

**Memorandum Of Agreement
Between
The Department of Veterans Affairs,
The Idaho State Historic Preservation Office**

WHEREAS, The Department of Veterans Affairs (VA) manages the Veterans Affairs Medical Center, located at 500 W. Fort Street, Boise Id. 83702; and,

WHEREAS, the Veterans Affairs Medical Center is housed in historic Fort Boise, a site listed in the National Register of Historic Places; and,

WHEREAS, the VA is planning to demolish Building 13, a contributing property to the Fort Boise Historic Site, and construct two new facilities in its place; and,

WHEREAS, the VA has consulted with the Idaho State Historic Preservation Officer (SHPO) and determined that demolition of Building 13 and new construction will constitute an adverse effect; and,

WHEREAS, in accordance with 36 CFR 800.6(a)(1), The Department of Veterans Affairs notified the Advisory Council on Historic Preservation (ACHP), dated 16 Nov 2010, of its adverse effects determination providing specified documentation; and on 05 Apr 2011, ACHP advised the VA that it has chosen not to participate; and,

WHEREAS, The Department of Veterans Affairs has invited City of Boise and surrounding historic districts to participate in and comment: and

NOW, THEREFORE, The Department of Veterans Affairs, and the Idaho SHPO agree that the undertakings shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on the Fort Boise Historic Site:

STIPULATIONS

To the extent of its legal authority and in coordination with the SHPO, The VA will ensure that the following measures are implemented:

I. RECORDATION

- A.** The VA has contacted the National Park Service (NPS), Pacific West Region, to determine the level of documentation under the Historical American Buildings Survey (HABS) to adequately document Building 13 prior to demolition. All documentation must be accepted by NPS, Pacific West Region, and the Idaho SHPO, prior to the demolition or removal of the buildings. Copies of this documentation will be provided to the Idaho SHPO, Library of Congress, and the VA's Historic Preservation Office.
- B.** The VA will ensure recordation is completed by a historic preservation specialist meeting Secretary of Interior's Professional Qualification Standards.

- C. The VA Central Office Historical Preservation Office has contracted for the completion of a historical evaluation of the Fort Boise Historic Site. Upon completion, this document will be used, in consultation with the Idaho SHPO, to guide future management of the Historic Site.

II. ARCHAEOLOGICAL MONITORING

- A. The VA will hire a professional archaeologist to monitor the final phases of demolition when removal of subsurface structural elements will result in ground disturbance. This monitoring will direct and/or determine if additional archaeological investigations are necessary during the subsequent new construction.
- B. The VA shall ensure that the archaeological monitoring will be conducted by an archaeology professional meeting the Secretary of Interior's Professional Qualification Standards.

III. REVIEW OF NEW CONSTRUCTION

- A. The VA will construct the Community Living Center, project 531-319 in accordance with construction documents/plans currently under design. VA will submit to the SHPO any significant changes in the project plans for review and comment. The SHPO will have 30 days from receipt of the plans to provide VA with comments. If there are concerns that cannot be satisfactorily resolved between VA and the Idaho SHPO, the project plans will be submitted to the Advisory Council on Historic Preservation for their review and comment in accordance with 36 CFR Part 800.6.

IV. PUBLIC INVOLVEMENT

- A. The VAMC Director will offer, for a period of not less than 60 days through public announcement and advertisement, the availability of Building 13 for sale to any interested individuals, parties, or organizations for one dollar each with removal from site and relocation at the purchaser's expense. This period will include 30 days for Public Comment. The VAMC has consulted with the Idaho SHPO on the targeted publications and contents of the advertisement.
- B. City of Boise, Planning and Development, has been sent a notification package, and has forwarded the package to North and East End Neighborhood Associations for comment, on 25 Feb 2011.

V. SALVAGE

- A. Before or during demolition, the VA shall salvage several architectural elements and use them for future display and/or monument. Elements to be salvaged will be recommended by the Idaho SHPO and A/E's historic preservation specialist. Brass plaque with the buildings date of construction, dedicated 1976, original window, and original window arched corner sandstones are elements under consideration.

VI. DISCOVERIES AND UNFORSEEN EFFECTS

- A.** In the event that previously unidentified archeological resources are discovered during the site work, the procedures outlined in 36 CFR Part 800.13 shall be followed

VII. DISPUTE RESOLUTION

- A.** Should any Consulting Party object in writing, within the time frames established by the MOA, to the manner in which the terms of the MOA are being implemented or, to any documentation prepared in accordance with and subject to the terms of the MOA, VA will notify the other Consulting Parties in writing, request their comments within 30 calendar days after receipt of the notification, and consult with the objecting party for not more than 30 calendar days to resolve the objection. Any other Consulting Party may participate in the consultation, and VA will take any comments provided by the other Consulting Parties into account.
- B.** If the objection is resolved within 30 calendar days, the Consulting Parties will proceed in accordance with the resolution.
- C.** If the VA determines within 30 calendar days that the objection cannot be resolved as described above, VA will render a final written decision to the other Consulting Parties within 14 additional calendar days. In reaching its decision, VA will take into account any comment received.
- D.** Any recommendations or comments provided by a signatory within the applicable time frame will pertain only to the subject in dispute. The Consulting Parties will continue to implement all terms of the MOA that are not subject to dispute.
- E.** At any time while the MOA is in effect, should a member of the public object in writing to the MOA, its implementation, or related documentation, VA will notify the other Consulting Parties in writing and take the objection into consideration. VA will consult with the objecting party for not more than 30 calendar days. Within 14 additional calendar days, VA will provide all Consulting Parties with a final written decision. In reaching its decision, VA will take into account any comments from these parties.

VIII. AMENDMENTS

- A.** Any Consulting Party may propose that the MOA be amended, whereupon the Consulting Parties will consult, lead by VA, for not more than 14 calendar days to consider the proposed amendment. The MOA may be amended only upon the written agreement of all Consulting Parties. VA will circulate amendment to all Consulting Parties and provide a copy to the ACHP.

IX. DURATION

- A. Unless amended or terminated in accordance with Stipulations VII. or IX., this MOA will remain in effect through Project completion. The Agreement may be extended by amendment, in accordance with Stipulation VII.

X. TERMINATION

- A. If the MOA is not amended, Department of Veterans Affairs or the SHPO may terminate the MOA by providing a 30-calendar day written notice to the other Consulting Parties, provided that they consult during this period to seek amendments or other actions that would prevent termination. Should the Consulting Parties agree on an alternative to termination, they will proceed in accordance with that alternative process or course of action. Should consultation fail, the terminating signatory will promptly notify the other Consulting Parties in writing of termination. Termination of the MOA without completing Section 106 compliance will require compliance through 36 CFR Part 800. This MOA may be terminated without further consultation by the execution of a subsequent agreement that explicitly terminates or supersedes this MOA.

EXECUTION AND IMPLEMENTATION of this MOA evidences that, in accordance with 36 CFR Part 800, VA has afforded the SHPO and the ACHP a reasonable opportunity to comment on the undertaking and its effects on historic properties concerning the demolition of Building 13 for the purpose of constructing a Community Living Center (CLC) at the VA Medical Center 500 W. Fort Street, Boise Id. 83702, which is part of the Fort Boise District listed on the National Register of Historic Places, and that the Department of Veterans Affairs has satisfied its responsibilities under section 106 of the National Historic Preservation Act and applicable implementing regulations. This MOA may be signed in Counterparts. Dept of Veterans Affairs will provide each Consulting Party with a signed original of this MOA and a copy to the ACHP. It will take effect on the date of the latest signature of Consulting Parties.

DEPARTMENT OF VETERANS AFFAIRS:



Director, Boise VA Medical Center

4.20.11

Date

IDAHO HISTORIC PRESERVATION OFFICE:



Deputy State Historic Preservation Officer

5/18/2011

Date