

Attachment

MEMORANDUM OF AGREEMENT

**AMONG THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS,
VETERANS HEALTH ADMINISTRATION,
ILLIANA HEALTH CARE SYSTEM, DANVILLE, ILLINOIS**

AND THE

ILLINOIS HISTORIC PRESERVATION AGENCY

AND THE

ADVISORY COUNCIL ON HISTORIC PRESERVATION

**REGARDING THE DEMOLITION OF BUILDINGS 12, 26, 40, AND 74 AT VHA
ILLIANA HEALTH CARE SYSTEM, DANVILLE, ILLINOIS.**

WHEREAS, the United States Department of Veterans Affairs, Veterans Health Administration (VHA). **Department of Veterans Affairs Illiana Health Care System** (VAIHCS) proposes to demolish buildings 12, 26, 40, and 74, that have through their abandonment and deferred maintenance degraded to the extent that the structures are considered hazardous, and the goal of the project is to protect the health safety and welfare of the public at VAIHCS, Danville, IL; and

WHEREAS, the undertaking consists of the demolition of existing Buildings 12, 26, 40, and 74, the design and construction of the new fuel islands, and the design and construction of the new parking lot, and the design and construction of the new storm sewer system; and

WHEREAS, no other sites of historic, or archaeological, significance and no human remains are expected to be encountered as a result of this undertaking; and

WHEREAS, VAIHCS, in consultation with the Illinois Historic Preservation Agency (IHPA), has defined this project's Area of Potential Effects (APE), as the term defined in 36 CFR Section 800.16(d), to be the current VAIHCS medical campus and the adjacent Danville Area Community College, defined by the historic district boundary in the National Register of Historic Places, Danville Branch, National Home for Disabled Volunteer Soldiers Historic District, NPS Reference #91001973 (NRHP); and

WHEREAS, VAIHCS, in consultation with IHPA, has found that Buildings 12, 26, 40, and 74 are included in the NRHP as contributing to the historic district; and

BUILDINGS 12, 26, 40, AND 74

Memorandum of Agreement (MOA) Between and Among The United States Department of Veterans Affairs (VA), Veterans Health Administration (VHA), and the Illinois Historic Preservation Agency (IHPA)

WHEREAS, VAIHCS, in consultation with IHPA, has determined, pursuant to 36 CFR Section 800.5(a), the demolition of existing Buildings 12, 26, 40, and 74 will have an adverse effect on the National Home for Disabled Volunteer Soldiers Historic District; and

WHEREAS, the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on March 17, 2013, in both *THE NEWS-GAZETTE* and in the *COMMERCIAL-NEWS*; and

WHEREAS, VAIHCS has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect and invited the ACHP's participation in the consultation, pursuant to 36 CFR Section 800.6(a)(1); and

WHEREAS, ACHP chose to participate in consultation; and

WHEREAS, VAIHCS, in consultation with IHPA, has invited the City of Danville, the Landmarks Preservation Council of Illinois (LPCI), and the Tilton Historical Society (THS) to participate in the consultation, and the City of Danville will be a concurring party to the MOA and its comments provided are incorporated herein; and


WHEREAS, VAIHCS, has notified and invited the following federally recognized tribes to participate in Section 106 consultation for the undertaking, identified via the Tribal Directory Assessment Information: Hannahville Indian Community, Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, Kickapoo Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Citizen Potawatomi Nation, Forest County Potawatomi Community, and the Prairie Band of Potawatomi Nation; and no tribes have indicated an interest in the undertaking; and

WHEREAS, VAIHCS has consulted with IHPA and ACHP, in accordance with Section 106 of the National Historic Preservation Act (16 USC 470f) and its implementing regulations (36 CFR Section 800), to resolve the adverse effect on the National Home for Disabled Volunteer Soldiers Historic District; and

WHEREAS, Historic American Buildings Survey (HABS) documentation is not requested by IHPA since building 10 HABS has been completed and building 12 is a duplicate of building 10; and

WHEREAS, Building 12 was reviewed for utilization and repurposing under the Building Utilization Review Repurposing initiative and found to not meet the requirements; and

VHA Initial: 

IHPA Initial: 

ACHP Initial: _____

City of Danville Initial: _____

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WHEREAS, VAIHCS's objective is to provide for long term care, or community living center, and resources are allocated to strengthen this primary objective, while resources required to continue other functions, such as maintenance for rental units are not easily supported; and

WHEREAS, VHA has a Net Zero policy mandate that limits the ability for expansion and renovation. This "policy" is in response to the Office of Management and Budget's memorandum. Currently unoccupied square foot counts against the VHA; and


NOW, THEREFORE, VAIHCS, IHPA and ACHP agree that, upon executing this Memorandum of Agreement (MOA), VAIHCS shall ensure the following stipulations are implemented in order to take into account the effect of the project on historic properties.

STIPULATIONS

- I. VAIHCS shall ensure the following stipulations are implemented following the execution of this MOA.
 - A. Historic Preservation Plan: VAIHCS will create a Historic Preservation Plan (HPP) to establish the guiding principles for new construction or renovation. Further discussion of the HPP will occur between the VAIHCS and IHPA, allowing IHPA an opportunity to comment. The HPP will include long-term planning for the development, conservation, and preservation of historic resources. The HPP will be completed within one (1) year of the signing of this memorandum of agreement. VAIHCS will provide a scope of work for the IHPA to comment within three (3) months of the signing of this memorandum of agreement.
 - B. Annual Planning Consultation: The purpose of the Yearly Planning Consultation is to involve ACHP and IHPA in the master planning for the campus. VAIHCS will invite IHPA and ACHP to an annual meeting with VAIHCS before the submission of the Strategic Capital Investment Plan (SCIP) to review the master plan for potential adverse effects to historic properties related to projects included in the SCIP. The meeting will occur 60 days prior to submission of the SCIP plan to the Veterans Integrated Service Network. This meeting is to ensure that VAIHCS considers historic properties in its planning when potential projects are not yet finalized and there is still the opportunity to change those projects in consideration of historic properties. VAIHCS shall:

a) Identify potential adverse effects

VHA Initial: 

IHPA Initial: 

ACHP Initial: _____

City of Danville Initial: _____

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MONITORING AND REPORTING

- I. Each six (6) months following the execution of this MOA until it expires or is terminated, VAIHCS shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in VAIHCS's efforts to carry out the terms of this MOA.

DISPUTE RESOLUTION

- I. 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, VAIHCS shall consult with such party to resolve the objection. If VAIHCS determines that such objection cannot be resolved, VAIHCS will:
 - A. Forward all documentation relevant to the dispute, including the VAIHCS's proposed resolution, to the ACHP. The ACHP shall provide VAIHCS 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, VAIHCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, and signatories, and provide them with a copy of this written response. VAIHCS will then proceed according to its final decision.
 - B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, VAIHCS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, VAIHCS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
 - C. VAIHCS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

AMENDMENTS

- I. 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 the ACHP.

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TERMINATION

- I. 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 parties to attempt to develop an amendment per Stipulation V, above. 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.

- II. Once the MOA is terminated, and prior to work continuing on the undertaking, VAIHCS 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. VAIHCS shall notify the signatories as to the course of action it will pursue.

- III. Execution of this Memorandum of Agreement by the VAIHCS and the IHPA, its subsequent submittal to the ACHP, and the implementation of its terms, demonstrates that the VAIHCS has taken into account the effects of the undertaking on historic properties afforded the IHPA, ACHP, LPCI, and THS an opportunity to comment.

VHA Initial:  IHPA Initial:  ACHP Initial: _____ City of Danville Initial: _____

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SIGNATORIES:

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH ADMINISTRATION, ILLIANNNA HEALTH CARE SYSTEM



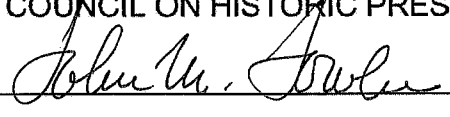
JAPHET C. RIVERA
DIRECTOR

ILLINOIS HISTORIC PRESERVATION OFFICER

Signed by:  Date: 4-15-14

ANNE HAAKER, DEPUTY STATE HISTORIC PRESERVATION OFFICER

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Signed by:  Date: 4/23/14

JOHN M. FOWLER, EXECUTIVE DIRECTOR

CONCURRING PARTY:

CITY OF DANVILLE

Signed by: _____ Date: _____

SCOTT EISENHAUER, MAYOR