

MEMORANDUM OF AGREEMENT
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR PART 800.6(a)

WHEREAS the Veterans Administration (VA) has determined that the removal of two roads within the Memphis National Cemetery in Memphis, Shelby County, Tennessee will have an effect upon this property which has been determined to be eligible for listing in the National Register of Historic Places and has consulted with the Tennessee Historical Commission (SHPO) pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (16 U. S. C. Part 470f):

NOW, THEREFORE, the Veterans Administration and the Tennessee SHPO agree that if the Advisory Council on Historic Preservation (Council) accepts this Memorandum of Agreement in accordance with 36 CFR 800.6 (a) (1) (i), 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 Veterans Administration will ensure that the following measures are carried out:

A. The roadways scheduled for removal will be documented to a standard previously agreed to by VA and the SHPO. Such documentation shall be in conformance with the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation", and a copy shall be retained each at the National Cemetery and the Tennessee SHPO for research use.

B. Once the construction phase of this project has begun, should the Tennessee SHPO or the Advisory Council on Historic Preservation (Council) object to the interpretation

of any plans provided for review relative to this project and pursuant to this Memorandum, the Veterans Administration shall consult with the objecting party to resolve the objection.

If the Veterans Administration determine that the objection cannot be resolved, VA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 30 days of receipt of this documentation, the Council will either:

1. provide VA with recommendations which VA will take into account when reaching a final decision regarding the dispute; or
2. notify VA that it will comment pursuant to 36 CFR Part 800.6(b), and proceed to comment. Any such comment will be taken into account by VA in accordance with 36 CFR Part 800.6(c)(2) when reaching a final decision regarding the dispute.

Execution of this Memorandum of Agreement by the Veterans Administration and the Tennessee Historical Commission (SHPO), its subsequent acceptance by the Council, and implementation of its terms, evidence that VA has afforded the Council an opportunity to comment on the removal of two roads within the Memphis National Cemetery in Memphis, Shelby County, Tennessee, and its effects upon historic properties, and that VA has taken into account the effects of the undertaking on historic properties.

Veterans Administration *Roger R Rapp*
ROGER R. RAPP, Acting Director
BY: National Cemetery System (40)
(Name and title of signer)

Date: 7/22/91

Tennessee Historical Commission

BY: *Herbert L. Huger*
Deputy State Historic Preservation Officer

Date: 6/24/91

ACCEPTED for the Advisory Council on Historic Preservation

BY: *Robert D. Bush*
(Name and title of signer)
Robert D. Bush, Executive Director

Date: 7-31-91