

## **MEMORANDUM OF AGREEMENT**

**Between**

**The Department of Veterans Affairs**

**and**

**The California State Historic Preservation Office**

**regarding proposed improvements to the entry at the**

**Los Angeles National Cemetery, Los Angeles, Los Angeles County,**

**submitted to**

**The Advisory Council on Historic Preservation**

**pursuant to 36 CFR 800.6(a)**

**WHEREAS**, The Department of Veterans Affairs (VA) has determined that proposed improvements to the entry at the Los Angeles National Cemetery (Undertaking) (LANC) may have adverse effects on properties that have been determined, by consensus, to be eligible for inclusion on the National Register of Historic Places, and has consulted with the California State Historic Preservation Officer (SHPO) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U. S. C. 470f, the Act); and

**WHEREAS**, VA has determined that the proposed new entry for the LANC is necessary to avoid traffic safety hazards that have resulted in traffic accidents, and to improve the visibility of drivers heading north on Sepulveda Boulevard;

**NOW, THEREFORE**, VA and the SHPO agree that, upon acceptance of this MOA by the Advisory Council on Historic Preservation (Council), that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties:

## STIPULATIONS

VA will ensure that the following measures are carried out:

### **1. Recordation**

Prior to the removal of the existing gate, gate walls, and gate house, VA will contact the Historic American Buildings Survey (HABS), Pacific Great Basin Office of the National Park Service (NPS), 600 Harrison Street, San Francisco, to determine what level and kind of documentation is required for the property. Unless otherwise agreed to by the NPS, VA shall ensure that all documentation is completed and accepted by HABS prior to any demolition and that copies of this documentation are made available to the SHPO and to appropriate local archives.

### **2. Architectural Design**

a. VA shall ensure that the project design for the new entry for the LANC is, to the extent feasible, compatible with the historic and architectural qualities of contributing structures of the LANC in terms of colors and materials, and is responsive to the recommended approaches for new construction set forth in the "Secretary of the Interior's Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings" (National Park Service, 1990).

b. VA shall ensure that the SHPO is afforded the opportunity to review the final design concepts package including photographs of any model of the proposed entry. The SHPO may request from VA an opportunity to review and comment on any additional plans and specifications, and VA shall honor any such request. Alternatively, VA may request that the SHPO review and comment on additional designs, plans, and specifications. Failure of the SHPO to respond within 30 days after receipt of any design, plans, and specifications shall not preclude VA from implementing such designs, plans, and specifications. Should the SHPO respond within this time period, VA shall take the comments of the SHPO into account before proceeding with the next level of planned construction.

### **3. Dispute Resolution**

Should the SHPO or Council object within 30 days to any actions proposed by VA pursuant to this MOA, VA shall consult with the objecting party to resolve the objection. If VA determines that the objection cannot be resolved, VA shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

a. provide VA with recommendations, which VA will take into account in reaching the final decision regarding the dispute; or

b. notify VA that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by VA in accordance with 36 CFR 800.6 (c) (2) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; VA's responsibility to carry out all actions under this agreement that are not subjects of the dispute will remain unchanged.

#### **4. Public Objection**

At any time during the implementation of the measures stipulated in this MOA, should an objection to any such measure or its manner or implementation be raised by a member of the public, VA shall take the objection into account and consult as needed with the objecting party, the SHPO, and the Council to resolve the objection.

#### **5. Amendment to MOA**

Any party to this MOA may request that it be amended, whereupon the parties will consult in accordance with 36 CFR 800 to consider such an amendment.

#### **6. Failure to Carry Out the Terms of the MOA**

Failure to carry out the terms of this MOA requires that VA once again request the Council's comments in accordance with 36 CFR 800. If VA cannot carry out the terms of this MOA, it will not take or sanction any action or make any irreversible commitment that would result in an adverse effect to a historic property or that would foreclose the Council's consideration of modifications or alternatives to the undertaking prior to consultation with the Council.

Execution of this Memorandum of Agreement, its acceptance by the Council, and implementation of its terms evidence that VA has afforded the Council an opportunity to comment on the undertaking and its effects on historic properties, and that VA has taken into account the effects of the undertaking on historic properties.

**DEPARTMENT OF VETERANS AFFAIRS:**

Robert B. Holbrook  
Director, Technical Support Service (401B)

2-22-2000  
Date

**CALIFORNIA HISTORIC PRESERVATION OFFICE:**

Manuel Almeyda  
State Historic Preservation Officer

2/8/00  
Date

**ACCEPTED: ADVISORY COUNCIL ON HISTORIC PRESERVATION:**

By: [Signature]  
(for) Executive Director

Date: 3/2/00