

Memorandum of Agreement

Among the Clement J. Zablocki Veterans Affairs Medical Center, the Veterans Integrated Service Network 12 of the U.S. Department of Veterans Affairs, the Wisconsin State Historic Preservation Office, the Advisory Council on Historic Preservation, and the National Park Service Regarding Construction of the Southeast Parking Lot at the Clement J. Zablocki Veterans Affairs Medical Center in Milwaukee, WI

WHEREAS, the Clement J. Zablocki Veterans Affairs Medical Center (Zablocki VAMC) and the Veterans Integrated Service Network 12 (VISN 12) [both hereafter, VA] propose to construct the Southeast Parking Lot and remove temporary parking lots (undertaking) within the boundary of the Northwestern Branch National Home for Disabled Volunteer Soldiers Home National Historic Landmark District (NHL); and

WHEREAS, pursuant to Sections 106 of the National Historic Preservation Act, as amended, and its implementing regulations (36 CFR Part 800), the VA has determined that the proposed project will have adverse effects on the NHL, specifically to the landscape which contributes to the NHL; and

WHEREAS, Section 110(f) of the NHPA requires VA, to the maximum extent possible, shall undertake such planning and actions as may be necessary to minimize harm to the NHL adversely affected by the undertaking; and

WHEREAS, no subsurface archaeological sites have been identified and discoveries are not anticipated; and

WHEREAS, one three-tiered parking structure will be built adjacent to Building 111 and outside both the NHL and National Register of Historic Places historic districts, limited to parcels 4 and 5, as shown on Attachment C, and a Determination of No Adverse effect has been agreed to by the signatories to this MOA; and

WHEREAS, the B, C, and D temporary lots are not scheduled to be removed until the three-tiered parking structure has been built due to limited parking space; and

WHEREAS, Temporary Lots F and G have already been removed during the realignment of Flower Drive and construction of the Fisher House. The Fisher House MOA addresses the required post-construction landscape plan; and

WHEREAS, pursuant to 36 CFR §800.3(c), VA has initiated consultation with the Wisconsin State Historic Preservation Office (SHPO); and

WHEREAS, pursuant to 36 CFR §800.10(b), VA has requested the Advisory Council on Historic Preservation (ACHP) to participate in consultation and the ACHP has elected to participate; and

WHEREAS, pursuant to 36 CFR §800.10(c), the VA has notified the Secretary of Interior through the National Park Service (NPS) of the VA's determination that the undertaking will have an adverse effect on the NHL and has invited the NPS to participate in consultation as an invited signatory; and

WHEREAS, the VA has consulted with, and invited the National Trust for Historic Preservation, Milwaukee Preservation Alliance, City of Milwaukee Historic Preservation Commission, to be concurring parties to this agreement; and

NOW, THEREFORE, It is mutually agreed that the VA shall implement the following stipulations to take into account the adverse effects of the construction of a parking lot and removal of temporary lots on the NHL pursuant to its Section 106 and 110 responsibilities.

STIPULATIONS

- I. Construction of Southeast Parking Lot
 - A. The Southeast Parking Lot will total up to 248 parking spaces with pedestrian access across General Mitchell Boulevard. The design drawing is Attachment A to this MOA.
 - B. Approximately 23 trees will be removed. A landscape plan (Attachment B) is attached and provides screening with new trees for the viewshed of the NHL.
 - C. The landscape plan was developed by a professional Historic Landscape Architect that meets the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 FR 33708, 33720 (June 20, 1997).

- II. Removal of Temporary Lot
 - A. Temporary lots B, C, and D, are to be removed within 12 months of completion of the three-tiered parking structure, or by August 31, 2016, whichever is sooner, in no specific order. VA will provide a schedule for the order of removal of the temporary lots to all signatories prior to completing construction of the three-tier parking structure.
 - B. Failure to remove the specified temporary lots within 12 months of completion of the three-tier parking structure adjacent to Building 111 will require the signatories and all consulting parties to review the list of parking lot removals with VA to determine the reason for not adhering to the schedule of removal. The dispute resolution provision (Stipulation VII) will be invoked, and a meeting, either face-to-face or teleconference, will be convened with all consulting parties to develop a revised schedule and appropriate incentives for compliance.
 - C. Landscaping will follow removal of Temporary Lots B, C, and D. The VA will provide to all signatories, no later than six months after completion of the parking structure, a proposed re-landscaping plan developed by a qualified Historic Landscape Architecture professional in accordance with the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 FR 33708, 33720 (June 20, 1997). All parties will have a 30 calendar day review period from the date of receipt of the proposed re-landscaping plan within which they may provide their comments. The VA will ensure that the re-landscaping plan will take any comments into account prior to being made final.

- III. Construction of the three-tier parking structure
 - A. Design plans for the three-tier parking structure shall be sent to signatories, with informational copies to consulting parties, and shall be reviewed by the signatories at 35%, 65% and 95% for any comments.
 - B. Signatories shall have 15 days from date of receipt of drawings to review and submit any comments.
 - C. Meetings may be held with signatories to accomplish review and comments expeditiously and VA may address any discussion and suggestions from both written review and comments during a meeting.
 - D. No later than the date of the 95% design plans for the single three-tier parking structure (see III.A. above), the VA will provide to all signatories, with informational copies to consulting parties, a proposed landscape screening plan developed by a qualified Historic Landscape Architecture professional in accordance with the Secretary of the Interior's Historic Preservation Professional Qualification Standards, 62 FR 33708, 33720 (June 20, 1997). The purpose of this landscape screening plan shall be to reduce the visibility of the parking structure from within the NHL. All parties will have 30 calendar days from receipt of the proposed landscape screening plan within which they may provide their comments. The VA will ensure that the landscape screening plan will take any comments into account prior to being made final.
 - E. Any expansion to the footprint or the height of the single three-tier parking structure is not covered by this MOA and is, therefore, subject to future consultation.

- IV. Improvements to Pavilion Parking Lot (Lot E)
 - A. The Pavilion Parking (E) lot will remain a fully designed lot; the Milwaukee VAMC will retain the option of paving it.
 - B. As this lot is adjacent to the lake and picnic benches, existing grass in the surrounding area will be restored. A landscape plan is not necessary.

- V. Amendments

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

- VI. Termination
 - A. If VA determines that it cannot implement terms of the MOA, or if the SHPO, ACHP or NPS determines the MOA is not being properly implemented, such party may propose in writing to the other signatories that the MOA be terminated.
 - B. The party proposing to terminate the MOA shall notify in writing all signatories to this agreement, explaining the reasons for termination and affording them at least 30 days from receipt of the notification to consult and seek alternatives to termination. The parties shall then consult.

- C. Should such consultation fail, the VA or other signatory may terminate the MOA by notifying all parties in writing and state the reasons.
- D. If the MOA is terminated, VA shall either consult to develop another MOA, in accord with 36 CFR §800.6, or request the comments of the ACHP, in accord with 36 CFR §800.7.

VII. Dispute Resolution

- A. Any signatory or concurring party to this MOA may object at any time to any actions taken relevant to the construction of the Southeast Parking Lot or the post-construction removal of the temporary lots and landscaping or to the manner in which the terms of this MOA are implemented. VA shall consult with such party to resolve the objection.
- B. If the objection cannot be resolved, VA will forward all relevant documentation, including VA's proposed resolution, to the ACHP. Within 30 calendar days of receipt of adequate documentation, ACHP will provide its advice on resolution of the objection. Prior to reaching a final decision, VA shall prepare a written response to the objection that takes into account advice from the ACHP, other signatories or concurring parties and provide them with the written response. VA shall then proceed according to its final decision.
- C. If the ACHP does not provide advice within the 30 day time period, VA may make a final decision on the objection and proceed accordingly. Prior to reaching a final decision, VA shall prepare a written response that takes into account any comments received during the 30 day period from other signatories and concurring parties to this MOA and provide them and the ACHP a copy of the written response.
VA shall carry out all other actions in this MOA that are not the subject of the dispute resolution

VIII. Unanticipated Discovery of Archeological Material

- A. In the event of a discovery of archeological material during construction, work shall stop in the immediate area and the Milwaukee VAMC Facilities Manager shall be notified.
- B. Depending upon the type of material identified, a plan shall be developed for removal.
- C. Milwaukee VAMC shall contact the WI SHPO to develop the plan within 48 hours of the discovery. Construction work may resume immediately following removal of the archaeological material.

IX. Duration

This MOA shall expire one year after completion of the construction of the Southeast Parking Lot and landscaping, the single Three-Tier Parking Structure, the landscape screening to reduce the visibility of the new parking structure, and the removal and re-landscaping of Temporary Lots B, C and D.

Execution of this MOA and implementation of its terms evidences that the VA has afforded the signatories a reasonable opportunity to comment on the proposed construction of the

Southeast Parking Lot, the single three-tier parking garage on parcels 4 and 5 of the current main parking lot, and the removal and re-landscaping of Temporary Lots B, C and D.

Attachments:

- A Design Drawing for SE Parking Lot (Stip. I.A.)
- B Landscape Plan for SE Parking Lot (Stip. I.B.)
- C Map showing the footprint of the 3-tier parking structure, limited to parcels 4 & 5 (Whereas Clause #5)

SIGNATORIES

Department of Veterans Affairs, Clement J. Zablocki VAMC Director

Robert H. Beller

Mr. Robert H. Beller, FACHE

6/4/2014
Date

Department of Veterans Affairs, Veterans Integrated Service Network 12 Director

Jeffrey A. Marawsky

Jeffrey A. Marawsky, M.D.

6/4/14
Date

Wisconsin State Historic Preservation Officer

Jim Draeger

Mr. Jim Draeger

6/5/14
Date

Advisory Council on Historic Preservation

John M. Fowler

Mr. John Fowler, Executive Director

7/2/14
Date

Invited Signatories:

National Park Service

Patricia S. Trap

Ms. Patricia S. Trap
Acting Regional Director, Midwest Region

6.25.14
Date

Concurring Parties:

National Trust for Historic Preservation

Mr. David Brown,
Executive Vice President and Chief Preservation Officer

Date

Milwaukee Preservation Alliance

Ms. Dawn McCarthy, President

Date

City of Milwaukee Historic Preservation Commission

Ms. Ann Papper Eisenbrown, Chair

Date