

MEMORANDUM OF AGREEMENT

Between

The Department of Veterans Affairs

The Oregon State Historic Preservation Officer

and

The Advisory Council on Historic Preservation

Regarding the Demolition of Buildings 217 and 218 at the

Southern Oregon Rehabilitation Center and Clinics,

White City, Oregon

WHEREAS, the Southern Oregon Rehabilitation Center and Clinics (SORCC), part of the Department of Veterans Affairs (VA), plans to demolish Buildings 217, 218, and the associated corridor structure in White City, Oregon, in order to construct new facilities to provide veterans and medical center staff with safe and modern facilities; and

WHEREAS, the SORCC plans to fund the demolition and new construction pursuant to the Capital Asset Realignment for Enhanced Services (CARES) Decision by Secretary Nicholson, in July 2006 and supported through the VHA Minor Construction Program, thereby making the demolition and new construction an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC Part 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, SORCC has defined the undertaking's area of potential effect as shown in Attachment A "Site Plan"; and

WHEREAS, SORCC has determined that the undertaking will have an adverse effect on Buildings 217, 218, and the associated corridor structure which are contributing properties to the Camp White Station Hospital Historic District, which is eligible for listing in the National Register of Historic Places, and has consulted with the Oregon State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800; and

WHEREAS, SORCC has performed a survey to document all buildings and structures extent at SORCC including historical plans and photographs. The *Camp White Station Hospital: Historic Resources Survey* (2007) identified forty-six (46) contributing buildings and structures. All documentation has been reviewed and concurred with by the SHPO; and

WHEREAS, SORCC has an interpretive exhibit of the original Camp White at the Camp White Museum in Building 200 at SORCC and receives approximately 3600 visitors per year. It is currently the most visited museum in the Rogue Valley area. This exhibit consists of display panels illustrating the history of the Camp White Army Hospital through the use of photographs, site plans and text; and

WHEREAS, SORCC has made a good faith effort to identify Native American Indian tribes that may attach religious and cultural significance to the property SORCC currently occupies to invite them to sign this Memorandum of Agreement (MOA), but was unable to identify such Native American Indian tribes; and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), SORCC has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specified documentation, and the ACHP has chosen to participate in the consultation process pursuant to 36 CFR Part 800(a)(1)(iii) as an invited signatory; and

WHEREAS, since the effect of the undertaking will result in the demolition of a total of two existing 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. The SORCC has performed a survey to document (historical plans and photographs). The survey included all 56 buildings that currently exist on-site. All documentation has been reviewed and approved by the SHPO prior to further demolition. Based upon SHPO's acceptance of the historical survey recently submitted and the establishment of this MOA, the SORCC will be moving forward with demolition of these two buildings.

NOW, THEREFORE, SORCC, the SHPO, and the ACHP agree that the undertakings shall be implemented in accordance with the following stipulations in order to take into account their affect on the Camp White Station Hospital Historic District:

Stipulations

The SORCC will ensure that the following measures are carried out:

1. All plans for new construction on the site of Buildings 217, 218, and the associated connecting corridor will be submitted to the SHPO for review and comment prior to construction.

2. Unanticipated Discovery

- A. Historic Buildings, Structures, and/or Objects

In the event that unanticipated effects on historic buildings, structures, and/or objects are found during the implementation of the MOA, SORCC will stop any work that may adversely affect the historic buildings, structures, and/or objects or that may foreclose opportunities to avoid such adverse effects. An individual meeting the Secretary of Interior's Professional Qualifications Standards (36 CFR 61) will immediately inspect the work site and determine the extent and the nature of the affected historic buildings, structures, and/or objects. Within two (2) working days of the discovery, SORCC shall notify the VA Central Office and SHPO. The notification shall describe SORCC's assessment of the National

Register eligibility of the historic property and the appropriate course of action to comply with Section 106. Any course of action will be consistent with all applicable laws, statutes and regulations. The SHPO shall respond within two (2) working days of notification to allow the SHPO a reasonable opportunity to comment with regards to the course of action. SORCC shall provide SHPO with a report of these actions within three (3) months of completion.

B. Archaeological Resources

In the event that a previously unidentified archaeological resource(s) is discovered during ground disturbing activities, SORCC will halt all construction work involving subsurface disturbance in the area of the resource(s) and in the surround area where further subsurface deposits may reasonably be expected to occur. An individual meeting the Secretary of Interior's Professional Qualifications Standards (36 CFR 61) will immediately inspect the work site and determine the extent and the nature of the affected archaeological resource(s). Construction work may proceed in the project area outside of the archaeological resource(s) boundaries as identified. Within two (2) working days of the discovery, the SORCC shall notify the VA Central Office and SHPO. The notification shall describe SORCC's assessment of the National Register eligibility of the resource(s) and the appropriate course of action to comply with Section 106. Any course of action will be consistent with all applicable laws, statutes and regulations. The SHPO shall respond within two (2) working days of notification to allow the SHPO a reasonable opportunity to comment with regards to the course of action. SORCC shall provide SHPO with a report of these actions within three (3) months of completion.

C. Human Remains

SORCC will ensure that human remains and associated funerary objects encountered during the course of actions taken as a result of this MOA shall be treated in a manner consistent with the provisions of the *Native American Graves Protection and Repatriation Act* (25 U.S.C. 3001) and the *ACHP Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (2007).

3. Reporting

Every five (5) years following the execution of this MOA until it expires or is terminated, the SORCC shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms at the beginning of the calendar year. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the SORCC's efforts to carry out the terms of this MOA. The report shall be submitted electronically to all parties. SORCC will provide one last summary report when the undertaking is complete.

4. Dispute Resolution

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, SORCC shall consult with such party to resolve the objection. If SORCC determines that such objection cannot be resolved, SORCC will:

- a. Forward all documentation relevant to the dispute, including the SORCC's proposed resolution, to the ACHP. The ACHP shall provide SORCC with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, SORCC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and provide them with a copy of this written response. SORCC will then proceed according to its final decision.
- b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day period, SORCC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, SORCC shall prepare a written response that takes into account any timely comments regarding the dispute from the signatory parties to the MOA, and provide them and the ACHP with a copy of such written response.
- c. SORCC'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.

5. 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.

6. Duration

This MOA will be null and void if its stipulations are not carried out with five (5) years from the date of its execution. At such time, and prior to work continuing on the undertaking, SORCC shall either (a) execute a agreement document pursuant to 36 CFR Part 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7. Prior to such time, SORCC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation 7 above. SORCC shall notify the signatories as to the course of action it will pursue.

7. Termination

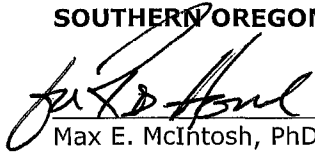
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 7, above. If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate the agreement document upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, SORCC must either (a) execute an MOA pursuant to 36 CFR Part 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7. SORCC shall notify the signatories as the course of action it will pursue.

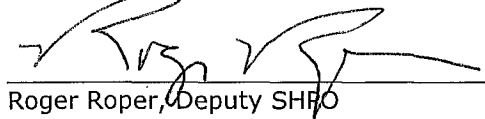
Execution of this MOA by the SORCC, the SHPO, and the ACHP and implementation of its terms evidences that SORCC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

SOUTHERN OREGON REHABILITATION CENTER AND CLINICS

 _____ Date 2-4-08
Max E. McIntosh, PhD, MBA, Director

OREGON STATE HISTORIC PRESERVATION OFFICER

 _____ Date 2-15-08
Roger Roper, Deputy SHPO

ADVISORY COUNCIL ON HISTORIC PRESERVATION:

 _____ Date 3/20/08
John M. Fowler, Executive Director