

MEMORANDUM OF AGREEMENT  
AMONG THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS  
DAYTON MEDICAL CENTER,  
NATIONAL PARK SERVICE MIDWEST REGION, AND  
OHIO HISTORIC PRESERVATION OFFICER  
FOR  
STABILIZATION OF THE CATHOLIC CHAPEL (BUILDING 119),  
THE VA MEDICAL CENTER, DAYTON, OHIO

WHEREAS, the Department of Veterans Affairs Medical Center in Dayton (Dayton VAMC) proposes to undertake certain stabilization measures to the historic Catholic Chapel (Building 119), described below and collectively referred to as the "Chapel Stabilization;" and

WHEREAS, the Chapel Stabilization includes the following actions:

1. Reroofing the building with simulated slate tile that better represent the historic appearance, based on photographic records, and any other related work
2. Adding 6 tie rods traversing the interior of the Chapel to correct wall distortion; and

WHEREAS, pursuant to 36 CFR § 800.3(a), Dayton VAMC has determined that this proposed project constitutes an undertaking subject to consultation under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR 800); and

WHEREAS, pursuant to 36 CFR § 800.4, Dayton VAMC has determined the Area of Potential Effect as the Catholic Chapel and identified the chapel as a contributing element of a National Historic Landmark District; and

WHEREAS, pursuant to 36 CFR § 800.5(d), Dayton VAMC has determined that this undertaking will have an adverse effect on the Catholic Chapel, requiring consultation to explore alternatives that would resolve the adverse effect; and

WHEREAS, Dayton VAMC has consulted with the Ohio Historic Preservation Officer (OHPO) to explore alternatives to the Chapel Stabilization; and

WHEREAS, pursuant to 36 CFR § 800.10, Dayton VAMC has invited the National Park Service Midwest Region (NPS) and Advisory Council on Historic Preservation (ACHP) to participate in this consultation, and NPS has elected to participate and the ACHP has elected to participate; and

WHEREAS Dayton VAMC, the OHPO, and the NPS have consulted and reached agreement on how to resolve the adverse effect of the Chapel Stabilization;

NOW, THEREFORE, it is mutually agreed that Dayton VAMC will implement the following stipulations in order to resolve the adverse effect of the stabilization on the Catholic Chapel.

STIPULATIONS

I. Chapel Stabilization

- A. Dayton VAMC will carry out the Chapel Stabilization in accordance with the plans and specifications, Stabilize Historic Buildings, in consultation with the OHPO and NPS. Additionally, the tie rods being installed as part of this project will be painted a color to match the existing ceiling. The color selection will be coordinated with the NPS.

II. Consultation Protocol

- A. With the assistance of the VA Historic Preservation Officer, Dayton VAMC will develop a standard National Historic Preservation Act Section 106 consultation protocol within nine months of the execution of this MOA. At a minimum, the protocol will take into account the National Historic Landmark designation of the facility, identify a single cultural resource manager as point of contact for consultations, and identify where in the project planning process consultation should start. Dayton VAMC will also prepare a chart that summarizes this protocol, as well as an internal tracking mechanism to monitor the status of consultation for future projects.
- B. Dayton VAMC will provide a draft of the consultation protocol to OHPO, NPS and ACHP within six months for a 30-day comment period.

III. Public Interpretation

- A. Dayton VAMC will develop a plan for interpreting the history of the National Historic Landmark District for Veterans and the public. The plan will include, but is not limited to, exterior signage and plaques. The plan will be designed to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Once approved, the plan will be implemented before August 31, 2015.
- B. Dayton VAMC will provide details of the plan to OHPO, NPS and ACHP within 2 months of the execution of this MOA.

IV. Resolving Objections

- A. Should any party to this MOA object in writing to Dayton VAMC regarding any action carried out or proposed with respect to any of the Undertaking, or to implementation of this MOA, Dayton VAMC will consult with the objecting party to resolve the objection.
- B. If after initiating such consultation Dayton VAMC determines that the objection cannot be resolved through consultation, Dayton VAMC will forward all documentation relevant to the objection to the ACHP, including Dayton VAMC's proposed response to the objection.



- C. Within 30 days after receipt of all pertinent documentation, the ACHP will exercise one of the following options:
  - 1. Advise Dayton VAMC that the ACHP concurs in Dayton VAMC 's proposed response to the objection, whereupon Dayton VAMC will respond to the objection accordingly; or
  - 2. Provide Dayton VAMC with recommendations, which Dayton VAMC will take into account in reaching a final decision regarding its response to the objection; or
  - 3. Notify Dayton VAMC that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4), and proceed to refer the objection and comment. Dayton VAMC will take the resulting comment into account in accordance with 36 CFR 800.7(c)(4) and Section 110(l) of NHPA.
- D. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, Dayton VAMC may assume the ACHP's concurrence in its proposed response to the objection.
- E. Dayton VAMC will take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; Dayton VAMC 's responsibility to carry out all actions under this MOA that are not the subject of the objection will remain unchanged.
- F. At any time during implementation of the measures stipulated in this MOA, should an objection pertaining to this MOA or the effect of the Undertakings on historic properties be raised by a member of the public, Dayton VAMC will notify the parties to this MOA and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this MOA to resolve the objection.

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V. Amendment and Termination

- A. If the terms of this MOA have not been implemented by August 31<sup>st</sup>, 2015, this MOA will be considered null and void. In such event Dayton VAMC will so notify the parties to this MOA, and if it chooses to continue with the Catholic Chapel Stabilization, will re-initiate review in accordance with 36 CFR Part 800.
- B. Any party to this MOA may propose to Dayton VAMC that the MOA be amended, whereupon Dayton VAMC will consult with the other parties to this MOA to consider such an amendment. 36 CFR 800.6(c)(1) will govern the execution of any such amendment.
- C. If Dayton VAMC determines that it cannot implement the terms of this MOA, or if the OHPO or NPS determines that the MOA is not being properly implemented, such party may propose to the other parties to this MOA that it be terminated.
- D. The party proposing to terminate this MOA will notify all parties to this MOA, explaining in writing the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination. The parties will then consult.

E. Should such consultation fail, Dayton VAMC or other signatory party may terminate the MOA by notifying all parties in writing.

F. Should this MOA be terminated, Dayton VAMC will either:

1. Consult in accordance with 36 CFR 800.6 to develop a new MOA; or

2. Request the comments of the ACHP pursuant to 36 CFR 800.7.

Execution and submission of this MOA, and implementation of its terms evidence that Dayton VAMC has afforded the ACHP an opportunity to comment on the Catholic Chapel Stabilization and its effects on historic properties, and that Dayton VAMC has taken into account the effects of the undertaking on historic properties.

AGREED:

For:

By:  Date: 10/1/13  
DIRECTOR, U.S. DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DAYTON,  
OHIO

By:  Date: 10.2.13  
OHIO STATE HISTORIC PRESERVATION OFFICER

By:  Date: 10/23/13  
EXECUTIVE DIRECTOR, ADVISORY COUNCIL ON HISTORIC PRESERVATION