

Chapter 6. Transfers of Jurisdiction Submission Guidelines

6.1 Introduction

In Washington, DC federal land is either under the custody and control of a federal agency or a District agency. This means a specific agency has jurisdiction over the property and is responsible for the property’s care and maintenance. A transfer of jurisdiction occurs where one agency retains the underlying property ownership, but transfers the maintenance and care of the property to another public agency, sometimes for a set length of time. For example, within the boundaries of the portion of the District planned by Pierre L’Enfant (L’Enfant City) and Georgetown, the streets are owned by the federal government. However, the federal government has transferred jurisdiction of these streets to the District Department of Transportation who is responsible for their maintenance and care. It is not unusual for jurisdiction to be transferred between two federal agencies, between a federal and a District agency, or between two District agencies. NCPC has review and approval authority for all transfers of jurisdiction for land owned by the U.S. and District governments within Washington, DC.

6.2 Overview of the Submission Process

The submission process for transfers of jurisdiction generally consists of only one submission to the Commission, approval of the transfer of jurisdiction. Applicants should use the following guidance for their submission:



TIP

Typically, when a transfer of jurisdiction is a component of a larger development proposal, NCPC recommends that most applicable NCPC and other reviews and approvals, including preliminary and final approvals, zoning changes, PUD approvals, alley closures, etc. be complete/acted upon before taking any action on a transfer.

Table 33: Submission Requirements for Transfers of Jurisdiction

Requirements for Transfers of Jurisdiction	
Required?	The submission of all transfers of jurisdiction within Washington, D.C. is required.
Application Form	The application form is required.
NEPA	Provide a copy of the final NEPA documentation (Categorical Exclusion determination, Environmental Assessment or Environmental Impact Statement) and the related Finding of No Significant Impact or Record of Decision. Refer to NCPC’s NEPA regulations for more information. Note: the MOA for Section 106 must be signed before a FONSI/ROD is issued.
NHPA Section 106	The final executed documentation (e.g. Statement of Effects, Memorandum of Agreement or Programmatic Agreement) is required.

Requirements for Transfers of Jurisdiction	
Project Report (see below for content)	<p>The project report should provide an overview of the transfer of jurisdiction and address the requirements listed below.</p> <p>Note: All documents should be accessible and adhere to Section 508 of the Rehabilitation Act of 1973, as amended in 1998 (29 U.S.C. § 794 (d)).</p>

Table 34: Project Report Content for Transfers of Jurisdiction

Project Report Content for Transfers of Jurisdiction	
Project Overview	
Description of Transfer of Jurisdiction	Describe the proposed transfer of jurisdiction, including which agencies the transfer involves, a description of the land's location current and future use, and any conditions applicable to the transfer such as length of time or purpose.
Coordination with Federal, State, and Local Jurisdictions	Provide the status of coordination with affected federal agencies and state and local governments.
Detailed Information and Drawings	
Plat and Legal Description	Provide a plat and legal description of the land proposed for transfer.
Context Map	Provide a map that shows the location of the land in a larger context.
Environmental and Historical Considerations (may be cross-referenced with any NEPA/NHPA documentation if available)	
Historic Preservation	Identify the Area of Potential Effect (APE), historic resources within the APE, and any potential impacts. If known resources are present, describe the project's approach to addressing the resource (e.g., avoidance, rehabilitation, preservation, restoration, or demolition).
Natural Resources	Describe natural resources on or near the project area, and the project's anticipated effect on these natural resources. If there are impacts, describe how the project design mitigates the impacts.

6.3 Transfer of Jurisdiction Approval

Upon review and approval by the Commission, the Chairman will sign the plat and return it to the applicant. It is the applicant's responsibility to file the plat with the Office of the Surveyor.