

**MEMORANDUM OF AGREEMENT
BETWEEN AND AMONG
THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, ADVISORY COUNCIL ON HISTORIC
PRESERVATION AND THE INDIANA STATE HISTORIC PRESERVATION OFFICE
PURSUANT TO 36 CFR Part 800
REGARDING THE DEMOLITION OF RESIDENTIAL BUILDING(S) AND CONSTRUCTION OF A
VETERAN HOUSE AND ADDITIONAL PARKING WITHIN THE LARUE CARTER FACILITY AT 2601
COLD SPRINGS ROAD IN INDIANAPOLIS, MARION COUNTY, INDIANA**

WHEREAS, the United States Department of Veterans Affairs (VA) proposes to construct a Veteran House extended stay facility and parking lot at Richard L. Roudebush VA Medical Center, Cold Springs Road facility in Marion County, Indiana; and

WHEREAS, the undertaking consists of the demolition of existing Building 4 and potentially Building 9, the design and construction of the new Veteran House, and the design and construction of the new parking lot; and

WHEREAS, has defined the undertaking's area of potential effects (APE) as the entire Cold Spring Road facility property, and

WHEREAS, the VA has determined that Residential Building 4 and Building 9 are eligible for inclusion in the National Register of Historic Places as contributing elements to the Veterans Administration Hospital Grounds Historic District (097-296-57001-023) and would be adversely effected by the Project; and

WHEREAS, the VA has consulted with the Indiana State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. Part 800 of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, VA has notified and invited federally recognized tribes to participate in the Section 106 consultation for the undertaking, but none expressed an interest to do so; and

WHEREAS, VA has consulted with the Indianapolis Historic Preservation Commission and the Historic Landmarks Foundation of Indiana regarding the effects of the undertaking on historic properties; and

WHEREAS, in accordance with 36 C.F.R. 800.6(a)(1), VA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. 800.6(a)(1)(iii);

NOW, THEREFORE, the VA, ACHP, and the SHPO agree that the Project will be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties.

STIPULATIONS:

The VA shall ensure that the following stipulations are implemented prior to the demolition of any residential building located within the property at 2601 Cold Springs Road in Indianapolis, Marion County, Indiana:

HISTORIC PROPERTY MITIGATION

- I. Prior to the commencement of demolition and construction activities, Residential Building 4 and Building 9 and shall be documented, including, at a minimum, the following elements:
 - A. The following historic documentation information shall be saved as a Microsoft Word document on a compact disk ("CD") or digital video disk ("DVD").
 1. A cover page that clearly identifies the name and survey number of the historic structures and the historic district they are contributing to, along with an address/location.
 2. A typed or printed description of the historic property, including at least the following:
 - a) A verbal description of the property's design, which shall include building materials, architectural/engineering style, plan, number of stories, organization of major elevations, notable architectural features, and a statement of the overall dimensions of the property (length, height, and width).
 - b) A copy of the applicable 1:24K/25K USGS topographic map, at a scale of 1:50,000, with the location of the historic property marked.
 - c) A map of the City/City section with the location of the historic properties clearly marked.
 3. A brief written history of the buildings and a statement regarding the significance as contributing elements to the Veterans Administration Hospital Grounds Historic District (097-296-57001-023). Statements regarding architectural significance and history up to and including the year that the documentation is completed, shall be included. Documentation must also include the date or era of construction, as well as the architect and builder (if known), dates and descriptions of any major alterations, association with any historic events, movements, and/or association with historically significant people. A list of bibliographic sources, including author, title, place of publication and publisher, and date of publication must be included in this section.
 - B. Photographic documentation, either digital images on a CD or DVD or black and white photographic prints and negatives. Given the size and detailing of Residential Building 4, ten (10) or more views will be necessary. Views must include all exterior facades, the major entrance,

significant interior spaces, such as principal rooms and stairs, common/public space, and interior and exterior architectural details.

1. For digital images, the following procedures shall be followed:

a) A camera of at least 3.0 megapixel quality, with a .TIF setting capability, shall be used.

b) A CD or DVD containing a digital photo log and the electronic image files shall be provided to the Indiana SHPO.

(1) The CD-R archival gold or DVD-R archival gold will be labeled with the name of the property, the county, and the state in which the property is located.

(2) There must be a photo log for all photos, and the photo numbers of the saved digital images must correspond to the photo log.

(3) The photo log must contain the following:

- property name
- county and state
- name of photographer
- date of photograph
- location, cardinal direction of camera, and description of the view
- photograph number

(4) The individual image files must be labeled so that they reference the state and county in which the property is located. For example, the image files for Union Station in Marion County, Indiana, would be saved as "IN_MarionCounty_UnionStation_0001.tif," "IN_MarionCounty_UnionStation_0002.tif," and so on. Leading zeros will be used to have a 4 digit photograph number.

(5) The electronic image files must be saved as uncompressed .TIF (Tagged Image File format) in keeping with the guidance on digital photographic records issued by the U.S. National Archives and Records Administration.

2. For black and white photographic prints and negatives the following procedures shall be followed:

- a) Kodak Tri-X or Plus X, Ilford FP4 or HP 5, or Agfa Pan 35 mm film must be used in a suitable Single Lense Reflex camera.
- b) Prints must not be smaller than 4" x 6" or larger than 8" x 10".
- c) Each print must be labeled, on the back, in pencil or with an archival photographic marker as follows:
 - (1) property name
 - (2) county and state of the property
 - (3) name of photographer
 - (4) date of photograph
 - (5) location of photograph negative/CD
 - (6) location, cardinal direction of camera, and description of the view
 - (7) photograph number

C. If available, copies or high resolution scans of historic photographs should be included with information on the source of the original photographs.

D. If available, existing, architectural drawings shall be scanned into a readily available viewing program (such as PDF) and saved to the CD or DVD. Drawings should include, if available, a site plan, floor plans, structure elevations, and structure sections and details. If the drawings can not be scanned, they should be sized so that they are no smaller than 11" x 17" and no larger than 24" X 36".

II. Prior to the commencement of demolition and construction activities, drafts of all of the specified documentation shall be submitted to the Indiana SHPO for preliminary review, with at least a thirty (30) day comment period, prior to submitting the final duplicate originals of the documentation to the designated recipients.

III. Prior to the commencement of demolition and construction activities, the final version of the documentation specified in Stipulation 2 shall be submitted to the Indiana SHPO for review, approval, and ultimate transmittal to the Indiana State Archives.

A. The Indiana SHPO will print a copy of the historic documentation specified in Stipulation 3 on acid free, 100% cotton paper.

B. If digital images are used to document the historic property, the Indiana SHPO will print two copies of the electronic image files from the CD or DVD. The cost of printing will be the current rate

charged by the Indiana SHPO to print digital photos for National Register submissions and the consultant will receive an invoice before the photos have been printed. Payment must be received before the photos will be printed. One set of prints will be retained by the Indiana SHPO. The second set of prints will be mailed to the consultant for coordination with the VA

C. If black and white photographic prints are used to document the historic property, one set (with the photographic negatives) shall be submitted to the Indiana SHPO. A second set shall be retained by the Larue Carter Facility.

IV. Prior to the commencement of demolition and construction activities, the VA shall request that the Larue Carter Facility ensure that the documentation specified in Stipulation 3 shall be permanently retained and made available for examination by the public. Upon the Larue Carter Facility's acceptance of the responsibility, the Facility shall be given a CD or DVD containing the information specified in Stipulation 3, a printed copy of the information specified in Stipulation 3-A, and one set of archival digital prints or black and white photographic prints. If the Larue Carter Facility declines to accept the documentation, another local repository or local institution shall be contacted and asked to accept the materials. The VA and the Indiana SHPO will review and determine the acceptability of another organization to accept the materials.

V. The VA will evaluate the placement of the Veterans House and attempt to situate the building such that only the demolition of Building 4 is required. The VA will solicit bids for construction for the two alternative plans and if the cost to re-orient the building such that only Building 4 is demolished results in a bid more than \$200,000 above the other option, VA retains the right to utilize the lower cost alternative even if it entails the demolition of both Building 4 and Building 9. VA will ensure that in the eventuality that Building 9 must also be demolished, all of the historic documentation will be completed and approved by the SHPO.

VI. The VA shall ensure that the construction of the proposed Veteran House development is compatible with the size, scale, color, material, and historic and architectural qualities of the surrounding Veterans Administration Hospital Grounds Historic District (097-296-57001-023), and is responsive to the recommended approaches to new construction set forth in the Secretary of the Interior's Standards. The design and specifications for new construction shall be developed in consultation with the Indiana SHPO and submitted to the Indiana SHPO for review and comment. The Indiana SHPO will provide comments to the VA within thirty (30) calendar days. The VA will seek comments regarding the exterior façade and will incorporate suggestions as funding allows with priority given to those suggestions of historical merit rather than those expressing individual design preference.

VII. The VA shall ensure that a National Register of Historic Places nomination form has been prepared and submitted to the SHPO for formal nomination to the National Register for the Veterans Administration Hospital Grounds Historic District (097-296-57001-023) within twelve (12) months of the ratification of this MOA.

VIII. DURATION: This MOA will terminate if its terms are not carried out within three (3) years from the date of its execution. Prior to such time, VA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XI below.

IX. POST-REVIEW DISCOVERIES: If potential historic properties are discovered or unanticipated effects on historic properties found, the VA shall implement the discovery plan included as attachment [insert number of attachment] of this MOA.

X. MONITORING AND REPORTING: Each year following the execution of this MOA until it expires or is terminated, VA shall provide all parties to this MOA and the ACHP 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 VA's efforts to carry out the terms of this MOA.

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

A. Forward all documentation relevant to the dispute, including the VA's proposed resolution, to the ACHP. The ACHP shall provide VA 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, VA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. VA 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, VA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, VA 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. VA's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

XII. 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 the ACHP.

XIII. 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 parties to attempt to develop an amendment per Stipulation XI, 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.

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

Execution of this MOA by VA and SHPO and implementation of its terms evidence that VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS



Thomas H. Mattice
Medical Center Director
Richard L. Roudebush VA Medical Center

8/27/09

Date

INDIANA STATE HISTORIC PRESERVATION OFFICE

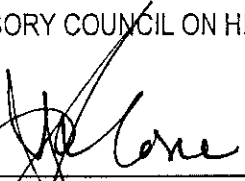


James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

9/2/2009

Date

ADVISORY COUNCIL ON HISTORIC PRESERVATION



John M. Fowler
Executive Director

10/7/09

Date

Department of Veterans Affairs, Cold Springs Road Facility, MOA
DHPA #3090
VA Contract No. G-S-10F-0259N
Indianapolis, Marion County, Indiana

ATTACHMENT

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POST-REVIEW DISCOVERY PLAN

If historic properties are discovered or unanticipated effects on historic properties are found during the implementation of this agreement, VA shall follow the procedures for post-review discoveries without prior planning specified in the ACHP's regulations at 36 CFR § 800.13(b).