

Department of Veterans Affairs
Edith Nourse Rogers Memorial Veterans Hospital
February 21, 2014

**MEMORANDUM OF AGREEMENT BETWEEN THE
DEPARTMENT OF VETERANS AFFAIRS EDITH NOURSE ROGERS MEMORIAL
VETERANS HOSPITAL ("BEDFORD VAMC")
AND THE STATE HISTORIC PRESERVATION OFFICER ("SHPO")
REGARDING BUILDING DEMOLITION AT THE BEDFORD VAMC**

WHEREAS the **Bedford VAMC** located in Bedford, MA plans to carry out the demolition of buildings on its campus ("the undertaking") pursuant to the Section 106 of the National Historic Preservation Act (36 CFR 800); and

WHEREAS the undertaking consists of the demolition of Buildings 39, 40, 41, 42, and 54 due to their deteriorating and unsafe condition; and

WHEREAS the **Bedford VAMC** has defined the undertaking's area of potential effect (APE) as the land on which these buildings are located, as shown on the enclosed Site Plan (Figure 1); and

WHEREAS the **Bedford VAMC** has determined that the undertaking may have an adverse effect on the Bedford VAMC campus and its historic buildings, which are listed in the National Register of Historic Places, and has consulted with the State Historic Preservation Officer ("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 the **Bedford VAMC** has also consulted with the Town of Bedford Historic Preservation Commission regarding the effects of the undertaking on historic properties and has offered them the option to sign this MOA as a concurring party, which the Bedford Historic Commission has declined; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the **Bedford VAMC** has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the **Bedford VAMC** and the **SHPO** agree 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.

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STIPULATIONS

The **Bedford VAMC** shall ensure that the following measures are carried out:

I. NOTIFICATION TO SHPO

Under this Memorandum of Agreement (MOA) the Bedford VAMC will proceed with demolition of the specified buildings listed in the MOA. The Bedford VAMC will give written notification to SHPO of the building demolition within thirty (30) days following the completion of the demolition and removal of the buildings.

II. PROJECT RECORD AND PHOTO-DOCUMENTATION

The report prepared for the Bedford VAMC by Woodard & Curran, Inc. titled "Effects of Proposed Building Demolition and EUL Housing Project on Bedford VAMC Historic District" will serve as a record and photo-documentation of the buildings to be demolished.

III. PROJECT MITIGATION

The **Bedford VAMC** shall ensure that the building demolition is carried out in accordance with applicable federal, state, and local regulations. In addition, the **Bedford VAMC** will require that the contractor(s) selected to perform this work establishes a limit-of-work zone around the buildings to be demolished, thereby avoiding disturbance to other areas or buildings on the campus.

IV. DURATION

This MOA will terminate if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the **Bedford VAMC** may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

V. MONITORING AND REPORTING

Following the execution of this MOA until it expires or is terminated, the **Bedford VAMC** shall provide all parties to this MOA and ACHP with notification in the event that the proposed building demolition plans are substantially modified. Such notification shall include any problems encountered and any disputes and objections received in the Bedford VAMC's efforts to carry out the terms of this MOA.

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VI. 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, the **Bedford VAMC** shall consult with such party to resolve the objection. If, the Bedford VAMC determines that such objection cannot be resolved, the Bedford VAMC will:

A. Forward all documentation relevant to the dispute, including the Bedford VAMC's proposed resolution, to the ACHP. The ACHP shall provide the Bedford VAMC 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, the Bedford VAMC 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. The Bedford VAMC 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, the Bedford VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Bedford VAMC 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. It is the Bedford VAMC's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute and remain unchanged.

VIII. 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.

IX. TERMINATION

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 VIII, 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.

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

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

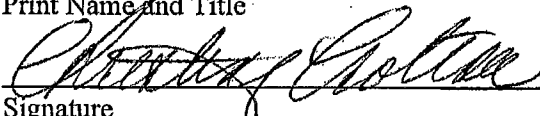
The following signature pages are incorporated to and made part of this MOA.

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SIGNATORY:

**DEPARTMENT OF VETERANS AFFAIRS EDITH NOURSE ROGERS MEMORIAL
VETERANS HOSPITAL**

CHRISTINE CROTEAU
Print Name and Title
 4/17/14
Signature Date

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SIGNATORY:

**MASSACHUSETTS HISTORICAL COMMISSION AND STATE HISTORIC
PRESERVATION OFFICER**

Brona Simon 2/25/14
Brona Simon, SHPO and Executive Director Date