of the proposed undertaking, the name of qualified personnel who provided
540 review, and documentation that the undertaking falls within the Allowances.
541

542 B. Annual Reporting

- 543
- 544 1. The FPO shall provide to the MD SHPO an annual report within twelve (12)
545 months of the execution of this PA, and every twelve (12) months thereafter
546 until it expires or is terminated. The annual status report will address the
547 following:
548
 - 549 a. Undertakings implemented during the reporting period that
550 conformed to the Programmatic Allowances as set forth in
551 Stipulation III.C.2 and Appendix B, including, at a minimum, the
552 building, building number, a short description of the undertaking,
553 and the Allowance utilized;
554
 - 555 b. Undertakings implemented during the reporting period under
556 Stipulation III.D, including, at a minimum, the building name and
557 number, and a short description of the undertaking;
558
 - 559 c. The number of Standard Project Reviews conducted during the
560 reporting period;
561
 - 562 d. Any cases of post-review discovery or unanticipated effects;
563
 - 564 e. All training activities related to the implementation of this
565 PA, during the reporting period; and
566
 - 567 f. A summary of anticipated projects and issues in the coming year.
568
 - 569 2. The FPO shall update Appendix A as necessary to document additional

570 properties that have been determined through prior consultation with the
571 MD SHPO to be eligible for or have been listed in the NRHP or have
572 become ineligible for or are delisted from the NRHP, to reflect ongoing
573 survey and evaluation of buildings and structures at the Gaithersburg
574 Campus as they turn 50 years old or are significantly altered. As necessary,
575 the FPO shall submit the revised Appendix A with the annual status report
576 to the MD SHPO.

577

578 C. Meetings

579

580 1. The FPO and the MD SHPO shall meet twice annually during the first
581 year of this PA and thereafter on an as-needed basis but not less than
582 once annually to review the work pursuant to this PA.

583

584 2. NIST shall schedule and host the meetings.

585

586 V. Unanticipated Discoveries

587

588 A. In the event of an unexpected discovery, or if it appears that an undertaking has
589 affected a previously unidentified property or affected a known Historic Property in
590 an unanticipated manner, the FPO shall as appropriate, within 48 hours, notify MD
591 SHPO and:

592

593 1. Take all reasonable measures to avoid or minimize harm to the property
594 until NIST has completed consultation with the MD SHPO.

595

596 2. Consult with the MD SHPO to evaluate the discovery for NRHP eligibility
597 and/or the effects of the undertaking on Historic Properties.

598

599 3. If human remains are discovered, notify the local law enforcement office
600 and coroner/medical examiner in accordance with applicable law.

601

602 VI. Anti-deficiency Act

603 NIST's obligations under this PA are subject to the availability of appropriated funds, and
604 the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. NIST
605 shall make reasonable and good faith efforts to secure necessary funds to implement this
606 PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs NIST's
607 ability to implement the stipulations of this PA, NIST shall consult to develop an
608 amendment in accordance with Stipulation VIII of this PA. No provision of this PA will be
609 interpreted to require obligation or payment of funds in violation of the Anti-Deficiency
610 Act, 31 U.S.C. § 1341.

611

612 VII. Dispute Resolution

613

614 Should any signatory to this PA object at any time to any actions proposed or the manner in
615 which the terms of this PA are implemented, NIST shall consult with such party to resolve
616 the objection. If NIST determines that such objection cannot be resolved NIST will:

- 617
- 618 A. Forward all documentation relevant to the dispute, including NIST’s proposed
619 resolution, to the FPO and ACHP. The ACHP shall provide NIST with its advice on
620 the resolution of the objection within thirty (30) days of receiving adequate
621 documentation. Prior to reaching a final decision on the dispute, NIST shall prepare
622 a written response that takes into account any timely advice or comments regarding
623 the dispute from the ACHP, signatories and concurring parties, and provide them
624 with a copy of this written response. NIST will then proceed according to its final
625 decision.
 - 626
 - 627 B. If the ACHP does not provide its advice regarding the dispute within the thirty (30)
628 day time period, NIST may make a final decision on the dispute and proceed
629 accordingly. Prior to reaching such a final decision, NIST shall prepare a
630 written response that takes into account any timely comments regarding the dispute
631 from the signatories and concurring parties to the PA and provide them and the
632 ACHP with a copy of such written response.
 - 633
 - 634 C. NIST’s responsibilities to carry out all other actions subject to the terms of this PA
635 that are not the subject of the dispute remain unchanged.
 - 636

637 **VIII. Amendment**

- 638
- 639 A. Any signatory to this PA may request that it be amended, whereupon the parties
640 shall consult to consider the proposed amendment. This PA may be amended only
641 upon written concurrence of all signatory parties.
 - 642
 - 643 B. The Appendices may be amended at the request of NIST in the following manner:
644
 - 645 1. NIST shall notify the MD SHPO of the intent to modify the current
646 Appendix and shall provide a draft copy of the updated Appendix to the MD
647 SHPO.
 - 648
 - 649 2. If the MD SHPO does not object in writing within 30 days of receipt of
650 NIST's proposed modification, NIST shall date and sign the amended
651 Appendix and provide a copy of the amended Appendix the MD SHPO.
 - 652

653 **IX. Termination**

654

655 Any party to this PA may terminate it by providing thirty (30) days notice to the other
656 signatories provided that the parties will consult during the period prior to termination to
657 seek agreement on amendments or other actions that would avoid termination. In the event

658 of termination, NIST will comply with 36 C.F.R. § 800.4 through 36 C.F.R. § 800.6
659 regarding individual undertakings covered by this PA.

660
661

662
663 **X. Severability**

664
665 In the event any provision of this PA is deemed to be contrary to, or in violation of any
666 applicable existing law or regulation of the United States of America, only the conflicting
667 provision(s) shall be deemed null and void, and the remaining provisions of the PA shall
668 remain in effect.

669
670 **XI. Duration and Extension**

671
672 This PA shall become effective upon execution by MD SHPO and NIST and shall remain
673 in effect until December 31, 2029. At any time in the six-month period prior to this
674 date, the signatory parties shall consult to consider an extension or amendment of the PA.
675 The PA may be extended for additional terms upon the written agreement of NIST and the
676 MD SHPO.
677

Programmatic Agreement
Between NIST and MD SHPO
NIST Gaithersburg Campus

678 Execution of this PA by NIST and the MD SHPO, and implementation of its terms evidence that NIST has
679 afforded the ACHP a reasonable opportunity to comment on management of Historic Properties at NIST's
680 Gaithersburg Campus and that NIST has taken into account the effects of its ongoing management on
681 Historic Properties at NIST and fully satisfies its responsibilities under Section 106 of the NHPA for all
682 individual undertakings subject to review under this PA.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

By: _____ Date: _____

Robert (Skip) Vaughn
Chief Facilities Management Officer and the
Director of the Office of Facilities and Property Management

MARYLAND STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Elizabeth Hughes, Maryland Historical Trust
Director and State Historic Preservation Officer

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Appendix A List of Historic and Non-historic Properties at the NIST Gaithersburg Campus

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Appendix F Areas Recommended for Phase I Archeological Survey

Appendix A

List of Historic and Non-historic Properties at the NIST Gaithersburg Campus, including Contributing and Non-contributing Properties

* Established in Concurrence with
the Maryland State Historic Preservation Officer on February 12, 2016

Historic Properties at the NIST Gaithersburg Campus	
NIST Historic District	National Register-eligible

Contributing Properties to the NIST Historic District		
Building Number	Building Name	Construction Date
101	101 Administration Building	1962-1965
202	202 Engineering Mechanics	1961-1963
206	206 Concrete Materials	1966-1968
220	220 Metrology	1963-1966
221	221 Physics	1963-1966
222	222 Chemistry	1963-1966
223	223 Materials	1963-1966
224	224 Polymer	1963-1966
225	225 Technology	1963-1966
226	226 Building Research	1963-1966
230	230 Fluid Mechanics	1967-1969
231	231 Industrial	1966-1968
233	233 Sound	1965-1968
235	NCNR	1963-1967; 1989-1990; 2009
236	236 Hazards	1966-1968
237	237 Non-magnetic Laboratory	1964-1968
238	238 Non-magnetic Laboratory	1964-1968
245	245 Radiation Physics	1962-1964
301	301 Supply and Plant	1962-1964; 2013

Contributing Properties to the NIST Historic District		
Building Number	Building Name	Construction Date
302	Steam and Chilled Water Generation Plant	1961-1964; ca. 1990s; ca. 2010; 2018 addition
303	303 Service	1962-1964
304	304 Shops	1962-1964
306A	306A PEPCO	1961-1964
306B	306B PEPCO	1961-1964
	Campus Landscape Plan associated with GPLs & Bld. 101, incl. vehicular & pedestrian circulation networks & parking lots	1961 – 1969; 1966
	Flagpole	1965

Non-historic Properties at the NIST Gaithersburg Campus		
Building Number	Building Name	Construction Date
103	Visitor' s Center and Gate House	2009
A gate	Gate House associated with Visitor's Center	2009
B gate	Gate House ca. 2009	ca. 2009
C gate	Gate House ca. 2009	ca. 2009
F gate	Gate House ca. 2009	ca. 2009
203	Standard Reference Materials Facility	2012
205	Large Fire Facility	1973-1975; 2014
205E	Emissions Control Electrical	ca. 2000
205M	Emissions Control Mechanical	ca. 2000
205E#2	Emissions Control Electrical	ca. 2014
205M2	205M2 Emissions Control Mechanical	ca. 2014
2	Hopper	ca. 2014
3	Hopper	ca. 2000
207	Robot Test Facility	2012
208	Net-Zero Energy Residential Test Facility	2012
215	Nanofabrication Facility	2002-2004

Non-historic Properties at the NIST Gaithersburg Campus		
Building Number	Building Name	Construction Date
216	Center for Nanoscience and Technology (Instrument East)	2001-2002
217	AML Instrument West	2002-2004
218	AML Metrology East	2000-2004
219	AML Metrology West	2000-2004
227	Advanced Chemical Sciences Laboratory	1999
305	Cooling Tower	1961-1964; 1993 (completely rebuilt); 1995 (expanded); ca. 2011 (completely rebuilt and expanded)
306	Potomac Electric Power Company (PEPCO)	
306 A & 306B	Electrical Substation (PEPCO)	ca. 1970
307	Hazardous Chemical Waste Storage	1970-1971
308	Bowman House	Demolished prior to NRHP listing
309	Grounds Maintenance	1974-1978
310	Hazardous Materials Storage	1986-1987
311	Grounds Storage Shed	1990
312	Materials Processing Facility	1996
313	Site Effluent Neutralization	1996
314	Backflow Preventer Building	1998
315	Backflow Preventer Building	1998
316	Electrical Service Building	1998
317	Cooling Tower	2010
	Building associated with 317	2010
318	ES Consolidated Facility	2014
319	ES Storage Building	2014
320	ccc	2013
321	Liquid Helium Recovery Facility	Under construction (2016)
	Baseball Field 1	Late 1990s

Non-historic Properties at the NIST Gaithersburg Campus		
Building Number	Building Name	Construction Date
	Baseball Field 2	Late 1990s
	Volley Ball Court	ca. 2009
	Picnic Area	Late 20th century
	Storm water Management Pond 3	ca. 2006
	Entrance Gates	1976
	Masonry Test Wall	1977
	Solar Array fronting Muddy Branch Road and East Drive	2018
	Campus Properties yet to be evaluated under 110	Since 2016

Appendix B

Programmatic Allowances Under this Agreement

This list of Programmatic Allowances (Allowances) applies to activities at NIST's Gaithersburg Campus that constitute individual undertakings under Section 106 of the National Historic Preservation Act, that based on NIST experience have no or minimal effect on Historic Properties if implemented as specified in this Appendix B and will not require additional review by the MD SHPO. The Allowances are divided into the following categories: 1) Historic Properties; 2) Non-historic Properties; 3) Site Work; and 4) General.

The FPO must make a determination of the applicability of these Allowances, as appropriate, for proposed undertakings. NIST staff will provide the FPO an opportunity to make a determination of applicability before work is commenced on Historic Properties and where work on Non-historic Properties (as defined in Appendix E) could detract from the qualities that contribute to the significance of Historic Properties.

1. Historic Properties

1.1 Foundations

- 1.1.1 Maintenance, repair or In-kind (as defined in Appendix E) replacement of above-ground footings, foundations, and retaining walls to match the materials, configuration, profile and appearance of the existing system. *If Historic Fabric (as defined in Appendix E) must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*
- 1.1.2 Maintenance, repair, or In-kind replacement of below-grade footings, foundations, and retaining walls. *If Historic Fabric must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*

1.2 Roofing

- 1.2.1 Maintenance, repair or In-kind replacement of roof materials, cladding and sheathing, underlayment sheathing, flashing, gutters, soffits, downspouts and catch basins with no change in roof pitch or configuration. *If Historic Fabric must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*
- 1.2.2 Removal of non-historic, incompatible rooftop features (antennae, equipment, cabling and similar features), *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or substantial alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*
- 1.2.3 Installation of gutters and downspouts, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, obscure, or remove significant Historic Fabric.*

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1.3 Exterior Walls, Siding, and Other Features

- 1.3.1 Maintenance, repair or In-kind replacement of existing exterior walls, siding, trim, rails, joints, stucco, or veneer; existing decking, porches, landings, stairs, railings, guardrails or handrails; existing canopies or awnings; or existing building numbers and signs. *If Historic Fabric must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*
- 1.3.2 Repair or repointing of masonry features with the design, size, shape, materials, and repointing to match the original in color, texture, and tooling, and following the NPS *Preservation Brief #2: Repointing Mortar Joints in Historic Brick Buildings.*

1.4 Interior Walls, Finishes, and Other Features

- 1.4.1 Maintenance, repair or In-kind replacement of existing interior finishes, including plaster, drywall, trim, tile, and flooring. *If Historic Fabric must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*
- 1.4.2 Alteration, removal or replacement of non-character-defining interior floorplan configurations, finishes, cabinetry, systems, equipment, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, obscure, or remove significant Historic Fabric.*
- 1.4.3 Alteration, removal or replacement of non-historic, incompatible features, including non-period interior additions, equipment, and non-bearing wall and ceiling systems common to tenant improvement work, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*
- 1.4.4 Minor seismic improvements limited to the concealed securement and bracing of plumbing, piping, conduits, ducts, antennas, equipment, communication devices, radio systems, cables, and phone systems.
- 1.4.5 Installation of floor materials over non-character-defining flooring in a reversible manner, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property resource, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*
- 1.4.6 Installation or repair of concrete basement flooring in an existing basement.

1.5 Windows and Doors

- 1.5.1 Maintenance, repair or In-kind replacement of windows and/or doors. *If Historic Fabric*

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Programmatic Allowances Under this Agreement

must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.

- 1.5.2 Replacement of non-historic, incompatible features and accessories with historically compatible features, *provided such alteration does not detract from the qualities that contribute to the significance of the historic property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*
- 1.5.3 In-kind replacement of broken or cracked glass window panes and glaze putty to match characteristics (thickness, color, texture, sheen, waviness) of the existing materials.
- 1.5.4 Installation of new glazing in non-character-defining windows or doors, including retrofitting for double and triple glazing, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*
- 1.5.5 Replacement or alteration of existing non-character-defining hardware for the Architectural Barriers Act (ABA) and Code compliance, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*
- 1.5.6 Reversible application of removable caulking, weather-stripping, and/or thermal insulation window film which is clear and non-reflective.
- 1.5.7 Installation of building access security devices, such as card readers, enhanced locks, and security scanners, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.6 Painting

- 1.6.1 Repainting of non-historic surfaces.
- 1.6.2 Repainting of Historic surfaces consistent with existing color and finish, *provided that abrasive surface preparation treatments such as water blasting, sandblasting, power sanding, and chemical cleaning are not used.*
- 1.6.3 Removal of paint by non-destructive means, limited to hand scraping, low pressure water wash (less than 200 p.s.i.), or paint-removal chemicals that do not harm the substrate, in accordance with guidance in NPS *Preservation Brief #6: Dangers of Abrasive Cleaning to Historic Buildings.*

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1.6.6 Painting of Historic woodwork in accordance with guidance in NPS *Preservation Brief #10: Exterior Paint Problems on Historic Woodwork*.

1.7 Lighting

1.7.1 Maintenance, repair or In-kind replacement of light fixtures and lighting systems. *If Historic Fabric must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*

1.8 Research Equipment and Systems

1.8.1 Modification, repair, removal, or addition of non-historic equipment and/or systems utilized to support specialized research (e.g., steam ejectors, vacuum spheres, combustion equipment, process gas reclamation systems, above ground fuel storage tanks, bottle fields, crane and wench systems, satellite dishes, high pressure air production, and storage and distribution systems), *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, obscure, or remove significant Historic Fabric.*

1.10 Mechanical and Electrical Systems

1.10.1 Replacement or installation of internal HVAC equipment, filters, plumbing, telecommunications equipment, or security systems, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.10.2 HVAC conversions to alternative fuels, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.10.3 Replacement or installation of electrical systems, including conduit and wiring, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.10.4 Replacement or installation of telecommunications, computer, or security systems, including public address systems, facsimile systems, microwave and radio systems, fiber-optic cables, and phone systems, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, is not visible, and does not damage, alter, or remove significant Historic Fabric.*

1.10.5 Modification or In-kind replacement of fire detection and suppression systems, including routine upgrades to fire alarm systems, smoke detectors, and sprinkler systems, *provided such alteration does*

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not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric. Design and installation of new systems are specifically excluded from these programmatic allowances and shall be required to be evaluated under standard Section 106 procedures outlined in 36 C.F.R. § 800.5.

1.10.6 Replacement of non-historic, incompatible features with compatible features, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.10.7 Upgrading or installing new electrical lines between or among buildings and facilities, *provided no exposed conduits, cables, or other equipment is installed.*

1.10.8 Replacement of exterior equipment, including generators, transformers, and condensers, within the dimensions of existing equipment and footprints, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.10.9 Replacement of elevators within existing elevator shafts, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and does not damage, alter, or remove significant Historic Fabric.*

1.11 ABA Compliance

1.11.1 Improvement or installation of exterior and/or interior wheelchair ramps to meet current ABA requirements, consistent with the guidelines presented in NPS *Preservation Brief #32: Making Historic Properties Accessible.*

1.12 Health and Safety

1.12.1 Hazardous material (materials such as lead paint, lead piping, asbestos, and mold) testing, remediation, and abatement, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property, does not involve removal or alteration of significant historic elements, and no significant Historic Fabric will be damaged, altered, or removed.*

1.12.2 General clean-up, encapsulation, removal, and disposal of non-significant asbestos-containing materials.

1.12.3 Replacement of asbestos-containing materials with similar functioning and visually consistent non-asbestos materials, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Property resource, does not involve removal or alteration of significant*

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historic elements, and no significant Historic Fabric will be damaged, altered, or removed.

- 1.12.4 Installation of new flooring (carpeting or sheet flooring) over damaged asbestos flooring and Non-historic subflooring.
- 1.12.5 Preventive measures to deter pests or removal of pests, such as termites, insects, and rodents, and animal debris, *provided that destructive treatments, such as harmful chemical agents, are not used or that Historic materials are not damaged or removed.*
- 1.12.6 Encapsulation or appropriate patching of lead-based paint by repainting to match existing or historically compatible colors and finishes.
- 1.12.7. Testing, remediation and abatement of lead-based paint and other toxic materials in accordance with guidance in NPS *Preservation Brief #37: Appropriate Methods for Reducing Lead Paint Hazards in Historic Housing.*

1.13 Destructive Testing

- 1.13.1 Conducting small-scale and select destructive testing to expose and assess concealed structural conditions (such as removal of small areas of plaster wall finish) and/or to assess material capacities (such as masonry push testing or concrete slab coring) when performed in areas that are easily repairable or otherwise inconspicuous.
- 1.13.2 Removal of materials in small areas designated for hazardous materials testing, *provided it does not require the removal of historic features or alteration of visible contributing elements of Historic Property.*

1.14 Mothballing

- 1.14.1 Securing or mothballing buildings or structures, following guidance in *Preservation Brief #31: Mothballing Historic Buildings.*

1.15 Cleaning

- 1.15.1 Cleaning using treatment methods that do not alter or cause damage to Historic materials, following guidance set forth in NPS *Preservation Brief # 6: Dangers of Abrasive Cleaning to Historic Buildings and provided it does not require the removal of Historic features or alteration of visible contributing elements of Historic Properties.*

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2. Non-Historic Properties

2.1 Foundations

2.1.1 Maintenance, repair or replacement of above-ground and below-grade footings, foundations, and retaining walls.

2.1.2 Installation of below-grade waterproofing.

2.2 Roofing

2.2.1 Maintenance, repair or In-kind replacement of existing roof materials, cladding and sheeting, underlayment sheathing, flashing, gutters, soffits, downspouts and catch basins with no change in roof pitch or configuration.

2.2.2 Reframing of structural roof elements to improve the drainage or durability of the roof, *provided such alteration does not detract from the qualities that contribute to the significance of the Historic Properties.*

2.2.3 Removal of rooftop features (antennae, equipment, cabling, and similar features).

2.2.4 Installation of rooftop features (antennae, equipment, cabling, and similar features), *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.2.5 Repair or installation of gutters and downspouts.

2.3 Exterior Walls, Siding, and Other Features

2.3.1 Maintenance, repair or In-kind replacement of existing exterior walls, siding, trim, rails, joints, stucco, veneer, decking, porches, landings, stairs, railings, guardrails, handrails, canopies, awnings, building numbers, and signs.

2.3.2 Replacement or alteration of existing exterior building elements or materials, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.4 Interior Walls, Finishes, and Other Features

2.4.1 Maintenance, repair, replacement, or alteration of interior finishes, including plaster, drywall, ceiling tile, trim, tile, and flooring.

2.4.2 Alteration, removal or replacement of interior floorplan configurations, cabinetry, systems, and equipment.

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2.4.3 Installation or repair of concrete basement floors.

2.5 Windows and Doors

2.5.1 Maintenance, repair or In-kind replacement of windows and doors.

2.5.2 Replacement or alteration of windows and doors, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.5.3 Installation, replacement or alteration of glazing in existing windows or doors, including retrofitting for double and triple glazing.

2.5.4 Installation, replacement or alteration of hardware for ABA and Code compliance.

2.5.5 Energy conservation measures to meet standard reductions in energy use, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.5.6 Installation of building access security devices, such as card readers, enhanced locks, and security scanners, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.6 Painting/Lead Paint Abatement

2.6.1 Repainting of exterior surfaces, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.6.2 Encapsulation or appropriate patching of lead-based paint.

2.7 Lighting

2.7.1 Maintenance, repair, or removal of exterior light fixtures and lighting systems.

2.7.2 Replacement or alteration of exterior light fixtures and systems, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.7.3 Maintenance, repair, replacement, alteration, or removal of interior light fixtures or lighting systems.

2.8 Research Equipment and Systems

2.8.1 Modification, repair, removal, or addition of equipment and/or systems utilized to support specialized research (e.g., steam ejectors, vacuum spheres, combustion equipment, process gas reclamation systems, above ground fuel storage tanks, bottle fields, crane and wench systems, satellite dishes, high pressure

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air production, and storage and distribution systems), *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.10 Mechanical and Electrical Systems

2.10.1 Repair, replacement or installation of HVAC equipment, filters, plumbing, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.10.2 HVAC conversions to alternative fuels.

2.10.3 Repair, replacement or installation of electrical systems, including conduit and wiring, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.10.4 Repair, replacement or installation of telecommunications, computer, or security systems, including public address systems, facsimile systems, microwave and radio systems, fiber-optic cables, and phone systems, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.10.5 Repair, replacement or installation of fire detection and suppression systems, including routine upgrades to fire alarm systems, smoke detectors, and sprinkler systems.

2.10.6 Upgrading or installing new electrical lines between or among buildings and facilities, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.10.7 Replacement of equipment, such as generators, transformers, and condensers, *provided such alteration - does not detract from the qualities that contribute to the significance of Historic Properties.*

2.10.8 Replacement of interior elevators.

2.11 ABA Compliance

2.11.1 ABA requirements, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

2.12 Health and Safety

2.12.1 Hazardous material (materials such as lead paint, lead piping, asbestos, and mold) testing, remediation, and abatement.

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- 2.12.2 General clean-up, encapsulation, removal, and disposal of asbestos-containing materials.
- 2.12.3 Replacement of asbestos-containing materials, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*
- 2.12.4 Preventative measures to deter pests or removal of pests, such as termites, insects, and rodents, and animal debris.
- 2.12.5 Regulatory permit compliance activities, including but not limited to, Resource Conservation and Recovery Act (RCRA) permits and National Pollutant Discharge Elimination System (NPDES) permits.

2.13 Destructive Testing

- 2.13.1 Destructive testing to expose and assess concealed structural conditions (such as removal of small areas of plaster wall finish) and/or to assess material capacities (such as masonry push testing or concrete slab coring).
- 2.13.2 Removal of materials in small areas designated for hazardous materials testing.

2.14 Demolition

- 2.14.1 Demolition of properties and associated infrastructure determined not eligible for the NRHP by the FPO with concurrence from the MD SHPO, *an undertaking shall not be segmented into separate undertakings to fit within this Allowance.*

2.15 Cleaning

- 2.15.1 Cleaning using treatment methods, *provided it does not require the removal of historic features or alteration of visible contributing elements of Historic Properties and does not alter or damage Historic Properties.*

3. Site Work

3.1 Circulation Features

- 3.1.1 Maintenance, repair, or replacement of existing circulation features where activities conform to the original footprint, including:
 - a. Paved surfaces (such as roads, sidewalks, paths, curbs, gutters, driveways, and parking areas);
 - b. Traffic control devices (such as traffic signals and signs, lane delineators,

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pavement markings, and traffic surveillance systems); and

- c. Street lights and street signs.
- 3.1.2 Placement of gravel or aggregate on existing unpaved dirt roads, paths, or lots, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*
- 3.1.3 Restriping of existing paved surfaces for bike paths and routes.
- 3.1.4 Installation of the following circulation features for ABA and Code compliance:
- a. Sidewalk curb cuts, ramp, and warning detection strips;
 - b. Contrasting stripes at curbs or exterior stairs; and
 - c. Painted stripes or symbols on paved surfaces

3.2 Landscaping

- 3.2.1 Maintenance of existing landscaping, including mowing, trimming, and pruning of grass, plantings, shrubs, or trees.
- 3.2.2 Vegetation control activities, including collection and removal of dead, diseased, hazardous, invasive, or potentially damaging vegetation, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*
- 3.2.3 Prevention of pest (such as termites, insects, rodents) infestation through installation of nonpermanent traps and barriers, and removal of pests and animal debris, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*
- 3.2.4 Erosion control activities (such as gravel or riprap placement) where activities are constructed in a reversible manner, are located at or adjacent to existing paved areas.
- 3.2.5 Planting or seeding ground cover.
- 3.2.6 Cleanout of existing drainage ditches.
- 3.2.7 Maintenance, repair, or In-kind replacement of contributing small-scale landscape features, including planters, statuary, trash bins, and signage. *If Historic Fabric must be replaced, it will be replaced In-kind to match the configuration, material, size, detail, and construction method of the Historic Fabric.*
- 3.2.8 Maintenance, repair, replacement, or alteration of non-contributing small-scale landscape features,

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including planters, statuary, trash bins, and signage, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

3.2.9 Repair or replacement of existing non-contributing recreational equipment (such as park benches, playground equipment, or outdoor athletic facilities), *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

3.3 Fencing

3.3.1 Maintenance, repair, or in-kind replacement of existing fencing.

3.3.2 Addition of doors, gates, or other openings within existing fencing lines for access and security improvements, *provided such alteration does not involve removal or alteration of significant historic elements, does not damage, alter, or remove significant Historic fabric, and does not detract from the qualities that contribute to the significance of Historic Properties.*

3.4 Wayfinding and Interpretive Signage

3.4.1 Placement of exterior interpretive signage and public exhibits installed in a reversible manner, located at existing walkways and paved areas, are no more than 6 sq. ft. in size and that are consistent with NIST's Design Guidelines, *and where there is no impact to the historic integrity and Character-defining features of Historic Properties.*

3.5 Utilities

3.5.1 Maintenance, repair, or replacement of existing below-grade utilities.

3.5.2 Maintenance, repair, or replacement of existing above-grade utilities and related features where activities consist of one of the following:

- a. Conform to the original footprint and general size/volume;
- b. Conform to the original footprint and size /volume is increased by a maximum of ten (10) percent, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties;* or
- c. Are located within existing structures, as described in Stipulations 1.10 and 2.10 above.

3.5.3 Installation of new above-ground utilities or utility systems where activities are located on existing foundations or paved areas, support on-going existing operations, and are no more than forty (40) sq. ft. in volume, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

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3.7 Ground Disturbing Activities

- 3.7.1 Any activity for the purposes of maintenance, repair, or replacement of below-grade systems.
- 3.7.2 Installation of new below-grade utilities.

3.8 Demolition

- 3.8.1 Demolition of properties and associated infrastructure determined not eligible for the NRHP by the FPO with concurrence from the MD SHPO, *an undertaking shall not be segmented into separate undertakings to fit within this Allowance.*

3.9 Non-Construction Related Temporary Structures

- 3.9.1 Installation or removal of temporary structures for scientific research or offices, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

3.10 Construction-Related Temporary Structures

- 3.10.1 Temporary placement (not to exceed the duration of the construction project) of construction-related barriers and traffic control devices (such as concrete barriers, fencing, and traffic signals and signs) and standalone construction-related structures (such as scaffolding, barriers, screening, fences, protective walkways, signage, office trailers, construction trailers, tents, or self-contained restrooms).

3.11 Wildlife Habitat Conservation

- 3.11.1 Maintenance and repair of existing property, wetlands, and stream channels.
- 3.11.2 Installation, maintenance, or repair of nesting platforms, boxes, and burrows.
- 3.11.3 Installation, maintenance, repair, or extension of animal-secure fencing or barriers.
- 3.11.4 Maintenance of vegetation and ground surface features in wildlife habitat areas.

3.12 Antiterrorism and Force Protection Measures

- 3.12.1 Non-physical and non-visual antiterrorism and force protection measures designed and constructed to prevent or mitigate hostile actions, *provided such alteration does not detract from the qualities that contribute to the significance of Historic Properties.*

Appendix B

Programmatic Allowances Under this Agreement

4. General

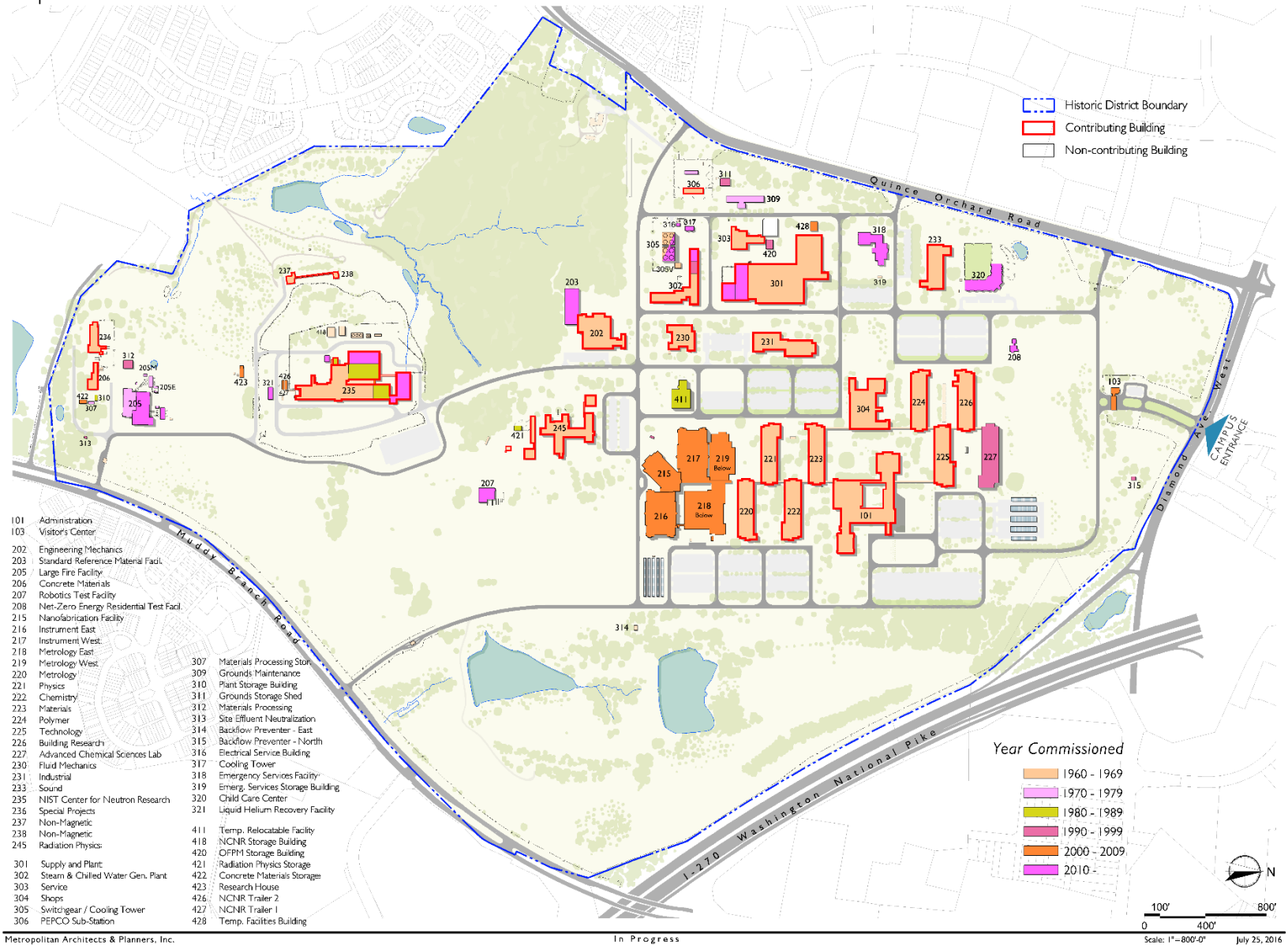
4.1 Lease of Real Property

4.1.1 Leasing Historic and Non-historic Properties and structures, *provided such leases will adhere to the terms of this PA.*

4.2 Acquisition of Lands for the Gaithersburg Campus

4.2.1 Acquisition of land for the Gaithersburg Campus, *provided it does not require the removal of historic features or alteration of visible contributing elements of Historic Property. Any known or potential Historic Properties on the land acquired should be protected from demolition by neglect. Pursuant to 36 C.F.R. § 800.5(a)(2)(vi), demolition by neglect constitutes an adverse effect.*

Appendix C - Map of NIST Gaithersburg Campus



Appendix D

REFERENCES

- National Historic Preservation Act, as amended, 54 U.S.C. § 300101 *et seq.* (2016)
- Advisory Council on Historic Preservation, Protection of Historic Properties, 36 C.F.R. Part 800 (2004)
- National Park Service, The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, 36 C.F.R. Part 68 (1995)
- National Park Service, Secretary of the Interior's Professional Qualification Standards, 36 C.F.R. Part 61 (1997)
- National Park Service, Curation of Federally Owned and Administered Archeological Collections, 36 C.F.R. Part 79 (1990)
- Advisory Council on Historic Preservation, Consideration of Highly Technical and Scientific Facilities in Section 106 Review, https://www.achp.gov/sites/default/files/guidance/2018-08/Balancing%20Historic%20Preservation%20with%20Needs%20of%20Scientific%20Facilities_0.pdf (1991)
- National Park Service, Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to Section 110 of the National Historic Preservation Act, 63 Fed. Reg. 20496 (April 24, 1998)
- National Park Service, Preservation Brief 31: Mothballing Historic Buildings, <https://www.nps.gov/tps/how-to-preserve/briefs/31-mothballing.htm> (1993)
- Maryland Historical Trust, Standards and Guidelines for Architectural and Historical Investigations in Maryland, https://mht.maryland.gov/documents/pdf/research/Survey_standards_architecture_web.pdf (2000)
- Maryland Historical Trust, Standards and Guidelines for Archeological Investigations in Maryland, https://mht.maryland.gov/documents/PDF/archeology/Archeology_standards_investigations.pdf (1994)
- Maryland Historical Trust, Technical Update No.1 of the Standards and Guidelines for Archaeological Investigations in Maryland, <https://jefpat.maryland.gov/Documents/mac-lab/technical-update-no1-collections-and-conservation-standards.pdf> (2018)
- Maryland Historical Trust, Guidelines and Resources for Compliance-Generated Determinations of Eligibility (DOEs), https://mht.maryland.gov/projectreview_DOEGuide.shtml (2009)
- R. Christopher Goodwin & Associates, Inc., Historic Assessment National Institute of Standards and Technology, Gaithersburg, Maryland (2015)

APPENDIX E

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REFERENCES

- R. Christopher Goodwin & Associates, Inc., Archeological Assessment of the National Institute of Standards and Technology Gaithersburg Campus (2019)
- National Institute of Standards and Technology, NIST Gaithersburg Campus Master Plan, https://www.nist.gov/sites/default/files/documents/2018/06/15/nist_gaithersburg_master_plan_may_7_2018.pdf (2018)
- U.S. Department of Commerce, Real Property Management Manual, <http://www.osec.doc.gov/ofeq/Documents/ORPP/doc%20real%20property%20management%20manual%202014%20official%20copy.pdf> (2014)

APPENDIX E

DEFINITIONS

Architectural Barriers Act: The Architectural Barriers Act (ABA) requires accessibility in all federally owned and leased buildings and facilities, and buildings and facilities constructed, altered or leased with certain federal grants and loans. 42 U.S.C. § 4151 *et seq.* The ABA is enforced through the ABA standards for accessible design (ABA standards). The ABA standards indicate where access is required and provide detailed specifications for ramps, parking, doors, elevators, restrooms, assistive listening systems, fire alarms, signs, and other accessible building elements. The Department of Commerce Chief Financial Officer/Assistant Secretary for Administration (CFO/ASA) has expressly reserved the authority to approve requests for waivers and modifications to the ABA standards and to approve DOC waivers and modifications to ABA standards, if such authority has been delegated to the CFO/ASA (see the Department of Commerce Real Property Management Manual for a full discussion of ABA requirements).

Character or Character-defining: Qualities such as distinctive materials, features, and spaces that convey the property's historical significance as interpreted under the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

Contributing Resources: A building, site, structure, or object within a historic district which adds to the values or qualities of the district because it was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity. Contributing Resources may also meet NRHP criteria independently.

Historic, Historic Property or Historic Properties: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria. 36 C.F.R. § 800.16(l)(1). Historic, Historic Property or Historic Properties may be used to refer to Contributing Resources within a historic district.

Historic District: A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. 36 C.F.R. § 60.3(d). Historic resources that add to the overall sense of time and place are classified as contributing elements. Severely altered historic properties and resources of more recent construction are classified as non-contributing elements.

Historic Fabric: The architectural materials that comprise a Historic Property on the interior and exterior.

In-kind: New work shall match all physical and visual aspects of existing materials, including design, form, color, finish, texture, workmanship, and to the greatest extent possible, materials. In-kind mortar will also match the strength and joint tooling of existing mortar, as appropriate, to repoint or reconstruct masonry elements. In-kind utility or mechanical, electrical, or plumbing systems will match basic visual and functional aspects of system components (such as installing new pipes and ducts) and not necessarily materials where

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those elements are not visible or not important in defining overall historic Character.

Non-contributing Resources: A building, site, structure, or object within a historic district which does not add to the values or qualities of the district because it was not present during the period of significance, does not contribute to the documented significance of the district, no longer possesses historic integrity due to alterations, or does not independently meet NRHP criteria.

Non-historic Property or Non-historic Properties: Any prehistoric or historic district, site, building, structure, or object that is not included in, nor eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. Non-historic Property or Non-historic Properties may be used to refer to Noncontributing Resources within a historic district.