

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

PROGRAMMATIC MEMORANDUM OF AGREEMENT

WHEREAS, the Department of Veterans Affairs (VA) has determined that the construction of a nursing home and intermediate care facility will have an effect upon the VA Medical Center-Aspinwall (VAMC), a property eligible for inclusion in the National Register of Historic Places, and has consulted with the Pennsylvania State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f),

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

Stipulations

The VA will ensure that the following measures are carried out.

- A. Prior to the demolition of Buildings 1, 2, 3, 4, 5, 22, 26, 27, 42, 46, and 48, or initiating new construction, the VA will have these buildings, the new construction sites, and all structures affected by this undertaking recorded so that there will be a permanent record of their history and appearance. The Historic American Buildings Survey (HABS) (National Park Service, Department of the Interior, Washington, DC 20420, 202-343-9606) will be contacted to determine what documentation is required. All documentation must be accepted by HABS, and the Pennsylvania SHPO notified of its acceptance, prior to the demolition. Copies of this documentation will be provided to the Pennsylvania SHPO.
- B. Building 7 and Building 17 will be preserved and maintained in an attempt to find a future use for these properties.
- C. The entrance avenue will be preserved and protected during and after the construction process.

D. Prior to initiating any other demolition, construction, or rehabilitation projects at the VAMC, the VA will ensure that the following actions are taken.

1. The VA will, in consultation with the Pennsylvania SHPO and the Council, develop a plan for the management and maintenance of historic, architectural, and cultural resources (termed a Historic Preservation Plan (Plan)) for the VAMC-Aspinwall, Pittsburgh, Pennsylvania. Work carried out in accordance with this Plan, will require no further review by the SHPO or the Council. The Plan will include, but not be limited to the following:

a. OVERVIEW: This will include a summary of the historic utilization and development of the VAMC, an analysis of its cultural and architectural evolution; a projection of the types and likely locations of archeological properties that are expected to be found; a summary of past surveys on which these projections are based; and other investigation strategies for the identification and evaluation of historic, architectural and cultural properties.

b. IDENTIFICATION, INVENTORY, and EVALUATION: This will include the identification of each individual historic building, grouping of buildings, structure and known archeological resource located within the site, and the identification of historic vistas, landscaping, and open spaces. This will also include a procedure to be used at the VAMC for determining whether historic, architectural, or cultural properties meet the eligibility criteria of the National Register of Historic Places (National Register) which will provide for consultation with the Pennsylvania SHPO and, if necessary, the Secretary of the Interior, as set forth in 36 CFR 800.4. Work under this section of the Plan should include but not be limited to the following.

(1) Identification and evaluation of all resources located within the VAMC to determine their level of contribution to the area. (In addition to structures of historic, architectural and cultural significance, the evaluation should include significant interior spaces, landscaping, open spaces, and known archeological resources.)

(2) A process by which the existing boundaries of the historic portion of the VAMC will be reevaluated based on the findings of the identification process and, if appropriate, resubmitted to the Secretary of the Interior for modification.

(3) A process by which previously undiscovered resources that meet the criteria for inclusion in the National Register will be submitted to the Secretary of the Interior for consideration. Based upon the inventory and evaluation, buildings, structures and sites will be categorized in accordance with their historic, architectural, and cultural significance.

c. TREATMENT: Establishment of standards and procedures for the treatment of all identified resources within the VAMC, developed in consultation with the Pennsylvania SHPO. These standards and procedures should include, but not be limited to the following:

(1) protecting, preserving, and maintaining appropriate resources in place as part of the ongoing management of the VAMC;

(2) rehabilitation in accordance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards);

(3) stabilization and continued maintenance;

(4) documentation to the standards of the Historic American Buildings Survey (HABS) for those structures which will be substantially altered or demolished;

(5) archeological data recovery and provisions for permanent curation of all specimens, field notes, photographs, negatives, and processed data at an appropriately equipped institution that meets the standards set forth in Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (48 FR 44716 et. seq.) and that makes this data available to other parties for research or other appropriate purposes;

(6) a process for considering an appropriate alternative to undertakings that would have an adverse effect on resources which would include consultation with the Pennsylvania SHPO and, if necessary, the Council;

(7) a procedure to be followed, if, after meeting all the responsibilities for identification of properties, the VAMC find, or is notified after an undertaking has begun, that the undertaking will affect a previously unidentified National Register property. This procedure may require consultation with the Secretary of the Interior and compliance with Section 800.11 of the Council's regulations.

d. SCHEDULE: The Plan will be developed in consultation with the Pennsylvania SHPO and the Council in the following order:

(1) Within 60 days of the ratification of this Agreement, the VA will concurrently provide for review a draft scope of work for the Plan to the Council and the Pennsylvania SHPO. The Pennsylvania SHPO and the Council will provide the VA with comments within 30 days of receipt of the draft Plan. The VA will take those comments into consideration in developing the final Plan.

(2) Within 12 months of expiration of the review period on the draft scope of work, the VA will concurrently provide a draft Plan for review to the Council and the Pennsylvania SHPO. The Pennsylvania SHPO and the Council will provide the VA with comments within 30 days of receipt of the draft Plan. The VA will take those comments into consideration in developing the final Plan.

(3) Within 3 months of expiration of the comment period on the draft Plan, or within a time period mutually agreed upon by the VA, the Pennsylvania SHPO, and the Council, the VA will issue a final Plan, with copies to the Council and the Pennsylvania SHPO.

(4) Should the VA desire to modify the Plan, the Council and the Pennsylvania SHPO will be afforded 30 days in which to review and comment upon proposed modifications.

(5) The VA will consult with the Pennsylvania SHPO and the Council in an effort to resolve any objections or respond to any comments received on the scope of work or the Plan.

(6) Within 30 days of issuance of the final Plan, the VA will initiate implementation of the Plan at the VAMC.

e. PLAN STANDARDS: The VA will ensure that the Plan is consistent with and responsive to the values of the VAMC, those other properties identified as eligible for the National Register, and pertinent sections of the following guidelines and standards.

*The Archeological Survey: Methods and Uses (DOI, 1978; GPO Stock No. 024-016-00091-9.

*Preservation Planning in Context (ACHP)

*Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines, 48 FR 44716 et.seq. September 29, 1983.

*The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983)

*The standards of the Historic American Buildings Survey (HABS) for recording architectural, historical, and engineering properties, as determined in consultation, HABS, National Park Service, Department of the Interior.

*The Plan will be prepared by or under the direct supervision of a person meeting the professional standards set forth in appendix "A." Final selection will be done by the VA after consultation with the Pennsylvania SHPO.

2. Prior to completion and implementation of the Plan, all projects that may affect the VAMC, will be handled in accordance with Council regulations, with the following exceptions. These undertakings will have no effect on the properties and will require no review by the Pennsylvania SHPO or the Council.

a. Replacement in-kind, i.e., matching the configuration, material, size detail color, and construction of the historic fabric or landscaping.

b. Refinishing in-kind, e.g., painting surfaces with the same materials and same color.

c. Energy conservation measures that are not visible or that do not alter or detract from those qualities that make the resource eligible for the National Register, i.e.,

* modifications to the HV&A/C control systems, conversions to alternative fuel;

* insulation in roofs, crawl spaces, ceilings, attics, walls, floors, and around pipes and ducts. (This exclusion does not include the installation of urea formaldehyde or other materials that induce or introduce moisture into a building);

* interior modifications when the significance of the building does not include the interior space;

* caulking and weather stripping, provided that the color of the caulking is consistent with the appearance of the building; and,

* replacement or modification of the lighting systems when the modifications do not alter or detract from the significance of the resource.

d. Demolition of structures which have previously been classified by the Department of the Interior as non-contributing or intrusions to the Historic District.

3. Rehabilitation work that is carried out in accordance with the Standards will have no adverse effect and will require no review by the Council. Plans and specifications for all rehabilitation work will be submitted to the Pennsylvania SHPO for review and comment as early as possible.

4. Rehabilitation work that cannot meet the Standards, and new construction activities at the VAMC that will affect resources, will be submitted to the Pennsylvania SHPO and the Council in accordance with Section 800.5(c) of the Council 's regulations.

5. All demolition work within the VAMC, other than interior partitions that do not affect significant interior spaces, will be submitted to the Pennsylvania SHPO and the Council in accordance with Section 800.5(c) of the Council's regulations.

6. Prior to any alteration or demolition of any resources, those properties will be recorded so that there is a permanent record of their history and appearance. The VA will first contact HABS, which will determine what documentation is required. All documentation must be accepted by HABS, and the Pennsylvania SHPO notified of its acceptance, prior to the alteration or demolition. Copies of this documentation will be provided to the Pennsylvania SHPO.

7. Copies of reports, plans, or other products generated under this Agreement and in the implementation of the Plan will be provided to the Pennsylvania SHPO for review and comment. The Pennsylvania SHPO will also be provided with copies of all site survey forms, photographs, U.S.G.S. topographic maps indicating areas actually surveyed and precise locational information of all recorded resources and any other relevant maps or documents.

8. Copies of any final technical reports will be furnished to the Pennsylvania SHPO. Locational information for archeological resources may be withheld from final technical reports that are likely to be available to the public where release of such information might increase vandalism or misuse of a cultural property.

9. This Agreement will be reviewed by the consulting parties 12 months from its ratification date to determine if any of the terms of the Agreement cannot be met or if a change is necessary. If any of the signatories to this Agreement determines that its terms cannot be met, that signatory will immediately request the consulting parties to consider an amendment or addendum to the Agreement. Such an amendment or addendum will be executed in the same manner as the original Agreement.

Execution of this Memorandum of Agreement and carrying out its terms evidences that VA has afforded the Council an opportunity to comment on the undertaking and its effects on historic properties, and that the VA has taken into account the effects of the project on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert W. Bush
Executive Director


Date: 1/18/90

DEPARTMENT OF VETERANS AFFAIRS

Robert J. Neary Jr

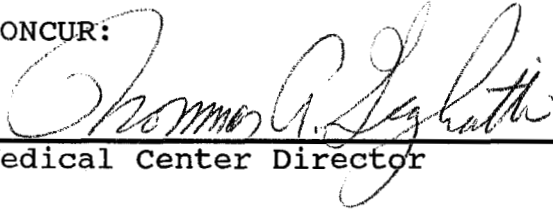
Date: 2/27/90

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER



Date: 4/2/90

CONCUR:



Medical Center Director

Date: 3/6/90