

# **MEMORANDUM OF AGREEMENT**

**Between**

**The Department of Veterans Affairs**

**and**

**The Tennessee State Historic Preservation Office**

**submitted to**

**The Advisory Council on Historic Preservation**

**regarding undertakings at**

**The Memphis National Cemetery**

**Memphis, Tennessee**

**WHEREAS**, The Department of Veterans Affairs (VA) proposes to undertake a project to remove a major portion of the original perimeter wall at the Memphis National Cemetery, 3568 Townes Avenue, Memphis, Tennessee; and

**WHEREAS**, the Memphis National Cemetery has been listed in the National Register of Historic Places; and

**WHEREAS**, VA has determined that the project plans for removal of a major portion of the perimeter wall may have an effect on the Memphis National Cemetery; and

**WHEREAS**, VA has consulted with the Tennessee State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800); and

**WHEREAS**, VA and the Tennessee SHPO have determined that the effects are adverse, but unavoidable in order to avoid safety hazards and to avoid creating a poor visual effect; and

**NOW, THEREFORE**, VA and the Tennessee SHPO agree that, upon acceptance of this MOA by the Advisory Council on Historic Preservation (Council), and upon VA's decision to proceed with the project, VA shall ensure that the following stipulations are implemented in order to take into account their effects on the historic district:

## STIPULATIONS

VA will ensure that the following measures are carried out:

1. VA will repair/restore the brick perimeter wall at the front entrance, ensuring an accurate historical appearance. Additionally, the highly visible west wall will be restored. VA will take all possible measures to properly maintain these walls.
2. VA will remove the remainder of the brick perimeter wall which has deteriorated to the point where not only a safety hazard exists, but also where the damaged wall has created a poor visual effect. Portions of this wall will be used to repair/restore the west wall.
3. VA will install a six-foot ornamental metal picket fence with widely-spaced brick columns to replace the wall, except at the front entrance and along the west side of the cemetery.
4. VA will obtain two sets of 3" x 5" black and white photographs of the brick perimeter wall. One set of photographs will be provided to the SHPO, and one set will be maintained by the administrator of the facility (the director of the Memphis National Cemetery). The photographs shall be of a matte finish and mounted on archival paper.
5. VA will submit to the SHPO for review and comment the project plans and specifications at the Design Development and the final construction documents stages for this proposed construction undertaking at the Memphis National Cemetery. The SHPO will have 30 days from receipt of the plans to provide VA with comments. If there are concerns that cannot be satisfactorily resolved between VA and the Tennessee SHPO, the project plans will be submitted to the Advisory Council on Historic Preservation for their review and comment in accordance with 36 CFR Part 800.6.

Execution of this Agreement by VA and the SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidence that, in accordance with 36 CFR Part 800, VA has afforded the SHPO and the Council an opportunity to comment on this project, and VA has taken into account the effects on the Memphis National Cemetery, which has been listed in the National Register of Historic Places.

**DEPARTMENT OF VETERANS AFFAIRS:**

for Michael E. Chio  
Director, Technical Support Service (401B)

01-28-98

Date

**TENNESSEE HISTORIC PRESERVATION OFFICE:**

Herbert L. Inge, Deputy  
State Historic Preservation Officer

2-9-98

Date

**ACCEPTED: ADVISORY COUNCIL ON HISTORIC PRESERVATION:**

By: John W. Fowler

Date: 5/1/98