



Governing Documents Report for
Fort Monroe Authority Board of Trustees Meeting
Bay Breeze Conference Center
April 19, 2017

FMA Governing Documents and Summative Planning Principles

The documents enumerated below outline the mandates of the Fort Monroe Authority (FMA). The following documents are collectively known as the FMA's governing documents:

- Fort Monroe Reuse Plan, 2008¹
- Programmatic Agreement (PA) for the closure and disposal of Fort Monroe, 2009²
- FMA Act, 2011³
- Memorandum of Understanding (MOU) for the redevelopment and management of Fort Monroe, 2011⁴
- FMA Master Plan, 2013⁵
- Fort Monroe Historic Preservation Design Standards, 2016⁶

The governing documents were designed to provide guidance to the FMA for the future of Fort Monroe National Historic Landmark District (NHLD) following Fort Monroe's deactivation as an active US Army post in 2011. In addition to providing guidance, the documents mandate specific actions that the FMA must take as the manager of Commonwealth owned land at Fort Monroe. These documents are complementary in nature and designed to function in concert.

¹ http://www.fmauthority.com/wp-content/uploads/Executive_summaryjune.pdf

² http://4a6ccx32sq2y27cp8t4e1cz8.wpengine.netdna-cdn.com/wp-content/uploads/PROGRAMMATIC_AGREEMENT.pdf

³ <http://law.lis.virginia.gov/vacode/title2.2/chapter22/section2.2-2336/>

⁴ <http://4a6ccx32sq2y27cp8t4e1cz8.wpengine.netdna-cdn.com/wp-content/uploads/MOU-12-5-11.pdf>

⁵ http://4a6ccx32sq2y27cp8t4e1cz8.wpengine.netdna-cdn.com/wp-content/uploads/Board_Master_Plan_Presentation_Final_2013-10-23.pdf

⁶ <https://fmfada.egnyte.com/fl/z57yU8g44H#folder-link/>

Fort Monroe Reuse Plan, 2008⁷

The Fort Monroe Reuse Plan includes official policies, land use concepts and limits, and fundamental planning principles as well as strategies related to preservation, economics, tourism, environment, transportation, infrastructure, and flood control. When adopted in 2008, the Reuse Plan became the official vision for the reuse of Fort Monroe. The planning essentials include:

1. Protect this historic place and keep it vital
 - Quality stewardship of these treasures
 - Preserve and continually occupy the historic structures
 - Showcase and promote the history, tell the story
2. Open it up
 - No gated streets
 - Expand the marina, open the beach
 - Continuous public waterfront esplanade/trail
 - New multi-modal access at north end
 - Advertise the sense of community, not isolation
3. Establish a large-scale open space park
 - Substantial recreational spaces and special places
 - Restored, protected environments
 - Green backdrop surrounds and extends from village
4. Seek economic sustainability
 - Finances to eventually offset annual cost of maintenance, restoration, operation, etc.
 - Mix land uses and building types
 - Blend culture, commerce, workplaces, housing, tourism/lodging
5. Allow new development within strict limits
 - Insist upon compact, complete, connected, walkable urban form
 - Balance/choice in transportation: walking, cycling, transit, auto
 - Control height, geographic extent, and architecture
 - Fill in lost spaces, refine and complete street scene
 - Restrict and inhibit any departures from the standards

The 2013 Fort Monroe Master Plan updated the 2008 Reuse Plan policies, land use concepts, and fundamental planning principles. The Reuse Plan was the first document to carry the PA principles into a new vision for redevelopment within the Fort Monroe NHL. The 2013 Master Plan contains the official land use and development plan and was approved by Governor McDonnell on December 11, 2013.

⁷ http://www.fmauthority.com/wp-content/uploads/Executive_summaryjune.pdf

Programmatic Agreement (PA) for the closure and disposal of Fort Monroe, VA, 2009⁸

In November 2005, the Defense Base Realignment and Closure (BRAC) Commission Report recommended, and Congress and the President approved, that Fort Monroe cease to be used for the purposes of national defense. This decision initiated a series of events enacted by the Army in order to prepare for the Post's closure. This included consultation with the Department of Historic Resources (DHR) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation 36 CFR Part 800. Section 106 requires a federal agency to take into account the effects of its undertakings on historic properties either listed in or eligible for the National Register of Historic Places and to provide the Advisory Council on Historic Preservation an opportunity to review and comment on the implications of federal undertakings for such historic properties.

By definition, as described under 36 CFR § 800.5.(a)(2)(vii), when an historic property leaves federal control or ownership that action is said to have an adverse effect on the resource and must be avoided or mitigated to the greatest extent possible. Mitigation measures are formalized in a legally binding document that can take the form of either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA). Many factors, such as the undertaking's complexity and whether the effects of the undertaking are known or are yet to be determined, dictate which agreement type is most appropriate. The parties involved in the consultation for the closure of Fort Monroe agreed that the development of a PA was most appropriate for this situation.⁹ After more than two years of negotiations among a variety of interest groups, the final PA is a document that respects Fort Monroe's history and identity, and provides for opportunities for economic sustainability. The key planning essentials of the PA include:

1. Maintain the National Historic Landmark District status
2. Reuse existing historic buildings and structures to the greatest extent possible
3. Acknowledge the importance of continued public access
4. Recognize the need to create a sustainable, steady, and diverse revenue stream for the economic feasibility of Fort Monroe
5. Provides for the possible future establishment of a National Park Service (NPS) presence
6. Commitment to encumber any property released from Commonwealth control with preservation covenants, easements, or other legally enforceable mechanisms
7. Develop state-level Memorandum of Understanding (MOU) (completed, 2011)
8. Develop Historic Preservation Manual and Design Standards (completed, 2016)

⁸ http://4a6ccx32sq2y27cp8t4e1cz8.wpengine.netdna-cdn.com/wp-content/uploads/PROGRAMMATIC_AGREEMENT.pdf

⁹ Signatories include the US Army, Virginia State Historic Preservation Officer, Advisory Council on Historic Preservation, Commonwealth of Virginia, Fort Monroe Authority, and National Park Service. 20 additional organizations were identified as concurring parties.

9. Develop a plan for interpretive and educational programing

FMA Act, March 2011¹⁰

An Act of the Virginia General Assembly that serves as a declaration of public purpose and establishes the FMA as the successor in interest to the Fort Monroe Federal Area Development Authority (FMFADA).

The Fort Monroe Authority is the successor in interest to that political subdivision formerly known as the Fort Monroe Federal Area Development Authority. As such, the Authority stands in the place and stead of, and assumes all rights and duties formerly of, the Fort Monroe Federal Area Development Authority, including but not limited to all leases, contracts, grants-in-aid, and all other agreements of whatsoever nature; holds title to all realty and personalty formerly held by the Fort Monroe Federal Area Development Authority; and may exercise all powers that might at any time past have been exercised by the Fort Monroe Federal Area Development Authority, including the powers and authorities of a Local Redevelopment Authority under the provisions of any and all applicable federal laws, including the Defense Base Closure and Realignment Act of 2005.

The key provisions of the Fort Monroe Authority Act in regards to future management are:

1. It is the policy of the Commonwealth to protect the historic resources at Fort Monroe
2. Provide public access to the Fort's historic resources and recreational opportunities
3. Exercise exemplary stewardship of the Fort's natural resources
4. Maintain Fort Monroe in perpetuity as a place that is a desirable one in which to reside, do business, and visit, all in a way that is economically sustainable
5. Additionally, the Governor shall approve a Fort Monroe Master Plan¹¹ consistent with all preservation commitments and obligations agreed to by the Commonwealth

¹⁰ <http://law.lis.virginia.gov/vacode/title2.2/chapter22/section2.2-2336/>

¹¹ § 2.2-2337. Definitions. "Fort Monroe Master Plan" or "Master Plan" means the plan that identifies the long-term vision for the reuse of the Area of Operation, key implementation projects, and a detailed implementation strategy for attracting new uses and investment to the Area of Operation as approved by the Authority and produced in accordance with the public participation plan as adopted by the Authority.

Memorandum of Understanding for the Redevelopment and Management of Fort Monroe, VA,
November 2011¹²

Stipulation IV.A. of the PA requires the Commonwealth to enter into a state-level MOU in support of “the long term management of Fort Monroe consistent with the terms of [the Fort Monroe PA],” and the obligations expressed therein, after the reversion of the property at Fort Monroe to the Commonwealth.

The signatory parties of the MOU are the Governor of the Commonwealth of Virginia, the Virginia Secretary of Administration, DHR, and FMA. The signatories agree that the following principles and statements shall inform the management and redevelopment of Fort Monroe:

1. Preservation of the NHLD status of Fort Monroe
 - a. Recognize the significant archaeological, architectural, viewshed, and cultural landscape characteristics that contribute to the Fort Monroe NHLD and recognize their stewardship responsibilities to properly consider, identify, maintain, and protect these significant characteristics
 - b. The signatory parties shall ensure, to the greatest extent possible, the reuse of historic buildings and structures that contribute to the Fort Monroe NHLD
2. Historic Property Management Zones
 - a. The Management Zones shall serve as the basis for a comprehensive approach for the management and treatment of the diverse and numerous historic, architectural, viewshed, cultural landscape, and archaeological resources at Fort Monroe
3. Public Access
 - a. Maintain and enhance public access to Fort Monroe’s historic, natural, and recreational attractions to the greatest extent possible
4. Economic Sustainability
 - a. Economic sustainability is essential to ensuring the continued and future preservation of historic properties at Fort Monroe and the signatory parties shall endeavor to create a sustainable, steady, and diverse revenue stream
5. NPS National Park Initiative
 - a. Take no actions that may preclude the use of Fort Monroe as a National Park, in whole or in part, or the entering into an affiliated partnership with the NPS
6. Additionally, the FMA shall ensure the development of a Historic Preservation Manual and Design Standards and engage in interpretive and educational planning

¹² <http://4a6ccx32sq2y27cp8t4e1cz8.wpengine.netdna-cdn.com/wp-content/uploads/MOU-12-5-11.pdf>

FMA Master Plan, December 2013¹³

The Fort Monroe Act specified that the Governor shall approve a Fort Monroe Master Plan (Master Plan) consistent with all preservation commitments and obligations agreed to by the Commonwealth. During 2012-2013, the FMA worked with the nationally recognized land planning team of Sasaki and Associates to develop the Master Plan. As a conclusion to the land planning process, the Sasaki design team presented the Master Plan to the FMA Planning Advisory Group (PAG). This group was made up of citizen members appointed by the FMA Board of Trustees (Board) for the purpose of evaluating and providing recommendations regarding land planning activities at Fort Monroe. The PAG held a public presentation on the Master Plan in September 2013 and voted to recommend adoption by the Board. The Board's Finance Committee held a similar public meeting on October 10, 2013 and also recommended adoption by the Board. Finally, on October 23, 2013 the Board voted to adopt the Master Plan as prepared by Sasaki and Associates. The Master Plan was then forwarded to the Governor of Virginia, who signed off on the Master Plan in December 2013.

Throughout the Master Plan process, the FMA convened approximately 20 public meetings attended by over 300 citizens. Additionally, a Master Plan website was maintained and was viewed 23,900 times by 3,223 individuals.

The plan provides recommendations for future land use, incorporating mandates from each of the preceding governing documents. The guiding principles as outlined by Sasaki and Associates in the Master Plan are:

1. Preserve the place
2. Tell the stories
3. Achieve economic independence

Fort Monroe Historic Preservation Design Standards, 2016¹⁴

The Fort Monroe Historic Preservation Manual and Design Standards (Design Standards) were developed to guide the preservation, restoration, and rehabilitation of the contributing elements to the Fort Monroe NHL and to guide new construction, additions, and reconstruction of buildings, structures, and features so that they are compatible with the overall character of the NHL. The Design Standards were developed as a requirement of the PA and MOU. The Design Standards are based upon, and consistent with, sound and accepted preservation practices. Implementation and application of the Design Standards in everyday practice should inform the need for updates or changes, therefore it is recognized that the Design Standards are a "living document" and may be amended.

¹³ http://4a6ccx32sq2y27cp8t4e1cz8.wpengine.netdna-cdn.com/wp-content/uploads/Board_Master_Plan_Presentation_Final_2013-10-23.pdf

¹⁴ <https://fmafada.egnyte.com/fl/z57yU8q44H#folder-link/>

The Design Standards contain the information to guide the FMA, residents, developers, property managers, and contractors on the care, treatment, and planning policies for existing historic buildings, structures, objects, and landscapes. They shall be applied to all actions at Fort Monroe, including building rehabilitation, new construction, maintenance, or any activity that has the potential to affect historic resources directly or indirectly. The Design Standards are not zoning regulations or building codes. Instead, they are based upon the Secretary of the Interior's Standards for the Treatment of Historic Properties and are prescriptive measures to ensure that the historic resources at Fort Monroe are maintained and that permitted new construction will be compatible with the overall character of the Fort Monroe NHL.

The Design Standards were approved by DHR, NPS, and FMA in 2016.

Summary of FMA Property Management Mandates

In general, the governing documents are designed to be complementary in nature and provide guidance to the FMA regarding the future use of the property. Upon close study, six key mandates are reaffirmed throughout each aforementioned governing document. In some instances, the mandates incorporate federal stipulations, such as the FMA's preservation responsibilities to meet the requirements of Secretary of the Interior's Standards. In other cases, the Commonwealth has instituted mandates upon the FMA, such as the stipulations set forth by the General Assembly in the FMA Act.

These six key mandates require the FMA to do the following:

1. Protect historic and natural resources, maintain NHL
2. Open, maintain, and improve public access
3. Expand access to nature and recreation
4. Expand interpretation and education opportunities
5. Economic sustainability
6. Promote appropriate new development

FMA’s Implementation of Management Mandates (2011-Present)

The chart below identifies the six guiding mandates identified in the governing documents (left column) and examples of the FMA’s actions to fulfill each mandate (right column).

Mandates	FMA’s actions to fulfill mandates
Protect historic and natural resources; maintain NHLD	<ul style="list-style-type: none"> • Finalization of agreements, preservation easement with NPS • Land transfers to NPS (2013, 2015, pending 2017) • Completed Design Standards (2016) • Casemate Museum – Received ownership and artifacts transfer from US Army Center for Military History (2014) • Completed Casemate Museum Historic Structure Report (2014-2016) • Historic residential housing occupied (90%+) • Adaptive reuse (B12, B 77, B80, B83, B171)
Open, maintain, and improve public access	<ul style="list-style-type: none"> • Remove inspection station (2012) • Property (landscape) professionally maintained • Growth of special events – build upon past (Music by the Bay, July 4, historic homes tours, Hampton Cup Regatta, foot races, sailing regattas, Commanding General’s Residence) • Expanded Casemate Museum visitation
Expand access to nature and recreation	<ul style="list-style-type: none"> • Concept to preserve nearly all of the waterfront as a public park (7-mile trail) • Installation of accessible kayak launch on Mill Creek (2013) • Recognition as Captain John Smith Chesapeake National Historic Trail “point of interest” • Reopen Army Community Activity Center as Hampton Recreation Center • Agreements with City of Hampton to lease and maintain beaches (seasonal lifeguards) • Free fishing pier & rehabilitate and expand finger pier (grant administration and project in-progress) • Youth Sailing of Virginia – Mill Creek • YMCA Summer Day Camps

Mandates	FMA's actions to fulfill mandates
Expand interpretation and education opportunities	<ul style="list-style-type: none"> • New Casemate Museum exhibits/programs: <ul style="list-style-type: none"> ○ Deactivation story (2012-present) ○ Girl Scouts (2014-present) ○ Tuskegee Airmen (2014-present) ○ Contraband (2016-present) ○ Jefferson Davis Door (2016-present) ○ Summer Campfire talks (2016-present) • School groups (Every City of Hampton high school student visits museum) • Every Kid in the Park partnership with NPS (All 1,600 City of Hampton 4th graders visited museum in 2016) • Robust internship program (students from HU, NSU, CNU, ODU, and others) • Administration of NPS JR Ranger program (over 500 sworn-in during 2016) and hosting NPS Passport Cancellation stamp • Casemate Museum visitation 46,000+ in 2016
Economic sustainability	<ul style="list-style-type: none"> • Most significant challenge • Annual operating budget is \$10 million • Currently generate approximately \$3.5 million annually in revenue • Currently receive approximately \$5 million in State support • Currently receive approximately \$500,000 in reimbursement from the NPS for services provided • Previously received \$1 million annually from Federal Government (OEA Grants)
Promote appropriate new development	<ul style="list-style-type: none"> • Reopened YMCA • Leasing and reuse of multiple Wherry Quarter Butler buildings • FMA "test projects": <ul style="list-style-type: none"> ○ B12 – Oozlefinch Brewery, adaptive reuse ○ B77 – multi-tenant office, adaptive reuse ○ B80 – apartment conversion, adaptive reuse ○ B83 – FMA office building, adaptive reuse