MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS SIERRA NEVADA HEALTH CARE SYSTEM,
THE NEVADA STATE HISTORIC PRESERVATION OFFICE, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PURCHASE OF LAND FOR MEDICAL CENTER EXPANSION AND PARKING FOR THE VETERANS AFFAIRS SIERRA NEVADA HEALTH CARE SYSTEM
RENO, NEVADA (UT 2015-3811, VA Project 654-823)

WHEREAS, the U.S. Department of Veterans Affairs, Sierra Nevada Health Care System (VASNHCS) proposes to acquire land adjoining the VASNHCS campus (the undertaking) at the VASNHCS, 975 Kirman Avenue, Reno, Washoe County, Nevada; and

WHEREAS, the undertaking consists of the acquisition of land surrounding the VASNHCS campus and demolition of buildings and structures on the land in order to construct and operate surface parking due to a shortage of on-campus parking. It also includes modifications to Kirman Avenue for improved safety. The new parking would be used by Veteran patients, volunteers, hospital visitors, VASNHCS staff, and VA contractors; and

WHEREAS, VASNHCS has consulted with the Nevada State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (54 U.S.C. 306108); and

WHEREAS, VASNHCS has defined the undertaking's area of potential effect (APE) as the VASNHCS main campus at 975 Kirman Avenue, Reno, NV 89502, the properties to be acquired, Kirman Avenue and those areas of the surrounding neighborhoods from which the undertaking is visible (Attachment 1); and

WHEREAS, VASNHCS, in consultation with the SHPO, has determined that there are historic properties within the APE (Attachment 1); and

WHEREAS, VASNHCS has determined, and the SHPO has concurred, that there are no archeological historic properties within the APE; and

WHEREAS, VASNHCS, has consulted with the public regarding the effects of the undertaking on historic properties, presented the undertaking in a public meeting on December 17, 2015, and invited members of the public to provide input on the undertaking; and

WHEREAS, in accordance with 36 CFR 800.3(f), VASNHCS has invited the following federally recognized tribes, with areas of interest in Washoe County, Nevada, to consult regarding the effects of the undertaking on historic properties, to attend public meeting and to provide input in the design: Lovelock Tribal Council; Summit Lake Paiute Tribal Council; Carson Community Council; Stewart Community Council; Woodfords Community Council; Winnemucca Tribal Council; Yomba Tribal Council; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation; Paiute Shoshone Tribe of the Fallon Reservation and Colony; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation; Reno Sparks Indian Colony; Walker River Paiute Tribe; Carson Colony; Dresslerville Colony Ranch; Stewart Community Ranch; Washoe Tribe of Nevada and California; Woodfords Community Ranch; and the

Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch. VASNHCS has received no response or objection to the undertaking from Tribal organizations; and

WHEREAS, VASNHCS, in consultation with the SHPO, has determined that the undertaking will have an adverse effect on the historic districts in the APE due to the physical destruction of existing structures and the introduction of visual elements that diminish the integrity of historic properties in the APE; and

WHEREAS, in accordance with the 36 CFR 800.3 (f), VASNHCS has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

NOW, THEREFORE, VASNHCS, the SHPO, and ACHP agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties.

STIPULATIONS

1. MITIGATION

VASNHCS shall ensure that the following measures are carried out:

A. Maintain and update historical information on the VA website previously developed as mitigation for VA Project 654-083. This effort will archive and share documentation concerning historic properties adversely affected by the undertaking through photographs and narrative information.

1. No later than six (6) months from the signing of this document, VASNHCS shall meet with the SHPO to finalize an outline for the undertaking-specific contents of the website.

2. VASNHCS shall ensure that it takes any contemporary images necessary for the website, and submits them for review by the SHPO, prior to the initiation of the undertaking if any modification resulting from the undertaking would be visible in the image.

3. No later than one (1) year from the signing of this document, VASNHCS shall submit the draft undertaking-specific elements of the website to the SHPO for review. VASNHCS shall consider any comments received within forty-five (45) days from receipt of submission in finalizing the website.

B. The VASNHCS in consultation with SHPO will design the landscape plan to be compatible with the current neighborhood aesthetics (e.g., landscaping, foliage, trees, lighting, etc.), to minimize adverse effects on surrounding historic properties to the extent practicable. Trees and shrubbery will provide for species diversity, and smaller trees and shrubs may be used between adequately spaced larger trees.

C. Documentation of Architectural Resources Proposed for Demolition:

VASNHCS shall ensure that the contributing architectural resources proposed for demolition will be documented in the following manner prior to the initiation of any demolition activities associated with the undertaking:

1. Color digital photographs of exterior and interior views of the resources. The exterior should be documented by at least 6 views including: a) the front and one side; b) the rear and one side; c) the front elevation; d) environmental view showing the building as part of its larger landscape or streetscape; e) major elements of the building including doors, windows, additions, etc. not fully visible in the overview photographs; and f) details, such as materials and hardware. Interior photographs should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interior, unless the resource is large or complex.

2. Reproductions of historic photographs, if any were located during research efforts.

3. Photocopies of existing drawings or plans (including scale), if any were located during research efforts. If permission is required to reproduce historic photographs, plans, maps, or other materials, it is the responsibility of the researcher to obtain proper authorizations. Copies of permission forms must be submitted with the report.

4. Site plan and sketch plan. The site plan must include the resource's orientation in its natural landscape and include the scale and a north arrow. The sketch plan will show the layout and floor plan of the resource, including all associated features. The sketch plan need not be a "measured drawing," but an approximate scale should be included.

5. All images, photocopies, and drawings will be labeled identifying the name of the property, the date rendered, the name of the photographer or renderer, and the orientation of the photograph or drawing.

VASNHCS shall submit the documentation to the SHPO. The SHPO shall have 30 days from receipt to review the submission. If the SHPO concurs or does not respond within this timeframe, VASNHCS shall finalize the documentation. If the SHPO requests changes to the documentation, VASNHCS shall revise and resubmit the documentation to the SHPO for review. Once the SHPO concurs that the document is adequate, VASNHCS shall finalize the documentation and submit two final hard copies to the SHPO.

II. DURATION

This Memorandum of Agreement (MOA) will expire if its terms are not carried out within ten (10) years of its execution, or VA Project custody and transfer, whichever comes first. Prior to such time, VASNHCS may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI "Amendments."

III. POST-REVIEW INADVERTENT DISCOVERIES

A. In the event that unanticipated cultural resources are identified during construction associated with the undertaking, VASNHCS shall notify the SHPO immediately, followed by a report of findings within forty-eight (48) hours in writing. All activities within thirty (30) meters of the discovery shall cease immediately until authorized to proceed by VASNHCS.

1. VASNHCS shall ensure the discovery is confirmed, assessed, and recorded as needed by a professional meeting the Secretary of Interior's Qualification Standards.

2. If the discovery is an archaeological site, VASNHCS shall ensure that the discovery is recorded on an Intermountain Antiquities Computer System form, including appropriate continuation sheets and following SHPO guidelines. VASNHCS shall determine eligibility for listing on the National Register of Historic Places (National Register), following the criteria of 36 CFR § 60.4, and consult with the SHPO on that determination. The SHPO shall have seven (7) calendar days from receipt to provide comments on VASNHCS's determination.

    a) If VASNHCS, in consultation with the SHPO, determines that the discovered site is not eligible for listing on the National Register, then no further actions will be required.

    b) If VASNHCS, in consultation with the SHPO, determines that the discovered site is eligible for listing on the National Register, then VASNHCS shall further consult with the SHPO on measures to resolve any adverse effects to the historic property.

3. If the discovery includes human remains, VASNHCS will require that the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" or any subsequent Policy Statements that are issued after the execution of this MOA are considered, and will comply with the relevant requirements of NAGPRA if the human remains appear to be Native American.

4. If any uncovered human remains are determined to be non-Native American, VASNHCS will contact law enforcement officials to assess the nature and age of the human remains. If the coroner determines that the human remains are older than 50 years of age and are not a crime scene, VASNHCS will contact SHPO. Following notification, SHPO will administer the requirements of NRS 383 *Historic Preservation and Archeology*.

5. On any non-Federal property, human remains and associated grave goods will be handled according to the provisions of NRS 383.

IV. REPORTING

Upon completion of the proposed undertaking, VASNHCS shall provide a summary report to the SHPO detailing work undertaken pursuant to this MOA.

V. DISPUTE RESOLUTION

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

A. Forward all documentation relevant to the dispute, including VASNHCS's proposed resolution, to the ACHP. The ACHP shall provide VASNHCS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, VASNHCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO, and provide them with a copy of this written response. VASNHCS will then proceed according to the final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, VASNHCS may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, VASNHCS shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, and provide it and the ACHP with a copy of such written response.

C. VASNHCS' responsibility to carry out all other actions subject to the terms of this MOA, which are not the subject of the dispute, remain unchanged.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with ACHP.

VII. TERMINATION

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

B. Once the MOA is terminated and prior to work continuing on the undertaking, VASNHCS must either (a) execute an MOA pursuant to 36 CFR 800.6; or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. VASNHCS shall notify the signatories as to the course of the action it will pursue.

VIII. ANTI-DEFICIENCY CLAUSE

A. All requirements set forth in this MOA requiring expenditures of VASNHCS funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Section 1341).

B. No obligation undertaken by VASNHCS under the name of this MOA shall require or be interpreted to require a commitment to expend funds not appropriated for a particular purpose.

Execution of this MOA by VASNHCS, the SHPO and ACHP and implementation of its terms evidence that VASNHCS has considered the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

U.S. Veterans Affairs Sierra Nevada Health Care System

10/5/14 Date

Lisa Howard
Director

Nevada State Historic Preservation Office

Date

Rebecca L. Palmer
State Historic Preservation Officer

Advisory Council on Historic Preservation

Date

for **John M. Fowler**
Executive Director

ATTACHMENT 1

Area of Potential Effect (APE) and Affected Historic Properties

The APE includes three historic districts that will be directly, indirectly (visually) or cumulatively affected by this undertaking: Belli Addition (SHPO Resource D190), Burkes Addition (SHPO Resource D189), and the VASNHCS Campus (SHPO Resource D191).

Contributing and non-contributing resources that have been evaluated within the **Belli Addition Historic District (platted 1946)**, which are proposed to be demolished, include:

Table 1. Belli Addition Direct APE Properties

	SHPO Resource	Name/Address	Year Built	Type of Structure	National Register Eligible?
	D190	Belli Addition Historic District	1946 (platted)	N/A	Eligible under Criterion C
1	B13803	700/710 E. Taylor Street	1953	Duplex	Contributing Resource under Criterion C (not individually eligible)
2	B13804	701/707/715 Belli Drive	1952	Apartments	Contributing Resource under Criterion C (not individually eligible)
	B13806	735 Belli Drive	1952	Apartments	Contributing Resource under Criterion C (not individually eligible)
3	B13807	765 Belli Drive	1952	Apartment/ Duplex	Contributing Resource under Criterion C (not individually eligible)
	B13808	801 Belli Drive	1954	Triplex	Contributing Resource

	SHPO Resource	Name/Address	Year Built	Type of Structure	National Register Eligible?
					under Criterion C (not individually eligible)
	B13809	805/807 Belli Drive	1958	Duplex	Contributing Resource under Criterion C (not individually eligible)
4	B13810	825/827/829/831 Belli Drive	1972	Four-plex	Not individually eligible or as a contributing resource
5	B13812	845 Belli Drive	1958	Apartments	Contributing Resource under Criterion C (not individually eligible)
6	B13813	865 Belli Drive	1958	Apartments	Contributing Resource under Criterion C (not individually eligible)
7	B13814	885 Belli Drive	1946	Single Family Residence	Contributing Resource under Criterion C (not individually eligible)

Contributing and non-contributing resources that have been evaluated within the **Burke's Addition Historic District (platted 1917)**, which are proposed to be demolished, include:

Table 2. Burkes Addition Direct APE Properties

	SHPO Resource	Name/Address	Year Built	Type of Structure	National Register Eligible?
	D189	Burke's Addition Historic District	1917 (platted)	N/A	Eligible under Criterion C
8	B13801	691/693 E. Taylor Street	1953	Duplex	Not individually eligible or as a contributing resource
9	B13802	697/699 E. Taylor Street	1954	Duplex	Not individually eligible or as a contributing resource
10	B13811	825/835 Kirman Avenue	1939	Duplex	Not individually eligible or as a contributing resource

Non-contributing resources that have been evaluated within the **Mountain View Subdivision**, which are proposed to be demolished, include:

Table 3. Mountain View Subdivision Direct APE Properties

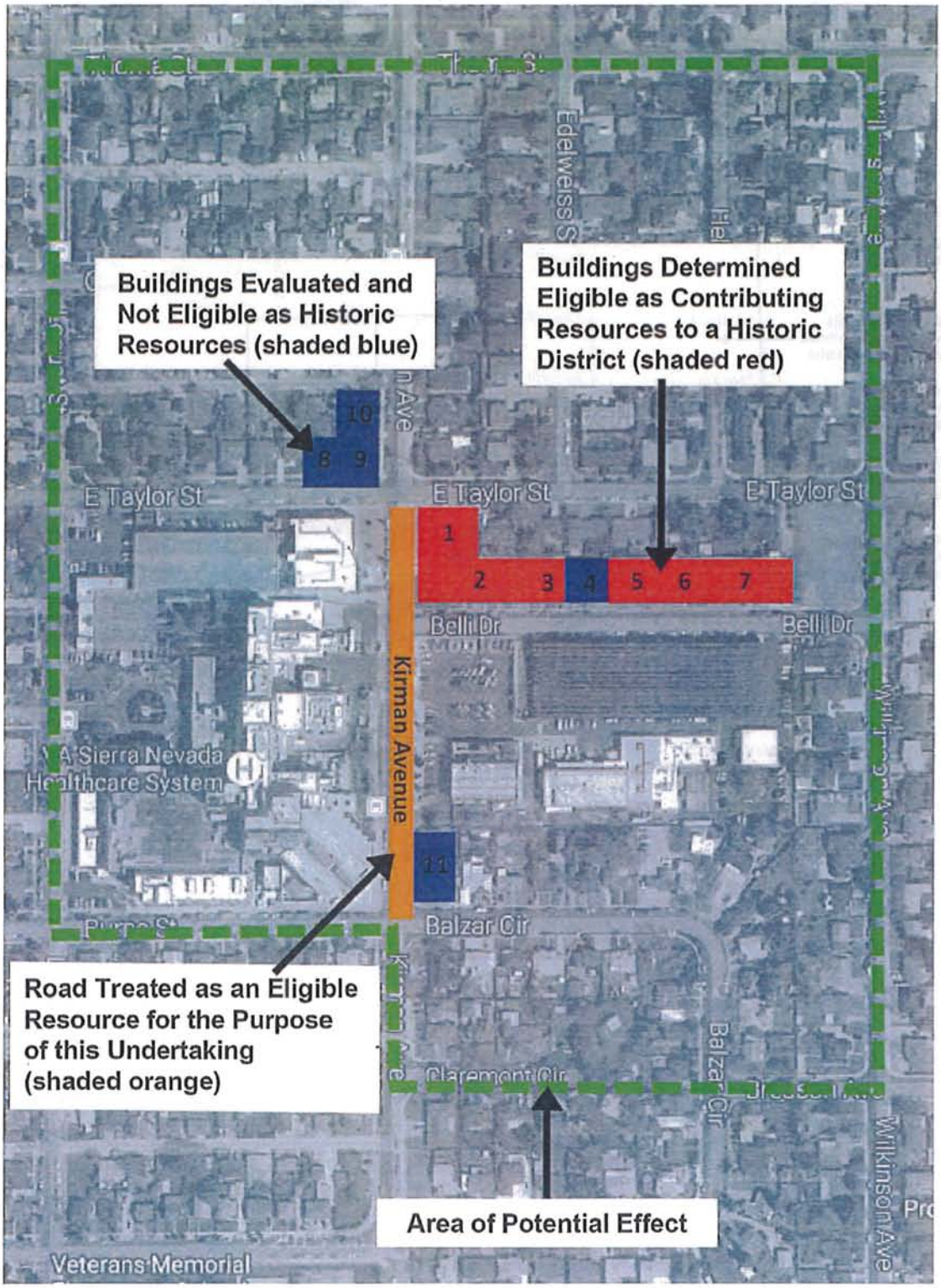
	SHPO Resource	Name/Address	Year Built	Type of Structure	National Register Eligible?
11	B13805	703 Balzar Circle	1940 / remodeled 1965	Single Family Residence	Not individually eligible or as a contributing resource
12	-	Kirman Avenue between Taylor Street and Balzar Circle		Road	Treated as an Eligible Resource for the Purpose of this Undertaking

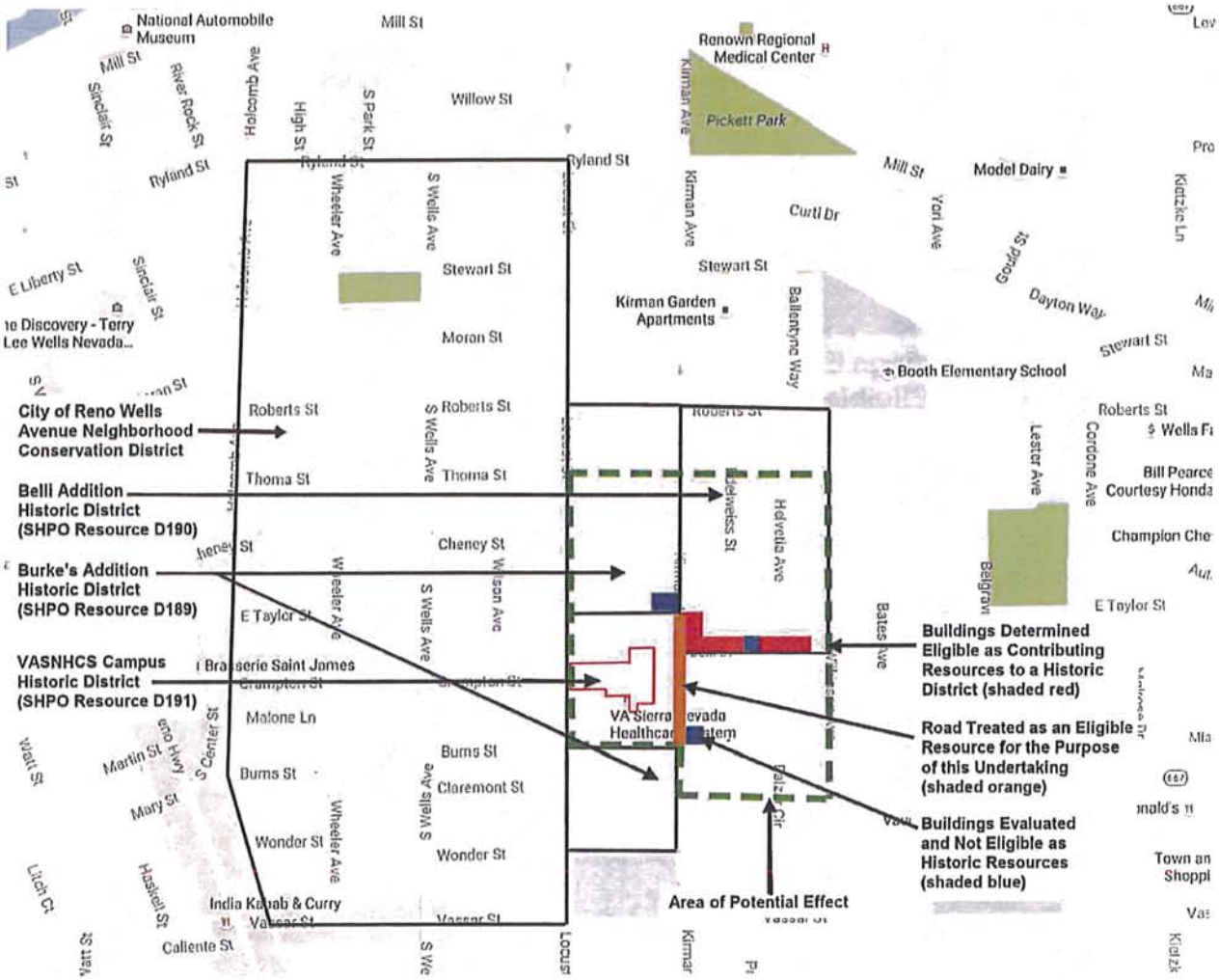
Contributing and non-contributing resources that have been evaluated within the **Veterans Hospital District**, which are located within the indirect/visual area of potential effect (APE), include:

Table 4. Inventory of VASNHCS Buildings with Historic Status (Indirect/Visual APE)

SHPO Resource	Name/Address	Year Built	Type of Structure	National Register Eligible?
D191	Veterans Hospital District	1939-1962 (Period of Significance)	Hospital building	Eligible under Criterion A, B & C
S1508	S1 - Circular Entry Drive	1939	Circular entry drive	Eligible as a contributing resource
O194	S2 - Flagpole	Mid-1940s	Flag pole	Eligible as a contributing resource
B14423	Building 1A – Original hospital	1939 / 1949 / additions	Hospital building	Individually eligible under Criterion A, B & C
B14422	Building 1 – Hospital	1947	Hospital building	Eligible as a contributing resource
TBD (not deemed a historic structure)	Building 1D/4 Clinic, ER	1981/1993	Hospital building	Not eligible
TBD (not deemed a historic structure)	Building 3 Mental Health	2012	Hospital building	Not eligible
TBD (not deemed a historic structure)	Building 6 – Specialty Clinic	2014	Hospital building	Not eligible
TBD (not deemed a historic structure)	Building 9/10 – Nursing Home Care Unit/Canteen	1983	Hospital building	Not eligible
TBD (not deemed a historic structure)	Building 12 – Patient Bed Tower	1998	Hospital building	Not eligible
TBD (not deemed a historic structure)	Brine Tank (Building 1)	1947	Hospital building	Not eligible

ATTACHMENT 1 FIGURE - DIRECT APE, INDIRECT APE and PROPERTIES PLANNED FOR ACQUISITION




National Automobile Museum
Mill St
Renown Regional Medical Center
Pickett Park
Willow St
Ryland St
Model Dairy
Curtl Dr
Stewart St
Kirman Garden Apartments
Booth Elementary School
Moran St
Roberts St
Thoma St
Cheney St
E Taylor St
Malone Ln
Burns St
Claremont St
Wonder St
Vassar St
India Kabab & Curry
Caliente St
City of Reno Wells Avenue Neighborhood Conservation District
Belli Addition Historic District (SHPO Resource D190)
Burke's Addition Historic District (SHPO Resource D189)
VASNHCS Campus Historic District (SHPO Resource D191)
Buildings Determined Eligible as Contributing Resources to a Historic District (shaded red)
Road Treated as an Eligible Resource for the Purpose of this Undertaking (shaded orange)
Buildings Evaluated and Not Eligible as Historic Resources (shaded blue)
Area of Potential Effect