

**PROGRAMMATIC AGREEMENT
BETWEEN
THE ST. CLOUD VA HEALTH CARE SYSTEM
AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING
PROGRAMS FUNDED BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS**

Whereas, the U.S. Department of Veterans Affairs (VA) is providing funding to the St. Cloud VA Health Care System (SCVAHCS) for its Programs; and

Whereas, the St. Cloud VA Medical Center Campus (Campus) has been determined eligible for listing in the National Register of Historic Places and a National Register Nomination is in process to designate the Campus as an historic district; and

Whereas, the SCVAHCS and the Minnesota State Historic Preservation Office (MNSHPO) stipulated in a Memorandum of Agreement (MOA) to enter into a Programmatic Agreement (PA) to better define what undertakings have the potential to adversely affect historic properties, and what undertakings constitute routine maintenance activities with little potential to adversely affect historic properties; and

Whereas, both parties wish to preserve the historic character of the Campus while allowing routine operation and maintenance activities to continue without unnecessary delay; and

Whereas, the undertakings covered under this PA are smaller scale activities and routine projects, without the potential for adversely affecting historic properties, rather than complex undertakings with a greater potential to adversely affect historic properties, which would require completion of the typical Section 106 review process; and

Whereas, the SCVAHCS notified the Advisory Council on Historic Preservation (ACHP) of its intention to prepare a PA under 36 CFR Part 800.14(b); and

Now, therefore, the SCVAHCS and the MNSHPO agree that the Programs shall be administered in accordance with the following stipulations to satisfy Section 106 responsibilities for all individual undertakings of the Programs:

STIPULATIONS

I. Exemptions from further Section 106 Review:

The SCVAHCS shall not be required to submit to the MNSHPO undertakings listed in Appendix A because they do not have the potential to cause adverse effects to historic properties even when historic properties may be present. The SCVAHCS

will maintain file records with verification that undertakings were determined to be exemptions for a period of three (3) years from project completion and make them available for review if requested by MNSHPO and/or the ACHP.

II. Non-Exempt Undertakings:

All other undertakings shall be submitted to the MNSHPO for review according to procedures outlined in 36 CFR Part 800.

III. Unanticipated Effects:

If historic properties are discovered or unanticipated effects to historic properties are identified after the undertaking has been initiated, the SCVAHCS will implement the following procedures:

A. The SCVAHCS shall immediately cease all operations for the portion of the undertaking that has the potential to affect the historic property.

B. The SCVAHCS shall notify the MNSHPO and consult on appropriate steps to avoid, minimize, or mitigate potential adverse effects to the historic property.

IV. Dispute Resolution:

A. Should the MNSHPO object to any project undertaking, the SCVAHCS shall consult further with the MNSHPO to attempt to remove the basis for MNSHPO's objection. In the event that the MNSHPO's objection is not withdrawn, the SCVAHCS shall forward all relevant documentation to, and consult with, the ACHP.

B. The ACHP shall provide its recommendations, if any, within 21 days following receipt of relevant documentation. SCVAHCS will take into account the ACHP's recommendations or formal comments in reaching a final decision regarding the dispute.

V. Reporting and Monitoring:

A. The SCVAHCS, the ACHP, and the MNSHPO may monitor any undertakings carried out pursuant to this PA. The ACHP may review undertakings, if requested by the SCVAHCS.

B. The SCVAHCS shall be entitled to address and make determinations on overall policy or administrative issues related to the implementation of these Programs, as provided in 36 CFR Part 800.

VI. Amendments:

MNSHPO or the SCVAHCS may request that this PA be amended, including Appendix A, whereupon the SCVAHCS and the MNSHPO, and the ACHP, if involved, will consult to consider such an amendment. Any such amendments shall be developed and executed between the SCVAHCS and the MNSHPO in the same manner as the original PA, and pertain only to this PA.

VII. Duration of Agreement:

This PA will be valid for five (5) years from the date of execution.

VIII. Termination of Agreement:

MNSHPO or the SCVAHCS may terminate the PA, provided that the party proposing termination notifies the ACHP in writing explaining the reasons for termination and affording the other signatories at least thirty (30) days to consult and seek alternatives to termination.

Execution and implementation of this PA evidence that the SCVAHCS has afforded the ACHP a reasonable opportunity to comment on the Programs and that the SCVAHCS has taken into account the effects of the Programs on historic properties.

Signatories:

Cheryl Krennig, acting 11/29/11
Director, St. Cloud VA Health Care System Date

Jim Slomberg 12/16/11
Minnesota State Historic Preservation Office Date

APPENDIX A

UNDERTAKINGS EXEMPT FROM FURTHER SECTION 106 REVIEW

SCVAHCS and the MNSHPO have concluded that the following undertakings do not have the potential to cause adverse effects to historic properties and are exempt from further Section 106 Review.

1. General maintenance and efficiency measures not affecting the exterior of the building:

- a. Energy audits and feasibility studies.
- b. Caulking and weather-stripping around doors and windows in a manner that does not harm or obscure historic windows or trim.
- c. Water conservation measures – like low flow faucets, toilets, shower heads, urinals – and distribution device controls.
- d. Repairing or replacing in-kind existing driveways, parking areas and walkways with materials of similar appearance.
- e. Excavating to gain access to existing underground utilities to repair or replace them, provided that the work is performed consistent with previous conditions.
- f. Ventilating crawl spaces.
- g. Installation of new or replacement HVAC equipment including pumps, motors, boilers, chillers, cooling towers, air-handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location, or if ducting plumbing, electrical and controls are on the rear of the structure or not visible from any public right-of-way.
- h. Adding or replacing existing building control systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors and carbon monoxide detectors (wired or non-wired).
- i. Furnace or hot water tank replacement does not require a visible new supply or venting on the exterior of the structure.
- j. Repairing or upgrading electrical or plumbing systems and installation of mechanical equipment in a manner that does not permanently change the appearance of the building.
- k. Abatement of asbestos-containing materials where the finished work will not be visible from the public right-of-way.
- l. Repair of minor roof and wall leaks, provided repairs closely resemble existing.

2. Interior work:

- a. Undertakings to interior spaces completed in accordance with NFPA 101 Life Safety Code where the work will not be visible from the public right-of-way.
- b. Thermal insulation in walls, floors, ceilings, attics, crawl spaces and foundations.

- c. Adding adjustable speed drives such as fans on air handling units, cooling tower fans, and pumps.
 - d. Installing insulation on water heater tanks and pipes.
 - e. Installing waste heat recover devices, including water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment.
 - f. Repair or replace electric motors and motor controls like variable speed drives.
 - g. Incorporate other lighting technologies such as energy efficient lamps, dimmable ballasts, day lighting controls, and occupant controlled dimming.
 - h. Install fire, smoke or carbon monoxide detectors/alarms.
 - i. Duct sealing, insulation repair or replacement.
 - j. Install mechanical ventilation in a manner not visible from the public right-of-way.
 - k. Clean, tune, repair or replace heating systems, including furnaces, boilers, heat pumps, vented space heaters, and wood stoves.
 - l. Clean, tune, repair or replace cooling systems, including central air conditioners, window air conditioners, heat pumps, and evaporative coolers.
 - m. New water efficient fixtures and fittings in a manner that does not permanently change the appearance of the interior or exterior of the building.
3. Exterior maintenance, energy efficiency and repair measures:
- a. Painting over previously painted exterior surfaces, provided destructive surface preparation treatments are not used (such as water-blasting, sandblasting and chemical removal).
 - b. Installation or replacement of downspout extensions, provided that the color of the extensions is historically appropriate for the period and style of the property.
 - c. New lighting controls including photo-sensors and shading elements if not visible from the public right-of-way.
 - d. New metering devices in a manner that does not permanently change the appearance of the interior or exterior of the building, or if the addition is on the exterior of the structure and is not visible from the public right-of-way.