

Advisory Council On Historic Preservation

1522 K Street, NW
Washington, DC 20005

MEMORANDUM OF UNDERSTANDING

WHEREAS, a Panel of the Advisory Council on Historic Preservation (Council) met pursuant to Section 106 of the National Historic Preservation Act and the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), on July 14 and 15, 1980, to consider a series of undertakings proposed by the Veterans Administration (VA) at Mountain Home VA Medical Center, Johnson City, Tennessee; and,

WHEREAS, the comments of the Panel were transmitted to the Veterans Administration by the Chairman of the Council on July 24, 1980; and,

WHEREAS, the Administrator of the Veterans Administration notified the Chairman of the Council on August 1, 1980, that the VA would follow the comments of the Panel with the exception of the Panel's recommendation that Building 119, the proposed laboratory for the Medical College of East Tennessee State University, be re-sited; and,

WHEREAS, the Chairman of the Council decided not to bring this matter before the full Council for consideration; and,

WHEREAS, the Administrator of the VA requested that an interagency agreement between the Council and the VA be developed to set forth the actions necessary to carry out the remaining recommendations of the Panel;

NOW, THEREFORE, it is mutually agreed that the VA, in accordance with the recommendations of the Panel, will undertake the following actions.

Stipulations

1. The VA, in accordance with Section 800.11 of the Council's regulations, will jointly develop with the staff of the Council counterpart regulations for compliance with Section 106 of the National Historic Preservation Act and Section 2(b) of Executive Order 11593.
 - A. At a minimum, the counterpart regulations will include provisions for the following.
 - (1) An ongoing and systematic process for the identification of historic, architectural, cultural, and archeological properties affected by VA undertakings and the nomination of these properties for inclusion in the National Register of Historic Places managed or controlled by the VA.

- (2) The formulation of comprehensive conservation and development plans consistent with the outline provided below in Stipulation 2 for all historic districts included in or eligible for inclusion in the National Register managed or controlled by the VA.
 - (3) Adherence to the Secretary of the Interior's "Standards for Rehabilitation" for all work, to include maintenance, carried out on properties included in or eligible for inclusion in the National Register managed or controlled by the VA.
 - (4) Adequate funding for concurrent and proportional mitigation of adverse effects to properties included in or eligible for inclusion in the National Register resulting from VA or VA assisted undertakings.
- B. By adherence to the following schedule, the VA should issue its counterpart regulations within one year of the Panel's meeting.
- (1) Following discussions with the Council staff, the VA should complete the first draft of its counterpart regulations and submit by no later than January 1, 1981, a formal draft to the Council staff for review.
 - (2) The VA will report to the Council at the scheduled February 1981 meeting of the Council on the progress that has been made on the development of the counterpart regulations.
 - (3) No later than May 1, 1981, the VA should publish the proposed counterpart regulations in the Federal Register.
 - (4) No later than August 1, 1981, the VA should be able to publish the final counterpart regulations in the Federal Register and plan to make a presentation of the final counterpart regulations to the Council at the scheduled August 1981 quarterly meeting of the Council.
2. The VA, in consultation with the Tennessee SHPO and the Council, will undertake a conservation and development plan for Mountain Home Medical Center. The plan will be undertaken in accordance with the following schedule.
- A. Within a period not to exceed 60 days from the ratification of this Memorandum, the VA will, in consultation with the Tennessee SHPO and the Council, develop a survey form to be used in establishing the functional and historical/architectural value of the Historic Complex and each structure within it. Concurrently, the VA will develop guidelines for assessing each structure's functional value (i.e., the assessment of the structure's physical condition in relation to its role in the mission of the Mountain Home Center). The form and guidelines will be submitted to the Tennessee SHPO and the Council for a period of 45 days for review and

comment. If no comments are received within 45 days, the VA may assume concurrence with the survey form and guidelines.

- B. After development of the survey form and the guidelines and within a period not to exceed 180 days from the date comments are received in accordance with Stipulation 2A above, the VA will complete, in consultation with the Tennessee SHPO, a survey of the historical, architectural, and archeological qualities of the Historic Complex and a structure-by-structure evaluation of the buildings within Mountain Home.
- C. The archeological survey of the Historic Complex will be done in accordance with 36 CFR Part 66, Appendix B, "Guidelines for the Location and Identification of Historic Properties Containing Scientific, Prehistoric, Historical, or Archeological Data" and Appendix C, "Professional Qualifications." In the event archeological resources are found that meet the National Register Criteria (36 CFR Section 60.6) a data recovery program for these resources will be developed and implemented in accordance with the Council's "Guidelines for Making 'Adverse Effect' and 'No Adverse Effect' Determinations for Archeological Resources in Accordance with 36 CFR Part 800."
- D. Each structure and historical/architectural element of the Historic Complex identified in accordance with Stipulation 2B above will be assigned to one of the following categories:
 - (1) continued maintenance,
 - (2) immediate rehabilitation to the Secretary of the Interior's Standards,
 - (3) programmed future rehabilitation for original use to the Secretary's Standards and interim stabilization,
 - (4) programmed future rehabilitation for adaptive use to the Secretary's Standards and interim stabilization,
 - (5) potential future rehabilitation and interim stabilization,
 - (6) documentation to the standards of the National Architectural and Engineering Record (NAER) and subsequent demolition.
- E. The results of the evaluation above will be provided to the Tennessee SHPO and the Council for a period of 45 days for review and comment. If no comments are received within 45 days, the VA may assume concurrence with the results of the evaluations.
- F. Upon receipt of the comments, the VA will develop an implementation schedule, cyclical maintenance procedures, and standards and guidelines for new construction within the Historic Complex. This will be developed within a reasonable length of time not to exceed 180 days from the receipt of comments on the evaluation.

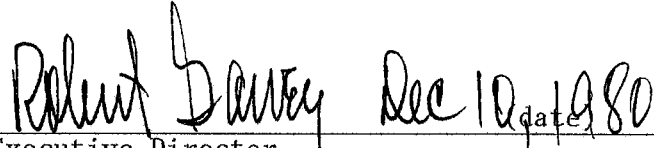
- G. (1) The implementation schedule will take into account all reviews, evaluations, and documentation necessary to satisfy the VA's responsibilities under the National Historic Preservation Act of 1966, Executive Order 11593, and the Council's regulations.
 - G. (2) The cyclical maintenance procedures, standards, and guidelines for new construction will be developed in consultation with the Tennessee SHPO and the Council. Those procedures, standards, and guidelines will take into account preservation of the original buildings and design fabric of the Historic Complex.
 - H. Upon completion of the conservation and development plan, which will be composed of the survey of the Historic Complex and structure evaluation; archeological survey and, if applicable, recovery plan; implementation schedule; cyclical maintenance procedures; and standards and guidelines for new construction, the VA will submit the plan to the Tennessee SHPO and the Council for review and approval. When the compliance process is completed, the VA will adopt the plan.
 - I. Following completion of Stipulation 2G, all actions at Mountain Home Medical Center conducted in accordance with the adopted plan will be considered to have no adverse effect on the Historic Complex for the purpose of compliance with Section 106 of the National Historic Preservation Act of 1966 and the Council's regulations. The VA will request the Council's comments in accordance with 36 CFR Part 800 for any alteration of or deviation from the adopted plan.
 - J. On a periodic basis, the VA, in consultation with the Tennessee SHPO, and the Council, will evaluate the adopted plan and, if necessary, seek modifications to the plan through the process provided in 36 CFR Part 800.
- 3. All action regarding the construction of the proposed domicile and the development of proposed parking will be deferred until completion of an approved conservation and development plan for Mountain Home and that until completion of the plan there shall be a moratorium on further maintenance (conservation treatments) affecting the historic fabric of these buildings without securing the comments of the Council and the SHPO.
 - 4. The VA, in consultation with the Tennessee State Historic Preservation Officer (SHPO) and the Council, will examine modifications to the plans for the proposed clinical addition which would prevent the removal of the decorative corner details on the existing buildings and would re-establish previously closed window and door openings. If the VA, the Tennessee SHPO, and the Council agree that modifications are feasible, the VA will make necessary changes in the existing plans and specifications. If the VA, the Tennessee SHPO, and the Council agree that it is infeasible to accomplish these modifications, the VA will


proceed with development of the clinical addition in accordance with existing plans and specifications, after documentation of those details to the standards of the National Architectural and Engineering Record (NAER), Historic American Buildings Survey (HABS).

5. The VA will ensure that the rehabilitation of Buildings 1 and 4 and all other buildings within the complex is carried out in accordance with the Secretary of the Interior's "Standards for Rehabilitation" (Standards). Application of these Standards will be done in consultation with the Tennessee SHPO and the Council.
6. The VA will relocate the emergency generator building (Building 120) outside of the central series of buildings to mitigate adverse aesthetic impact.
7. Prior to the exchange of land parcels with the Johnson City Memorial Hospital, the VA will undertake an archeological survey of the parcel to be transferred to the Hospital. The survey shall be carried out in accordance with 36 CFR Part 66, Appendix B, "Guidelines for the Location and Identification of Historic Properties Containing Scientific, Prehistoric, Historical, or Archeological Data" and Appendix C, "Professional Qualifications." Following completion of the survey, the VA, in consultation with the Tennessee SHPO, will apply the National Register Criteria to any identified sites. In the event archeological resources are found that meet the National Register Criteria, a data recovery program for these resources will be developed and implemented in accordance with the Council's "Guidelines for Making 'Adverse Effect' and 'No Adverse Effect' Determinations for Archeological Resources in Accordance with (36 CFR Part 800)."

These measures will also be carried out on the parcel of land to be received from the Johnson City Memorial Hospital prior to any ground disturbance activities on the site being initiated.

8. Prior to construction of the clinical addition and Building 119, the VA will record the hospital complex buildings and courtyard, Buildings 1 and 4, the landscaped area between Buildings 1 and 4, and vistas to and from Building 34 in order that there will be a permanent record of these present conditions. The VA shall contact the National Architectural and Engineering Record, Historic American Buildings Survey (HABS) which will determine the level of documentation required. Copies of this documentation will be provided to HABS and the Tennessee SHPO. The Council must receive evidence of HABS acceptance of this documentation prior to commencing construction activities.


Executive Director
Advisory Council on Historic Preservation


Administrator (Acting)
Veterans Administration

3/13/81
(date)