

## MEMORANDUM OF AGREEMENT

WHEREAS, the Veterans Administration (VA) has determined that the renovation of buildings No. 10 and 90 at the VA Medical Center, Waco, Texas (VAMC) will have an effect upon the VAMC, an historic district determined eligible for inclusion in the the National Register of Historic Places, and has consulted with the Texas State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); [and Section 110(f) of the same Act (16 U.S.C. 470h-2(f))] and

NOW, THEREFORE, the VA, the Texas SHPO, and the Council agree that 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 VA will ensure that the following measures are carried out:

1. The VA will, in consultation with the Texas SHPO and the Council, develop a plan for a research study (study) of steel windows at the VAMC to serve as a guide for future renovation projects which affect steel windows, with the exception of the renovation of Buildings 10 and 90. This study will become part of the Historic Preservation Plan, described in Item 3.

2. The study will include, but not be limited to the following:

A. An analysis of all of the technical and functional requirements of steel windows at the VAMC. The analysis will include a listing of functional requirements, code and industry standards, and unique requirements of the window to accommodate the needs of a psychiatric facility. A matrix type comparison shall be made of the optimum retrofit proposal to that of a replacement window.

B. Data from at least three hospitals with facilities similar to the Waco VAMC and with historic buildings containing steel windows, which will give a comparison of their specifications for steel window rehabilitation to those of the Waco VAMC. An explanation of any discrepancy in the VA specifications as opposed to those of the other facilities shall be incorporated as part of the study.

C. A summary giving the state of repair of the steel windows remaining at the VAMC.

D. Recommendations for the treatment of steel windows in renovation projects which will address historic preservation concerns as well as meet the medical/environmental needs of the VAMC.

E. A comprehensive survey of companies that deal with the rehabilitation of steel windows to determine those companies which have the ability to conduct the rehabilitation of steel windows as recommended in Item 2D. Major limiting factors include cost and the size of the project. The survey is restricted to the identification of firms and the solicitation of technical proposals from the firms. It is to be understood that the VA will not become obligated as a result of the solicitation.

F. SCHEDULE: The research study will be developed in consultation with the Texas SHPO and the Council in the following order:

1. Within 30 days of the ratification of this Agreement, the VA will provide concurrently for review a draft scope of work for the study to the Council and the Texas SHPO. The Texas SHPO and the Council will provide the VA with comments within 15 days of receipt of the draft study. The VA will take those comments into consideration in developing the final study.

2. Within 4 months of expiration of the review period on the draft scope of work, the VA will concurrently provide a draft study for review to the Council and the Texas SHPO. The Texas SHPO and the Council will provide the VA with comments within 30 days of receipt of the draft study. The VA will take those comments into consideration in developing the final study.

3. Within 1 month of expiration of the comment period on the draft study, or within a time period mutually agreed upon by the VA, the Texas SHPO and the Council, the VA will issue a final research study, with copies to the Council and the Texas SHPO.

3. The VA will, in consultation with the Texas SHPO and the Council, develop and implement a plan for the management of cultural resources (termed an Historic Preservation Plan) for the VAMC Waco. This plan will serve as a pilot project for a nation-wide initiative to complete historic preservation plans for all VAMC facilities, contingent on Congressional funding. Work carried out in accordance with the Plan,

approved in accordance with this Agreement, will require no further review by the SHPO or the Council.

The Plan will include, but not be limited to the following:

A. OVERVIEW: This will include a summary of the historic utilization and development of the VAMC, an analysis of its cultural and architectural evolution; a projection of the types and likely locations of archeological properties that are expected to be found; a summary of past surveys on which these projections are based; and other investigation strategies for the identification and evaluation of historic, architectural and cultural properties.

B. IDENTIFICATION, INVENTORY and EVALUATION: This will include a procedure to be used at the VAMC for determining whether historic, architectural and cultural properties meet the eligibility criteria of the National Register of Historic Places (National Register) which will provide for consultation with the Texas SHPO and, if necessary, the Secretary of the Interior, as set forth in 36 CFR Part 800.4. The procedure should include, but not be limited to the following:

1. Identification and evaluation of all resources located within the VAMC to determine their level of contribution to the district. (In addition to structures of historic, architectural, and cultural significance, the evaluation should include significant interior spaces, landscaping, open spaces and archeological resources.)
2. A process by which the existing boundaries of the historic portion of the VAMC will be re-evaluated based on the findings of the identification process and, if appropriate, resubmitted to the Secretary of the Interior for modification.
3. A process by which previously undiscovered resources that meet the criteria for inclusion in the National Register will be submitted to the Secretary of the Interior for consideration.

Based upon an inventory and evaluation, buildings and structures will be categorized in accordance with treatment recommendations.

C. TREATMENT: Establishment of standards and procedures for the treatment of all identified resources within the VAMC, developed in consultation with the Texas SHPO. These standards and procedures should include, but not be limited to the following:

1. protecting, preserving, and maintaining appropriate resources in place as part of the ongoing management of the VAMC;
2. rehabilitation in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards);
3. stabilization and continued maintenance;
4. documentation to the standards of the Historic American Buildings Survey for those structures which will be substantially altered or demolished;
5. archeological data recovery and provisions for permanent curation of all specimens, field notes, photographs, negatives, and processed data at an appropriately equipped institution that meets the standards set forth in Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (48 FR 44716 et. seq.) and that makes this data available to other parties for research or other appropriate purposes;
6. a process for selecting an appropriate alternative to undertakings that would have an adverse effect on resources which would include consultation with the Texas SHPO and, if necessary, the Council. Alternatives considered under this process should include the lease or sale of properties to organizations or individuals that would agree to rehabilitate and maintain properties in accordance with the standards established in the Plan; and,
7. a procedure to be followed, if, after meeting all the responsibilities for identification of properties, the VAMC finds, or is notified after an undertaking has begun, that the undertaking will affect a previously unidentified National Register eligible property. This procedure may require consultation with the Secretary of the Interior and compliance with Section 800.11 of the Council's regulations.

D. SCHEDULE: The Plan will be developed in consultation with the Texas SHPO and the Council in the following order:

1. Within 60 days of the ratification of this Agreement, the VA will provide concurrently for review a draft scope of work for the Plan to the Council and the Texas SHPO. The Texas SHPO and the Council will provide the VA with comments within 30 days of receipt of the draft scope of work. The VA will take those comments

into consideration in developing the final scope of work.

2. Within 6 months of expiration of the review period on the draft scope of work, the VAMC will concurrently provide a draft Plan for review to the Council and the Texas SHPO. The Texas SHPO and the Council will provide the VA with comments within 30 days of receipt of the draft plan. The VA will take those comments into consideration in developing the final Plan.

3. Within 2 months of expiration of the comment period on the draft plan, or within a time period mutually agreed upon by the VAMC, the Texas SHPO and the Council, the VA will issue a final Plan, with copies to the Council and the Texas SHPO.

4. Should the VA desire to modify the Plan, the Council and the Texas SHPO will be afforded 30 days in which to review and comment upon proposed modifications.

5. The VA will consult with the SHPO and the Council in an effort to resolve any objections or respond to any comments received on the scope of work or the Plan.

6. Within 30 days of issuance of the final Plan, the VA will initiate implementation of the Plan at the VAMC.

E. PLAN STANDARDS: The VA will ensure that the Plan is consistent with and responsive to the values of the VAMC, those other properties identified as eligible for the National Register, and pertinent sections of the following guidelines and standards.

\*The Archeological Survey: Methods and Uses (DOI, 1978; GPO Stock No. 024-016-00091-9).

\*Preservation Planning in Context (ACHP).

\*Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines, 48 FR 44716 et seq., September 29, 1983.

\*The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983).

\*The standards of the Historic American Buildings Survey (HABS) for recording architectural, historical, and engineering properties, as determined in consultation with HABS, National Park Service, Department of the Interior.

4. Prior to completion and implementation of the Plan, all projects that may affect the VAMC, or other properties

identified in Stipulation II, will be handled in accordance with Council regulations, with the following exceptions. These undertakings will have no effect on the properties and will require no review by the SHPO or the Council.

- a. All maintenance work on elements that are not visible or that do not contribute to the historic or architectural significance of the resource.
- b. Replacement in-kind, i.e. matching the configuration, material, size, detail, color, and construction of the historic fabric or landscaping.
- c. Refinishing in-kind, e.g. painting surfaces with the same materials and same color.
- d. Energy conservation measures that are not visible or that do not alter or detract from those qualities that make the resource eligible for the National Register, i.e.,

- \*modification to the HV & A/C control systems, conversions to alternative fuel;

- \*insulation in roofs, crawl spaces, ceiling, attics, walls, floors, and around pipes and ducts. (This exclusion does not include the installation of urea formaldehyde or other materials that induce or introduce moisture into a building);

- \*the installation of storm doors or windows; or insulated double or triple glazing, which match the size, color, profile and other distinguishing characteristics of the historic door or window, and which meet the Standards;

- \*interior modifications when the significance of the building does not include the interior space;

- \*caulking and weather stripping, provided that the color of the caulking is consistent with the appearance of the building; and,

- \*replacement or modification of the lighting systems when the modifications do not alter or detract from the significance of the resource.

5. Rehabilitation work that is carried out in accordance with the Standards will have no adverse effect and will require no review by the Council. Plans and specifications for all rehabilitation work will be submitted to the Texas SHPO for review and comment as early as possible.

6. Rehabilitation work that cannot meet the Standards, and new construction activities at the VAMC that will affect resources, will be submitted to the Texas SHPO and the Council in accordance with Section 800.4 of the Council's regulations.

7. All demolition work within the VAMC will be submitted to the Texas SHPO and the Council in accordance with Section 800.4 of the Council's regulations.

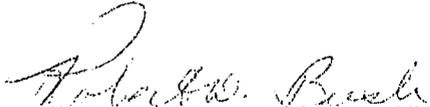
8. Prior to any alteration or demolition of any identified resources, those properties will be recorded so that there is a permanent record of their history and appearance. The VAMC will first contact HABS which will determine what documentation is required. All documentation must be accepted by HABS, and the Texas SHPO and Council notified of its acceptance, prior to the alteration or demolition. Copies of this documentation will be provided to the Texas SHPO.

9. Copies of reports, plans, or other products generated under this agreement and in the implementation of the Plan will be provided to the Texas SHPO for review and comment. The Texas SHPO will also be provided with copies of all site survey forms, photographs, USGS topographic maps indicating areas actually surveyed and precise locational information of all recorded resources and any other relevant maps or documents.

10. Copies of any final technical reports will be furnished to the Texas SHPO. Locational information for archeological resources may be withheld from final technical reports that are likely to be available to the public where release of such information might increase vandalism or misuse of a cultural property.

11. This Agreement will be reviewed by the consulting parties 12 months from its ratification date to determine if any of the terms of the Agreement cannot be met or if a change is necessary. If any of the signatories to this Agreement determines that its terms cannot be met, that signatory will immediately request the consulting parties to consider an amendment or addendum to the Agreement. Such an amendment or addendum will be executed in the same manner as the original Agreement.

Execution of this Agreement evidences that the VA has afforded the Council an opportunity to comment on the continued operation, maintenance and development of the VAMC and the effects of these activities on that property, which is eligible for inclusion in the National Register.

  
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Advisory Council on Historic Preservation

1/17/89  
(Date)

*[Handwritten Signature]*

DEC 19 1988

Director, Office of Facilities (08)  
VETERANS ADMINISTRATION

(Date)

*[Handwritten Signature]*

16 Aug. 1988

Texas State Historic Preservation  
Officer

(Date)

*[Handwritten Signature]*

12/5/88

Deputy Chief Medical Director (10A)  
VETERANS ADMINISTRATION

(Date)