

## 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 Nashville National Cemetery

Nashville, Tennessee

**WHEREAS**, The Department of Veterans Affairs (VA) proposes to undertake a project to remove a portion of the original perimeter wall at the Nashville National Cemetery, 1420 Gallatin Road South, Madison, Tennessee; and

**WHEREAS**, the Nashville National Cemetery has been determined eligible for the National Register of Historic Places; and

**WHEREAS**, VA has determined that the project plans for removal of a portion of the perimeter wall may have an effect on the Nashville 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 some of the effects are adverse, but unavoidable in order to avoid safety hazards; and

**WHEREAS**, VA intends to use the provisions of this MOA to address applicable requirements of Section 110(a)(2) of NHPA, 16 U.S.C. 470h-2(b); 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 have prepared the documents necessary to nominate and list the property in the National Register of Historic Places. VA will ensure the property is listed.
2. VA will remove only the wall on the west side of the cemetery which has deteriorated to the point where it presents a safety hazard.
3. VA will install vinyl-clad chain link fencing in the area where the wall is removed, and cap off each end by facing it with stone, as well as use plant materials to screen the property from the neighboring private residences.
4. 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 Nashville 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 Nashville National Cemetery, which is eligible for inclusion on the National Register of Historic Places.

#### DEPARTMENT OF VETERANS AFFAIRS:

Robert B. Holbrook  
Director, Technical Support Service (401B)

7-16-96  
Date

#### TENNESSEE HISTORIC PRESERVATION OFFICE:

Herbert L. Ingers, Deputy  
State Historic Preservation Officer

7/22/96  
Date

#### ACCEPTED: ADVISORY COUNCIL ON HISTORIC PRESERVATION:

By: John M. Ingle

Date: 12/23/96