

MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, FAYETTEVILLE VETERANS AFFAIRS MEDICAL CENTER,
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICE
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE CONSTRUCTION OF A
STAND-ALONE COMMUNITY LIVING CENTER
AT 2300 RAMSEY STREET, FAYETTEVILLE, NORTH CAROLINA

WHEREAS the U.S. Department of Veterans Affairs, Veterans Health Administration, Fayetteville Veterans Affairs Medical Center (VAMC) proposes to construct a Stand-Alone Community Living Center (undertaking) at the VAMC in Fayetteville North Carolina as described in the report "Replacement of Community Living Centers Historical Impact," submitted to the North Carolina State Historic Preservation Office on November 18, 2013; and

WHEREAS the undertaking consists of constructing six homes and a community center at the north end of the VAMC campus; Each home will accommodate 10 to 13 residents; and

WHEREAS the VAMC has determined the undertaking's area of potential effect (APE), as defined at 36 CFR § 800.2(c), to be the entire VAMC campus (Attachment 1); and

WHEREAS, in conjunction with the undertaking, the VAMC proposes to demolish Buildings 5 and 7 and remove the original north leg of the vehicular drive through the VAMC campus, elements that contribute to the Fayetteville Veterans Administration Hospital Historic District, a property listed in the National Register of Historic Places (historic property); and

WHEREAS the undertaking will affect the relationship of Building 4 to the surrounding site; and

WHEREAS the VAMC has determined that the undertaking will have an adverse effect on the historic property as shown in Attachment 2, and has consulted with the North Carolina State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS the VAMC has determined that it is not feasible to use Buildings 5 and 7 to carry out the purposes of the undertaking in accordance with Section 110(a)(1) of NHPA; and

WHEREAS the VAMC has determined that it may be possible to adaptively reuse Building 4, for a use unrelated to the undertaking, in accordance with Section 110(a)(1) of NHPA; and

WHEREAS the VAMC intends to use the provisions of this Memorandum of Agreement (MOA) to address applicable requirements of the National Environmental Policy Act, and will represent this intention in a separate document entitled Environment Assessment (EA); and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), the VAMC 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 CFR Part 800.6(a)(1)(iii);

NOW, THEREFORE, the VAMC, the SHPO and the ACHP agree that upon the VAMC's decision to proceed with the undertaking, the VAMC shall ensure that the following stipulations are implemented in order to take into account the effects of the undertaking on the historic property.

Stipulations

I. PARTIES TO THE MOA

For the purposes of this MOA the term "parties to this MOA" means the VAMC, the SHPO and the ACHP, each of which has authority under 36 CFR Part 800.6(c)(8) to terminate the consultation process.

II. SITE PLAN

The VAMC shall use the conceptual Stand-Alone Community Living Center (CLC) site plan shown in Attachment 3 as the baseline for further development. Additional consultation will take into consideration how the original curvilinear, vehicular drive will be referenced and interpreted as part of the CLC and in relationship to Building 4. Plans for this element of the site plan will be provided to the SHPO as they are developed or as part of benchmark reviews specified for the Architectural Design outlined in Stipulation III below.

III. ARCHITECTURAL DESIGN

The VAMC shall ensure that the design of the buildings that make up the CLC is compatible with the historic and architectural qualities of the historic property in terms of scale, massing, color, and materials and is responsive to the recommended approaches to new construction set forth in *the Secretary of the Interior's Standards for the Treatment of Historic Properties* (U.S. Department of the Interior, National Park Service, 1992), and that the design of the project is developed in consultation with the SHPO and submitted to the SHPO at twenty-five (25), fifty (50), and ninety-nine(99) percent completion benchmarks for review and comment.

- A. The SHPO shall have fifteen (15) days to provide their comments on the proposed design.
- B. If after fifteen days, the SHPO does not respond, the VAMC may consider that the proposed design is acceptable and may proceed with the design of the project.

IV. ARCHIVAL DOCUMENTATION

The VAMC shall ensure that the following recordation measures are carried out in consultation with the SHPO prior to the demolition of Buildings 5 and 7:

A. Written documentation:

- Summary of the history of Second Generation Veterans Hospitals as found in the National Register of Historic Places Multiple Property Documentation Form *United States Second Generation Veterans Hospitals*.
- A discussion of the reasoning behind housing medical staff on campus
- Summary of the history and original construction of the Fayetteville Veterans Hospital as found in the National Register of Historic Places Nomination Form *Fayetteville (NC) Veterans Administration Hospital Historic District*.
- A description of the area immediately surrounding Buildings 4, 5 and 7, highlighting the residential character of the area.

B. Photographic documentation: Prior to any construction taking place related to the undertaking, the VAMC will complete the Recordation Plan in Attachment 4 and submit the results to the SHPO for review. The results of the Recordation Plan shall be entered into the permanent files for the historic property and made available to the public upon request.

C. Other documentation: Bibliography citing where existing drawings and other documentation about the VAMC can be found.

V. SITE INTERPRETATION

The VAMC shall develop and erect interpretive sign(s) and/or commemorative plaque(s) that explain what was once on the site of the CLC. The design of said sign(s) or plaque(s) shall be submitted to the SHPO for review and comment prior to the award.

- A. The SHPO shall have fifteen (15) days to provide their comments on the proposed design.
- B. If after fifteen days, the SHPO does not respond, the VAMC may consider that the proposed design is acceptable and may proceed with the design of the sign(s) or plaque(s).

VI. BUILDING 4 SECTION 106 CONSULTATION

- A. The VAMC shall undertake a study to determine how Building 4 can be adaptively reused by the VAMC. The study shall be completed within thirty (30) months of execution of the MOA and submitted to the SHPO and ACHP for review.
- B. After the adaptive use study is complete and prior to any decision to vacate or to cease occupying Building 4, the VAMC shall initiate Section 106 Consultation with the SHPO, pursuant to 36 CFR Part 800, at the appropriate time and as a separate and distinct undertaking from the CLC.

VII. MASTER PLAN WILL CONSIDER HISTORIC PROPERTIES

Prior to finalizing the Fayetteville VAMC master plan by June 2016, the Veterans Integrated Service Network (VISN) will develop a historic preservation component for the Fayetteville VAMC master plan to address future planning decisions and consider whether the VAMC's historic properties may be reused to accommodate its mission requirements. Prior to finalizing the master plans for other North Carolina VAMC's (Fayetteville and Asheville) with historic properties, the VISN will develop a historic preservation component for the master plans for those VAMCs to address future planning decisions and consider whether the VAMC's historic properties may be reused to accommodate its mission requirements. Pursuant to stipulation VIII, the VISN will utilize professionally qualified personnel or contractors to complete this work.

VIII. PROFESSIONAL QUALIFICATION STANDARDS

All preservation-related work carried out in accordance with this Agreement shall be overseen by a person or persons meeting *The Secretary of the Interior's Professional Qualification Standards* (48 FR 44716) for the appropriate discipline.

IX. DISPUTE RESOLUTION

Should any party to this MOA, within fifteen (15) days of receipt, object to any documentation or plans provided for review or to any actions proposed or the manner in which the terms of this MOA are implemented, the VAMC shall consult with such party to resolve the objection. If the VAMC determines that such objection cannot be resolved, the VAMC will:

- A. Forward all documentation relevant to the dispute, including the VAMC's proposed resolution, to the ACHP. The ACHP shall provide the 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 VAMC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the SHPO, and provide them with a copy of this written response. The 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 VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the VAMC shall prepare a written response that takes into account any timely comments regarding the dispute from the ACHP and the SHPO, and provide them with a copy of such written response.

C. The VAMC'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.

X. 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, the VAMC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation XI below

XI. 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.

XII. 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 XI, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the 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 Part 800.7. The VAMC shall notify the signatories as to the course of action it will pursue.

XIII. AVAILABILITY OF FUNDS

This agreement is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). The VAMC's responsibilities under this Agreement are contingent upon the availability of appropriated funds from which payment, if any, can be made.

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

VA MEDICAL CENTER DIRECTOR

By: Elizabeth B. Goolsby Date: 7/29/2014
Elizabeth B. Goolsby

VISN 6 NETWORK DIRECTOR

By: Daniel F. Hoffman Date: 7-30-2014
Daniel F. Hoffman, FACHE

Memorandum of Agreement
Fayetteville (NC) VAMC
Construction of Stand-Alone Community Living Center

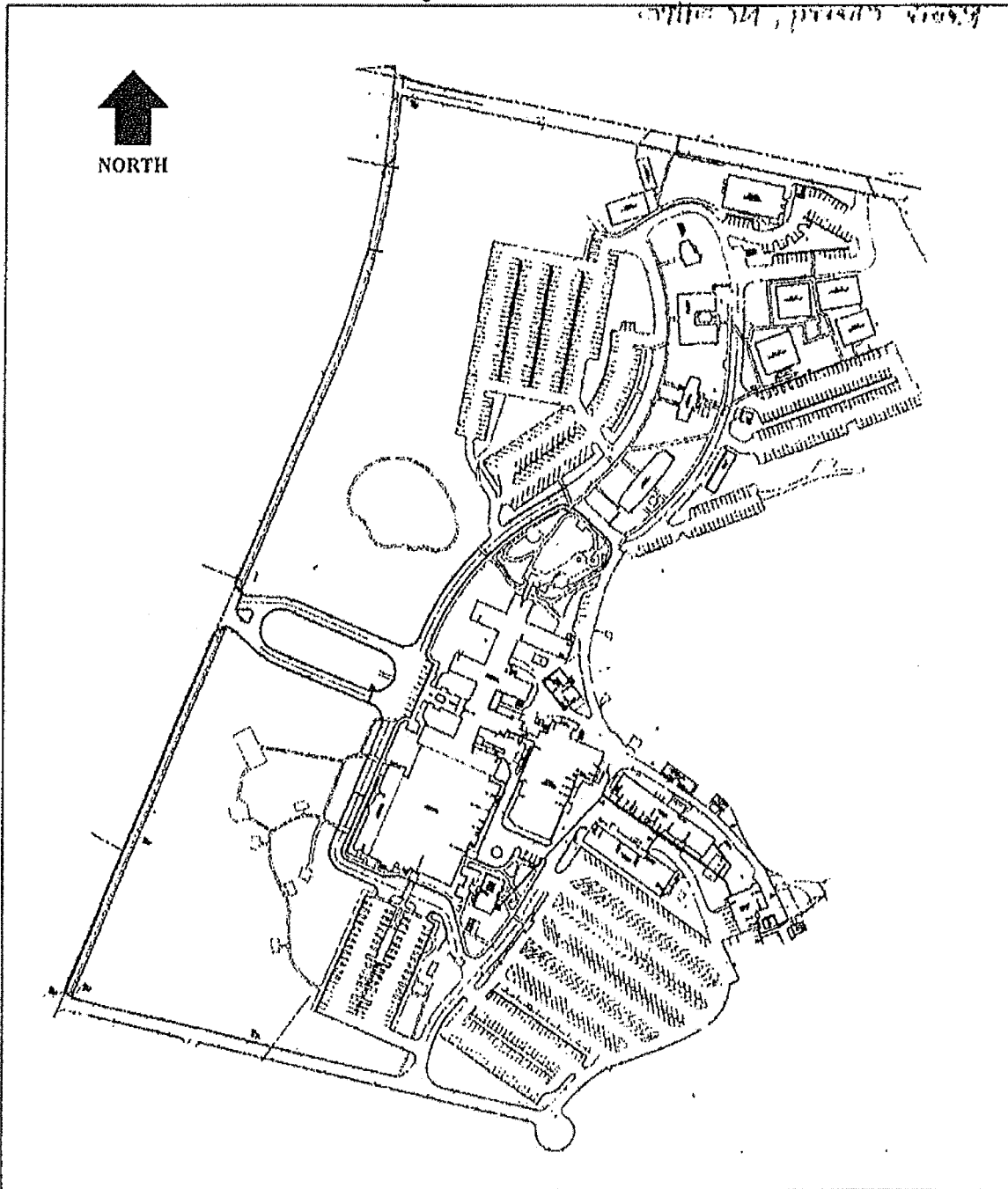
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

By: *Kevin Cherry* Date: 8/1/2014
~~Renee Gledhill-Earley, Environmental Review Coordinator~~
Kevin Cherry, NESHPD

ADVISORY COUNCIL ON HISTORIC PRESERVATION

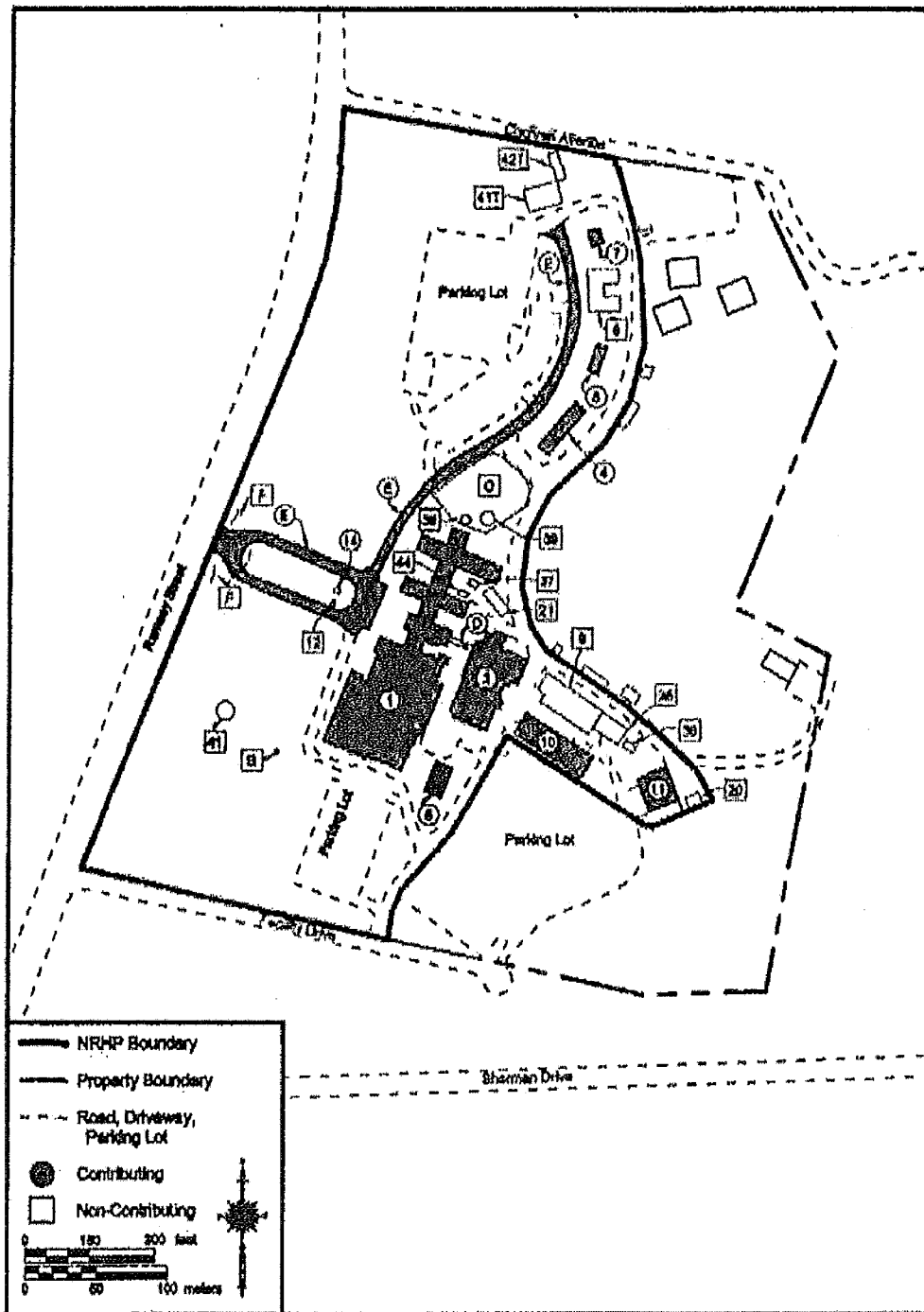
By: *John M. Fowler* Date: 8/14/14
John M. Fowler, Executive Director

Attachment 1
Area of Potential Effects – VAMC Campus



Attachment 2

Fayetteville (NC) Veterans Administration Hospital Historic District
(From National Register Nomination, April, 2012)



Sketch map indicating National Register boundary, contributing and noncontributing resources.

Attachment 3
Conceptual site plan

