

Memorandum of Understanding
Among
the Virginia Department of Conservation and Recreation;
the Virginia Tourism Authority doing business as Virginia Tourism Corporation;
the Virginia Department of Historic Resources;
the Virginia Department of Transportation;
and
the Potomac Heritage National Scenic Trail Office, National Park Service, Department of the Interior.

ARTICLE I – BACKGROUND AND OBJECTIVES

Whereas in 1983 the U.S. Congress amended the National Trails System Act that established the Potomac Heritage National Scenic Trail (the Trail), designating a general route for the Trail and authorizing agreements with state agencies and others in support of Trail development, management and promotion;

Whereas *Virginia's Long-Distance Trail Network: Connecting Our Commonwealth* (2009), a report by the Virginia Greenways and Trails Task Force, and *2007 Virginia Outdoors Plan: Charting the Course for Virginia's Outdoors* recognize the local, regional, state and national significance of the Trail network to outdoor recreation, transportation, education, community quality of life, economic development and heritage tourism;

Whereas the Virginia Department of Conservation and Recreation (VDCR), Virginia Department of Transportation (VDOT), and the National Park Service (NPS) manage lands, interests in lands, and other resources related to existing, planned and potential segments of the Trail network within the Commonwealth of Virginia (the Commonwealth);

Whereas the NPS is delegated, in the U.S. Department of the Interior *Departmental Manual*, authority for administration of the Federal interest in the development and management of the Trail network;

Whereas a goal of the Authority doing business as Virginia Tourism Corporation hereinafter known as VTC is to engage potential visitors to consider Virginia as a travel destination and the Trail network serves as an attraction for outdoor adventure and heritage tourism interests;

Whereas the Virginia Department of Historic Resources (DHR) fosters, encourages, and supports the stewardship of Virginia's significant historic and prehistoric architectural, archaeological, and cultural landscape resources;

Whereas VDCR, VDOT, VTC, DHR and NPS wish to provide and promote a seamless experience of the Trail network within the Commonwealth, for residents of and visitors to the Commonwealth, grounded in the national significance of the Trail corridor; to establish physical and thematic continuity between and among segments of the Trail in the Commonwealth; and to provide a foundation for partnerships and inter-agency coordination;

Therefore, be it resolved that, subsequent to the preceding statements, the parties to this agreement do hereby establish a formal relationship among VDCR, VDOT, DHR, VTC and NPS to support, within their respective authorities and budgets, the development, management and conservation of the Trail network within the Commonwealth.

ARTICLE II - AUTHORITIES

The following Federal legislative authorities provide for execution of this agreement: Section 5.(a)(11) of the National Trails System Act, as amended in 1983 and codified at 16 U.S.C. § 1244 (a) (11), designating a general alignment for the Potomac Heritage National Scenic Trail; Section 7. (e) of the same Act, codified at 16 U.S.C. 1246, authorizing the Secretary of the Interior to “enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes...”; and section 814(g) of Div. I, Title VIII, of P.L. 104-333 (Nov. 12, 1996), codified at 16 U.S.C. §1; the Federal Grant and Cooperative Agreement Act of 1977, 92 Stat. 3 (1978); and Section 204 of Title II of the National Parks Omnibus Act of 1998, codified at 16 U.S.C. §5934.

ARTICLE III – STATEMENT OF WORK

A. VDCR and VDOT will:

1. maintain a point of contact for Trail-related business;
2. recognize segments of the Trail on the ground and in the Commonwealth on publications and Web sites and at major trailheads managed by Commonwealth agencies; and
3. seek opportunities to coordinate Trail-related planning and management activities with adjacent Trail segment management entities.

B. VTC will:

1. maintain a point of contact for Trail-related business; and
2. assist Trail segment managers within the Commonwealth with promotion of Trail experiences.

C. DHR will:

1. maintain a point of contact for Trail-related business;
2. provide guidance on programs to conserve and promote historic resources in the Commonwealth;
3. promote recognition of the Commonwealth’s significant historic resources through the Virginia Historic Landmarks Register and the National Register of Historic Places; and
4. provide timely review of Trail-related projects under applicable state and federal laws.

D. The NPS will:

1. maintain a point of contact for Trail-related business;
2. recognize Trail segments within the Commonwealth of Virginia on NPS Trail-related publications;
3. provide Trail segment managers in the Commonwealth with a copy of *Potomac Heritage National Scenic Trail: Graphic Identity Guidelines for Trail Partners* (2006);
4. provide Commonwealth key officials with Trail markers and with digital files of the Trail marker in various formats; and
5. provide opportunities for coordination between staff of VDCR, DHR , VDOT, VTC and other Trail stakeholders.

E. All will:

1. consult annually to review the status of the Trail network in the Commonwealth and opportunities for coordination, promotion and/or interpretation of the Trail network;
2. share geographic information system files related to the Trail network according to agency policies;
3. consider memoranda of understanding as a means to recognize formally management of Trail segments by agencies of the Commonwealth; and
4. consider cooperative agreement and programmatic agreements pursuant to Section 106 of the National Historic Preservation Act to authorize NPS support for specific projects within the Commonwealth.

ARTICLE IV – TERM OF AGREEMENT

This Agreement will remain in effect for ten years from the date of execution unless terminated pursuant to Article VII.

ARTICLE V – KEY OFFICIALS

A. Key officials are essential to ensure coordination and communications among the parties. They are:

1. **For Virginia Department of Conservation and Recreation:**

Administrative/Signatory

David A. Johnson
Director
Virginia DCR
203 Governors Street
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Coordinating

Jennifer Wampler
Trails Coordinator
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Johanna Petrosky
Division of State Parks
Visitor Services Specialist, District 11
Leesylvania State Park
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2. **For the Virginia Department of Transportation:**

Administrative/Signatory

Gregory A. Whirley
Commissioner
Virginia Dept. of Transportation
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Coordinating for each district

Cindy Engelhart, P.E.
Program Admin. Specialist II
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Adam H. Campbell
Program Admin. Specialist II
Fredericksburg District
Virginia Dept. of Transportation
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3. **For the Virginia Tourism Corporation:**

Administrative/Signatory

Rita McClenny
President and CEO
Virginia Tourism Corporation
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Coordinating

Lisa Hull
Tourism Coordinator
Northern Neck Tourism
Commission
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Warsaw, VA 22572
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4. **For the Virginia Department of Historic Resources:**

Administrative/Signatory

Kathleen S. Kilpatrick
Director
State Historic Preservation Officer
2801 Kensington Avenue
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Coordinating

Roger W. Kirchen
Manager
Office of Review and Compliance
2801 Kensington Avenue
Richmond, VA 23221
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5. **For the National Park Service:**

Donald E. Briggs, Superintendent
Potomac Heritage National Scenic Trail
National Park Service
Post Office Box B
Harpers Ferry WV 25425
304-535-4016
don_briggs@nps.gov

- B. **Communications** – The Key Officials for this agreement will establish a means to communicate on matters of mutual interest.
- C. **Changes in Key Officials** – All parties may make changes to key officials, providing notice to the Trails Coordinator for VDCR and to the NPS key official. An updated list of key officials will be circulated to all parties.

ARTICLE VI – EXPENDITURE OF FUNDS

Any activities agreed to by any party to this agreement are subject to available funding and nothing in this agreement shall be construed to obligate any party to expend any funds in excess of appropriations authorized by law.

ARTICLE VII - MODIFICATIONS AND TERMINATION

This Agreement may be modified by the parties to this agreement in writing. The agreement may also be terminated in accordance with *43 CFR § 12.84*.

ARTICLE VIII - GENERAL PROVISIONS

- A. **Non-Discrimination** - All activities pursuant this Agreement shall be in compliance with the requirements of Executive Order 11246; Title VI of the *Civil Rights Act of 1964*, as amended, (78 Stat. 252; 42 U.S.C. §§ 2000d *et seq.*); Title V, Section 504 of the *Rehabilitation Act of 1973*, as amended, (87 Stat. 394; 29 U.S.C. § 794); the *Age Discrimination Act of 1975* (89 Stat. 728; 42 U.S.C. §§ 6101 *et seq.*); and with all other Federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age, or sex.

ARTICLE IX – SIGNATURES

IN WITNESS WHEREOF, the parties hereto executed this Agreement on the date(s) set forth below.

David A. Johnson, Director
Virginia Department of Conservation and Recreation

Date

Gregory A. Whirley, Commissioner
Virginia Department of Transportation

Date

Rita D. McClenny, President and CEO
Virginia Tourism Corporation

Date

Kathleen S. Kilpatrick, Director
Virginia Department of Historic Resources

Date

Donald E. Briggs, Superintendent
Potomac Heritage National Scenic Trail
National Park Service
U.S. Department of the Interior

Date