

PROGRAMMATIC AGREEMENT
BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS,
THE OREGON STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY
COUNCIL ON HISTORIC PRESERVATION, REGARDING THE
5-YEAR CONSTRUCTION PLAN AT THE
SOUTHERN OREGON REHABILITATION CENTER AND CLINICS (SORCC)
WHITE CITY, OREGON

WHEREAS, the Department of Veterans Affairs (VA) has approved projected 5-year Construction Plan project for the approximate 145 acres campus at the Southern Oregon Rehabilitation Center and Clinics (SORCC) located in White City, Oregon; and

WHEREAS, the 5-year Construction Plan is dynamic and will be reviewed and revised annually and any work not outlined within the original plan shall meet the below stipulations and will not need further negotiations with the interested parties; and

WHEREAS, the 5-year plan will include any proposed Enhanced Use Lease activities; and

WHEREAS, VA has the authority under the Major Construction, Minor Construction, Clinical Specific Initiatives and Non-reoccurring Maintenance programs; and

WHEREAS, the VA has established the undertaking's area of potential effects (APE) to the area as shown in Attachment A (Site Map); and

WHEREAS, VA has determined that the undertaking may have an adverse effect on the SORCC campus, which is eligible for the listing on the National Register of Historic Places (National Register) and has consulted with the Oregon State Historic Preservation Office (SHPO) pursuant to 36 CFR, part 800; and

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

WHEREAS, since the effect of the proposed undertaking will result in the demolition of buildings and the associated connecting corridor that are eligible for listing on the National Register, the SORCC shall ensure that appropriate documentation is carried out prior to demolition.

WHEREAS, the VA has performed a "Historic Resource Survey", June 2007, which has been previously sent to the ACHP and SHPO. The survey included all 56 of the currently, remaining, original buildings that exist on-site at the time of the survey. The survey noted the renovations and additions that have occurred on some of the buildings since they were originally constructed. Based upon SHPO's acceptance of the historical survey recently submitted and the establishment of this PA, the SORCC will be moving forward with demolition of the proposed buildings and renovation work.

WHEREAS, the VA has provided the area tribes with an opportunity to comment through newspaper notices and direct letters to interested parties including the Klamath Tribe, the Modoc Tribe and Yahooskin Tribe; and

WHEREAS, the VA has provided the public with an opportunity to comment through newspaper notices and direct letters to interested parties including the Southern Oregon Historic Society and the White City Office of Community Development ; and

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

I. Stipulations

The VA shall ensure that the following stipulations are implemented:

1. VA will continue with the concept and engineering designs of exterior renovations and additions to buildings as projects process and will consult with SHPO as it ensures that the following design standards are followed:
 - a. Scale
 - b. Massing
 - c. Proportions
 - d. Siting
 - e. Elevations
 - f. Sympathetic colors
2. VA will submit the design concepts at the 50% engineering design stage and then again at the 95% engineering design stage, for validation that the 50% review comments have been considered, to SHPO through the project manager. Submittal will be via electronic format unless file size is prohibitive. SHPO will provide comments and recommendations electronically within 14 calendar days for receipt.
3. Regular maintenance and repair to the building exterior and interior renovation where it does not impact the exterior appearance are not considered to have adverse impact and include, but are not limited to, the following activities:
 - a. Any painting as long as the historical color scheme does not change
 - b. Work in crawl spaces and tunnels
 - c. Replacement/repair of asbestos materials excluding large amounts of exterior siding as long as it is replaced with replicated materials and finishes to the extent possible
 - d. Electrical, mechanical (plumbing and HVAC), fire system (sprinklers and alarms) and wall repair, replacement and construction that does not impact the exterior historical nature of the building;
 - e. Repair original or historic exterior surfaces and structure only using in-kind materials, and finishes;

- f. Interior renovation, maintenance and repair work that does not have an adverse impact to the exterior historic preservation; and
 - g. Replace original or historic surfaces and structure only if a repair is not possible. Replacement should replicate materials and finishes.
4. The SORCC has performed a "Historic Resource Survey", dated June 2007, which was an intensive-level survey of the historic resources on campus and document eligibility (historical plans and photographs). SHPO has accepted this historical survey recently submitted.
5. The VA will contract to have a historic preservation plan prepared within 18 months of receiving the historic context. VA will, where deemed feasible, maintain and protect as many of the historic trees as possible during future actions.
6. Within 18 months of enactment, the VA will have established on the worldwide web a Camp White portal that describes the history of Camp White and provides key photography of the site.
7. VA will continue to consult with SHPO on the proposed renovation and demolition as outlined in the "Duration of the Agreement".
8. All work will be reviewed and determined where feasible, whether compliance with the Secretary of Interior's Guidelines for Rehabilitation is applicable.
9. The VA will provide a copy of annual 5-year plan revisions and proposed future master plans during the duration of this agreement to the SHPO for consideration.
10. Will continue to maintain the Camp White Interpretative Museum located in Building 200.
11. Post Review Discoveries:
 - a. Buildings, Structures, and/or Objects - In the event that unanticipated effects on buildings, structures, and/or objects are found during the implementation of the PA, VA will stop any work that may adversely affect the historic property or that may foreclose opportunities to avoid such adverse effects. VA shall consult with the SHPO and with the other required and concurring parties, as necessary, to the PA to determine the appropriate course of action to comply with Section 106. If necessary, the required signatories shall review the terms of the PA and determine whether revisions are needed.
 - b. Archaeological Resources - In the event that a previously unidentified archaeological resource is discovered during the ground disturbing activities, VA will halt all construction work involving subsurface disturbance in the area of the resource and in the surrounding area where further subsurface deposits may reasonably be expected to occur. The VA will notify the VA Central Office and

the SHPO within two (2) working days. The VA shall ensure that an archaeologist meeting the Secretary of Interior's *Professional Qualification Standards* (36 CFR 61) will immediately inspect the work site and determine the extent and the nature of the affected archaeological property. The archaeologist may consult the SHPO and other parties as deemed appropriate by the archaeologist in setting the boundaries of the archaeological resource. Construction work may then proceed in the project area outside of the archaeological site boundaries. Within two working days of the discovery, VA shall notify the VA Central Office and the SHPO. The notification shall describe VA's assessment of the National Register eligibility of the property and proposed actions to resolve the adverse effect (if any). The SHPO shall respond within two (2) working days of notification and construction may resume when the SHPO concurs. VA shall take into account the SHPO's recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. VA shall provide the SHPO with a report of these actions once they are complete.

- c. Human Remains - The VA shall ensure that human remains and associated funerary objects encountered during the course of actions taken as a result of this PA shall be treated in a manner consistent with the State provisions. In addition, human remains and associated funerary objects that may be of Native American origin encountered on federal land shall be treated in a manner consistent with the provisions of the *Native American Graves Protection and Repatriation Act* (25 U.S.C. 3001).

12. Duration of Agreement

- a. This PA will be null and void if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the undertaking, the VA shall either (a) execute a PA pursuant to 36 C.F.R. 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R 800.7. Prior to such time, the VA may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with the "Amendments" stipulation. The VA shall notify the signatories as to the source of action it will pursue.

13. Amendments

- a. This PA 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.

14. Process of Any Public Objection

- a. If at any time during the implementation of the measures contained in this PA, an objection to any such measure or its manner of implementation should be raised by

an interested person, as that term is defined at 36 CFR 800.1(c)(2), the VA shall consult with the objecting party, the SHPO, and as needed the Council to resolve the objection. In light of the ACHP's views, the VA should reconsider the finding. An objection by the public, however, does not require the VA to suspend action on an undertaking. If the objection concerns the eligibility of a property for the National Register, the VA may refer the matter to the Keeper of the National Register, if it considers referral appropriate.

15. Dispute Resolution

- a. Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the VA shall consult with such party to resolve the objections. If the VA determines that the objection cannot be resolved, the VA will:
 - i. Forward all relevant documentation to the dispute, including the VA's proposed resolution, to the ACHP. The ACHP shall provide the VA with its advice on the resolution of the objection within thirty (30) calendar days after receipt of all pertinent documentation. Prior to reaching a final decision on the dispute, the 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. The VA will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the VA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the VA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.
 - iii. The VA's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute shall remain unchanged.

16. Monitoring Activities

- a. The SHPO and the ACHP may monitor any activities carried out pursuant to this PA and the ACHP will review such activity if so requested. The VA will cooperate with the SHPO and ACHP in carrying out these monitoring and review responsibilities.

17. Termination

- a. If any signatory to this PA determines that the terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per the "Amendment" stipulation, above. If within thirty

(30) calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

- b. Once the PA is terminated, and prior to work continuing on the undertaking, the VA must either (a) execute an agreement document pursuant to 36 CFR 800.6, or (b) request to take into account, and respond to the comments of the SCHP under 36 CFR 800.7.

VIII. Establishing Duration of This Programmatic Agreement

This PA will continue in full force until such time as it is terminated or funds for projects undertaken pursuant to the PA are no longer authorized or available.

EXECUTION AND IMPLEMENTATION of this PA evidence that the VA has afforded the Council a reasonable opportunity to comment on its master plan and that the VA has taken into account the effects of the master plan on historic properties.

Signatories:

DEPARTMENT OF VETERANS AFFAIRS:

By: Max E. McIntosh
Max E. McIntosh, PhD, MBA
Director, SORCC

Date: 11/03/08

OREGON STATE HISTORIC PRESERVATION OFFICER

By: Roger Roper
Roger Roper
State Historic Preservation Officer

Date: 12.26.08

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John Fowler
John Fowler
Executive Director

Date: 1/7/09

JF