

Memorandum of Agreement

Among
The UNITED STATES DEPARTMENT OF VETERANS AFFAIRS STATE HOME
CONSTRUCTION GRANT PROGRAM
and
The WISCONSIN DEPARTMENT OF VETERANS AFFAIRS
and
The WISCONSIN STATE HISTORIC PRESERVATION OFFICER
Regarding
The CONSTRUCTION OF A NEW 192-BED SKILLED NURSING FACILITY
At
The WISCONSIN VETERANS HOME AT KING
WAUPACA COUNTY, WISCONSIN

WHEREAS, the U.S. Department of Veterans Affairs State Home Construction Grant Program (VA) plans to provide a State Home Construction Grant (55-069) to assist in the financing for a 192-bed nursing facility at the Wisconsin Veterans Home in King, WI, to be constructed by the Wisconsin Department of Veterans Affairs (WIVA); and

WHEREAS, the project is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and the Advisory Council on Historic Preservation's (ACHP) implementing regulations, 36 CFR § 800; and

WHEREAS, VA has consulted with the Wisconsin State Historic Preservation Officer (SHPO); and

WHEREAS, VA has notified the Ho Chunk Nation, the Red Cliff Band of Lake Superior Chippewa Indians, the Bad River Band of Lake Superior Chippewa Indians, the Forest County Potawatomi, the Menominee Tribe, the Sokaogon Chippewa Community, the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Fort Belknap Indian Community of Montana, and the Miami Tribe of Oklahoma of the undertaking and invited them to consult; and

WHEREAS, VA has consulted with WIVA, the sponsor of the undertaking, and invited WIVA to be a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, the public has been provided an opportunity to express their views and comment on the undertaking's effects through public information notices; and

WHEREAS, VA, in consultation with the SHPO, has determined the proposed undertaking's area of potential effects (APE) to be a portion of the Wisconsin Veterans Home campus (Attachment 1); and

WHEREAS, Archaeological Investigations and Architecture/History Investigations have been completed by University of Wisconsin-Milwaukee Cultural Resource Management Services; and

WHEREAS, VA, in consultation with the SHPO, has identified historic properties within the APE that may be affected by the undertaking, including Ove Hall (NRIS #85001365, AHI #16887) and the Wisconsin Home Village and Burial Site (ASI #WP-0021, Burial Site #BWP-0172); and

WHEREAS, VA, in consultation with the SHPO, has found that the undertaking will have an adverse effect on the above historic properties; and

WHEREAS, VA has notified the ACHP of its adverse effect finding, and the ACHP has chosen not to participate in the consultation;

NOW, THEREFORE, VA, the SHPO and WIVA 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

VA and WIVA shall ensure that the following stipulations are carried out:

I. DOCUMENTATION AND PUBLIC INTERPRETATION

- a. WIVA will photograph the exterior facades and interior spaces, including details of any significant stylistic elements, of Ove Hall (Old Hospital), a property listed on the National Register of Historic Places. Photo documentation shall be completed prior to commencement of any salvage, hazardous waste remediation, or demolition of the property. Photo documentation shall meet the standards outlined in the National Park Service's Photo Policy Factsheet (Attachment 2). All images shall be keyed to a floor-plan map of the property. One printed copy of the keyed, floor-plan map, along with one set of images, printed in "contact sheet" (i.e. thumbnail) format, shall be submitted to the SHPO. One CD containing the digital images shall be submitted to the SHPO.
- b. WIVA will develop and construct a photographic and narrative display of the history of the King facility with focus on the Ove Hall property. This display shall be installed in a public space at the new housing facility or the new administrative facility location. The display shall be accessible to the public.
- c. If deemed feasible after review by a qualified architect or engineer, WIVA will ensure that architectural fragments be salvaged from Ove Hall and incorporated into the design or landscape of the new housing facility or the new administrative facility.
- d. Archeological research, survey and monitoring is to take place to address the potential loss of archeological site WP-0021. If significant site materials are encountered during demolition and construction, a data recovery plan will be drafted in consultation with appropriate parties to prescribe excavation of artifacts and features. Further, if human remains are encountered, relevant provisions of the State's Burial Sites Preservation law, at Wisconsin Statute § 157.70, will be followed as necessary.

II. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, VA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V. below.

III. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, US DVA and/or Wisconsin DVA shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the efforts to carry out the terms of this MOA.

IV. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, VA shall consult with such party to resolve the objection. If VA determines that such objection cannot be resolved, VA will:

- a. Forward all documentation relevant to the dispute, including VA's proposed resolution, to the ACHP. The ACHP shall provide VA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, VA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. VA will then proceed according to its final decision.
- b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day period, VA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, VA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them and the ACHP with a copy of this written response.
- c. VA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

V. AMENDMENT

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VI. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days (or another time period agreed to by all

signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, VA must either (a) execute a MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. VA shall notify the signatories as to the course of action it will pursue.

VIII. ANTI-DEFICIENCY ACT


This agreement is subject to the Anti-Deficiency Act (31 US Code § 1341). VA's responsibilities under this agreement are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, it will defer its final decision(s) on implementing the undertaking until it has re-initiated consultation and complied with 36 CFR §§ 800.4 through 800.7, as applicable.

IX. EFFECT OF MOA

Execution of this MOA by VA, SHPO and WIVA, and implementation of its terms, evidences that VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

U.S. DEPARTMENT OF VETERANS AFFAIRS STATE HOME CONSTRUCTION GRANT
PROGRAM

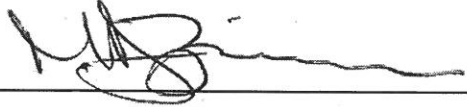
BY:  _____ Date: 10/25/18
Anna Gaug, Director

WISCONSIN STATE HISTORIC PRESERVATION OFFICER

BY:  _____ Date: 10/19/18
Jim Draeger, State Historic Preservation Officer

INVITED SIGNATORY:

WISCONSIN DEPARTMENT OF VETERANS AFFAIRS

BY:  _____ Date: 10/16/2018
Daniel J. Zimmerman, Secretary

Attachment 1: Area of Potential Effect



Attachment 2: Standards for Digital Photographs

National Register Photo Policy Factsheet (updated 5/15/2013)

Selecting a Digital Camera

BEST: Six megapixel or greater digital SLR camera

Acceptable: Two – five megapixel point-and-shoot digital camera

Not acceptable: Camera phones, disposable or single-use digital cameras, digital cameras with fewer than two megapixels of resolution

Taking the Picture

Image file format (Set the camera for highest image quality).

BEST: Tag Image File format (TIFF) or RAW format images. This allows for the best image resolution.

Acceptable: JPEGs converted to TIFFs, *by a computer conversion process*, are acceptable; however, JPEGs must not be altered in any way prior to conversion, (other than renaming them).

Do not use the JPEG setting on the camera, if a higher quality setting is available.

RGB color digital TIFFs are preferred.

Digital Camera Resolution (Set the camera to the maximum or largest pixel dimension the camera allows).

BEST: Six megapixels or greater (2000 x 3000 pixel image)

Acceptable: Minimum two megapixels (1200 x 1600 pixel image)

Renaming the digital TIFF image

All digital image files must be renamed using a standard naming format.

The TIFF file name must include:

State_county_property name (or district name)_0001

(Use zeros in image numbers to create 4 digit number, e.g. 0002, 0003, etc.)

Example for individual properties:

AL_Jefferson County_Elizabeth Brown House_0001

Example for district labels:

AL_Jefferson County_Birmingham Commercial Historic District_0125

Example for nominations within MPS:

AL_Jefferson County_NorwoodMPS_EBrownHouse_0001

Burning the Images onto an Archival Disk

A CD or DVD containing all TIFF images must accompany the photos.

Reminder: JPEGs converted to TIFFs, *by a computer conversion process*, are acceptable; however, JPEGs must not be altered in any way prior to conversion, (other than renaming them). *When image is open on your computer, right click and you will see the image properties (Dimensions, dpi, etc.).*

Best: CD-R Archival Gold or DVD-R Archival Gold disk

Acceptable: CD-R, DVD-R, or any disk obtained from a commercial photo processor.

Not acceptable: CD-RW or DVD-RW (if packaging says "rewriteable" do not use).

Labeling the Disk

Best: Labels printed directly on the disk by laser printer (non-adhesive).

Acceptable: Hand-written labels using CD/DVD safe markers OR other markers (Sharpies)

Not Acceptable: Ammonia/solvent-based markers or adhesive stickers



Printing the Images

Print photos at 300 dpi (select this option in your computer's print menu).

Selecting the Paper and Inks

We recommend using all materials from one manufacturer (if you have an HP Photo printer, use HP paper and HP inks, likewise if you have an Epson photo printer, then use Epson photo paper and Epson ink.

Paper specifically designed for photograph printing

Inks specifically designed for photograph printing

Acceptable: Commercially printed color prints are acceptable (if accompanied by a disk containing the image files produced at the time the prints were made).

Not acceptable: Regular copy/printer papers or the disk only, without prints

Identifying Photographic Prints

Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Best: Write the label information within the white margin **on the front** of the photograph using an archival photo labeling pen. Label information can also be generated by computer and printed directly in the white margin (no adhesive labels).

Acceptable: If information is placed on the back of the photograph, write the information using a soft lead pencil or archival photo-labeling pen.

Do not print information on the actual image – use only the photo margin or back of the photograph for labeling.

At a minimum, photographic labels must include the following information:
Photograph number, Name of the Property, County, and State.

Labeling the photographs

Acceptable Examples:

AL_Jefferson County_Birmingham Commercial Historic District_0001

OR

Photograph 1 of 25: AL_Jefferson County_Birmingham Commercial Historic District_0001

OR

Birmingham Commercial Historic District, Jefferson County, AL
1 of 25

OR

Birmingham Commercial Historic District
Jefferson Co., AL
Photo 1 of 25

NR Nomination Photograph Log Page

Examples of acceptable photo pages

Name of Property:	Belcher-Nixon Building
City or Vicinity:	Ensley (Birmingham)
County:	Jefferson County
State:	AL
Name of Photographer:	David B. Schneider
Date of Photographs:	August 2008
Location of Original Digital Files:	411 E. 6th St., Anniston, AL 36207

Photo #1 (AL_JeffersonCounty_BelcherNixonBld_0001)
South façade (left) and east elevation (right), camera facing northwest.

OR

Name of Property:	Belcher-Nixon Building
City or Vicinity:	Ensley (Birmingham)
County:	Jefferson County
State:	AL
Name of Photographer:	David B. Schneider
Date of Photographs:	August 2008
Location of Original Digital Files:	411 E. 6th St., Anniston, AL 36207
Number of Photographs:	10

Photo #1
South façade (left) and east elevation (right), camera facing northwest.

OR

Name of Property:	Belcher-Nixon Building
City or Vicinity:	Ensley (Birmingham)
County:	Jefferson County
State:	AL
Name of Photographer:	David B. Schneider
Date of Photographs:	August 2008
Location of Original Digital Files:	411 E. 6th St., Anniston, AL 36207

AL_JeffersonCounty_BelcherNixonBld_0001
South façade (left) and east elevation (right), camera facing northwest.

Labeling the Disk & Naming the Files

Follow the same disk labeling and renaming the digital file processes as outlined under the digital photography policy guidelines.

If you use a commercial photo printer and receive a disk of image files to submit with your nomination, you will not be required to rename the files. That disk may be submitted as received from your photo processor.

Guidelines for Photographic Coverage

Photographs submitted to the National Register of Historic Places and the National Historic Landmarks Survey as official documentation should be clear, well-composed, and provide an accurate visual representation of the property and its significant features. They must illustrate the qualities discussed in the description and statement of significance. Photographs should show historically significant features and also any alterations that have affected the property's historic integrity.

The necessary number of photographic views depends on the size and complexity of the property. **Submit as many photographs as needed to depict the current condition and significant features of the property.** A few photographs may be sufficient to document a single building or object. Larger, more complex properties and historic districts will require a number of photos. Prints of historic photographs may supplement documentation and be particularly useful in illustrating changes that have occurred over time.

Buildings, structures, and objects:

Submit photographs showing the principal facades and the setting in which the property is located.

Additions, alterations, intrusions, and dependencies should appear in the photographs.

Include views of interiors, outbuildings, landscaping, or unusual features if they contribute to the significance of the property.