

MEMORANDUM OF AGREEMENT

WHEREAS, the Veterans Administration ("VA") has determined that the Middle Tennessee Veterans Cemetery Project will have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places, specifically archaeological sites 40DV407, 40DV408, 40DV409, 40DV410 and architectural properties designated as the Stokes Stone House and the Stokes Stone Cottage, and,

WHEREAS, the VA has consulted with the Tennessee 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 USC 470), and,

WHEREAS, the Tennessee Department of Veterans Affairs ("TDVA"), has participated in the consultation and has been invited to concur in the Memorandum of Agreement.

NOW, THEREFORE, the VA, the Tennessee SHPO, and the TDVA agree that if the Advisory Council on Historic Preservation accepts the conditions of this Memorandum of Agreement then 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 in accord with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards and Guidelines) and the Secretary of Interior's Standards for Archaeology and Historic Preservation (Standards) during the final design and construction of the Middle Tennessee Veterans Cemetery:

- A. Avoidance of archaeological sites 40DV407, 40DV408, 40DV409, and 40DV410.
 1. Archaeological sites 40DV407, 40DV408, 40DV409, and 40DV410 will be avoided and preserved in place as open areas during the initial phases of development.
- B. Monitoring of Initial Construction Phases.
 1. To ensure that no significant archaeological deposits associated with sites 40DV407, 40V408, 40DV409, and/or 40DV410 are affected by initial preparation of the Middle Tennessee Veterans Cemetery, all construction will be monitored by a qualified archaeologist (see D-2).

2. If significant archaeological deposits are discovered during site preparation, the Tennessee SHPO will be contacted to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

C. Archaeological Data Recovery in the Event of Future Development

1. If any future development will result in any impact on Sites 40DV407, 40DV408, 40DV409, and/or 40DV410, a plan for archaeological investigation, including further evaluation and data recovery will be developed in consultation with the Tennessee SHPO and in conformity with the Secretary of Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42).
2. The data recovery plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37), and take into account the Council's publication, Treatment of Archaeological Properties (Advisory Council on Historic Preservation 1980) and relevant SHPO guidance. At a minimum, the plan will include the following elements:
 - a. The property, properties, or portions of properties where data recovery is to be carried out;
 - b. Any property, properties, or portions of properties which will be destroyed without data recovery;
 - c. The research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
 - d. The methods to be used, with an explanation of their relevance to the research questions;
 - e. The methods to be used in analysis, data management, and dissemination of data, including a schedule;
 - f. Proposed methods for involving the interested public in the data recovery;
 - g. Proposed methods for disseminating results of the work to the interested public;
 - h. Proposed schedule for the submission of progress reports to the VA, SHPO, and TDVA.
3. The data recovery plan will be reviewed and approved by the Tennessee SHPO prior to implementation.

D. Performance Standards and Qualifications

1. All archaeological work will be conducted with reference to and consistent with the Council's handbook Treatment of Archaeological Properties, and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.
2. All archaeological work will be conducted under the direct supervision of qualified individuals who meet, at a minimum, the appropriate qualifications contained in the Secretary of Interior's Standards for Archaeology, "Professional Qualifications."

E. The following mitigative measures shall be incorporated into the project plans, and applied to the two architectural properties designated the Stokes Stone House and Stokes Stone Cottage :

1. A full set of original floor plans, if available, shall be submitted to the Tennessee Historical Commission ("THC") for the benefit of persons wishing to do research.
2. A full set of black-and-white 35mm photographs in 3x5 inch format, appropriately labelled, documenting the exterior and interior of both buildings shall be submitted to the THC.
3. Any rehabilitation, restoration, or alteration of either building herein enumerated shall conform to the Standards and Guidelines. Prior to any work , the VA shall submit plans and specifications to the THC to ensure that the Secretary's Standards are being adhered to.
4. No demolition of either of the two buildings shall occur without prior written approval of the THC.

F. Resolution of Objection

1. Should the SHPO object within 15 days to any plans, specifications, or recommendations provided pursuant to this Agreement, TDVA and VA shall consult with the SHPO to resolve the objection. If TDVA, VA or SHPO determines that the objection cannot be resolved, the VA shall request the further comments of the Council pursuant to 36 CFR 800.6(b).

Execution of this Memorandum of Agreement and carrying out its terms evidences that the VA has afforded the Council a reasonable opportunity to comment on construction of the Middle Tennessee Veterans Cemetery and its effects on historic properties.

VETERANS ADMINISTRATION

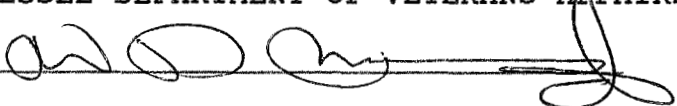
BY:  Date: 12/6/91

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

BY: Herbert L. Hoyer, Deputy Date: 11/5/91

Concur:

TENNESSEE DEPARTMENT OF VETERANS AFFAIRS

BY:  Date: 11/13/91

Accept:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: John W. Fowler Date: 4/15/92