

**MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS
CENTRAL ARKANSAS VETERANS HEALTHCARE SYSTEM
AND
THE ARKANSAS STATE HISTORIC PRESERVATION OFFICER
REGARDING
DEMOLITION OF BUILDINGS 75, 158, 162, AND 176
AT THE EUGENE J. TOWBIN HEALTHCARE CENTER
NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS**

WHEREAS, the U.S. Department of Veterans Affairs (VA) Central Arkansas Veterans Healthcare System has identified four buildings (75, 158, 162 and 176) at its Eugene J. Towbin Healthcare Center, 2200 Fort Roots Drive, North Little Rock, Pulaski County, Arkansas, that do not support current or future operations and pose potential health and safety concerns due to the presence of lead, asbestos, and other hazardous materials and reasonable or feasible alternatives to demolition of these buildings have been investigated; and

WHEREAS, Central Arkansas Veterans Healthcare System has determined that the proposed demolition of the four buildings is a federal action that meets the definition on an undertaking, per 36 CFR § 800.16(y), and is the type of activity that has the potential to cause effects on historic properties, and therefore subject to Section 106 of the National Historic Preservation Act (NHPA) (54 USC § 306108) and its implementing regulations (36 CFR Part 800 – Protection of Historic Properties); and

WHEREAS, Central Arkansas Veterans Healthcare System has consulted with the Arkansas State Historic Preservation Officer (AR SHPO); and

WHEREAS, the Arkansas State Historic Preservation Program is a group appointed to oversee and represent the public's interest in historic resources in Arkansas including North Little Rock; and

WHEREAS, Central Arkansas Veterans Healthcare System provided the public with information about the undertaking and its effects on historic properties and sought public comment and input, consistent with 36 CFR § 800.2(d), by inviting the Arkansas State Historic Preservation Program to participate in consultation; and

WHEREAS, in accordance with 36 CFR § 800.3(f), Central Arkansas Veterans Healthcare System has invited the following to be consulting parties: Muscogee (Creek) Nation, Alabama-Quassarte Tribal Town, Apache Tribe of Oklahoma, Choctaw Nation of Louisiana, Coushatta Tribe of Louisiana, Mississippi Band of Choctaw Indians, Osage Nation, Quapaw Tribe of Indians, North Little Rock Historic District Commission, Pulaski County, and Preserve Arkansas, and none of the parties expressed interest in participating in the consultation; and

WHEREAS, Central Arkansas Veterans Healthcare System, in consultation with the AR SHPO, has determined the undertaking's area of potential effect (APE) as the perimeter around the four buildings due to their physical isolation (Attachment A); and

WHEREAS, Central Arkansas Veterans Healthcare System has identified the North Little Rock Veterans Administration Hospital Historic District, listed in the National Register of Historic Places (NRHP) in 2013, as a historic property encompassing the APE that may be affected by the undertaking; and

WHEREAS, Central Arkansas Veterans Healthcare System has found that the undertaking will have an adverse effect on the historic property as Buildings 75 and 158 are contributing resources to the historic district: Building 75 was constructed in 1940 as the swine pavilion and Building 158 was constructed in 1948 as the blacksmith shop; Buildings 162 and 176 are non-contributing resources to the historic district (Attachment B); and

WHEREAS, in accordance with 36 CFR § 800.6 (a)(1), Central Arkansas Veterans Healthcare System has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, Central Arkansas Veterans Healthcare System and the AR SHPO agree that the adverse effect will be resolved through execution of this Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(b)(1)(iv), and 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

Central Arkansas Veterans Healthcare System shall ensure that the following measures are carried out:

I. DOCUMENTATION

- a. Prior to demolition of Buildings 75 and 158, Central Arkansas Veterans Healthcare System will complete Arkansas Architectural Resource Forms for Buildings 75 and 158.
- b. The documentation will conform to the standards presented in the 2016 Arkansas Historic Preservation Program (AHPP) Survey Procedures Manual.
- c. Existing photo documentation is deemed sufficient for the purposes on this MOA.
- d. The forms and photographs will be formatted as required by the AHPP Survey Manual and submitted to the AHPP upon completion.

II. EXHIBIT SPACE

- a. Within three (3) years following the demolition of Buildings 75, 158, 162, and 176, Central Arkansas Veterans Healthcare System shall dedicate a display case to a permanent exhibit interpreting the history of Buildings 75, 158, 162, and 176.
- b. The design and draft content of the proposed exhibit case will be provided to the AR SHPO for review and comment. The AR SHPO will provide any comments in writing on the proposed exhibit materials within 30 days of receipt.
- c. Central Arkansas Veterans Healthcare System shall place the exhibit case in a public location within the station.

III. POST-REVIEW DISCOVERIES

If historic properties are discovered or unanticipated effects on historic properties occur during execution of the undertaking, Central Arkansas Veterans Healthcare System will notify the AR SHPO and make efforts to avoid, minimize or mitigate adverse effects to such resources. The Central Arkansas Veterans Healthcare System and AR SHPO shall be guided by steps established in 36 CFR § 800.13 (b).

IV. DURATION

This MOA will expire if its terms are not carried out within seven (7) years from the date of its execution. Prior to such time, Central Arkansas Veterans Healthcare System may consult with the AR SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

V. DISPUTE RESOLUTION

Should either signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, Central Arkansas Veterans Healthcare System shall consult with the AR SHPO to resolve the objection. If Central Arkansas Veterans Healthcare System determines that such objection cannot be resolved, it will:

- a. Forward all documentation relevant to the dispute, including the Central Arkansas Veterans Healthcare System's proposed resolution, to the ACHP. The ACHP shall provide Central Arkansas Veterans Healthcare System 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, Central Arkansas Veterans Healthcare System shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and AR SHPO, and provide them with a copy of this written response. The Central Arkansas Veterans Healthcare System 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, Central Arkansas Veterans Healthcare System may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Central Arkansas Veterans Healthcare System shall prepare a written response that takes into account any timely comments regarding the dispute from the AR SHPO and provide it and the ACHP with a copy of such written response.
- c. Central Arkansas Veterans Healthcare System'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.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by both signatories. This MOA can and may be amended to facilitate subsequent adverse effects to the North Little Rock Veterans Administration Hospital Historic District should they occur. The amendment will be effective on the date a copy signed by both signatories is filed with the ACHP.

VII. TERMINATION

- a. If either signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatory to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another period agreed to by both signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.
- b. Once the MOA is terminated, and prior to work continuing on the undertaking, Central Arkansas Veterans Healthcare System must either (a) execute an 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. Central Arkansas Veterans Healthcare System shall notify the AR SHPO as to the course of action it will pursue.

VIII. ANTI-DEFICIENCY ACT

Central Arkansas Veterans Healthcare System's obligations under this MOA are subject to the availability of funds and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act (31 USC § 1341). Central Arkansas Veterans Healthcare System will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs its ability to implement the stipulations of this MOA, Central Arkansas Veterans Healthcare System will consult with the AR SHPO in accordance with the amendment and termination procedures in Stipulations VI and VII.

Execution of this MOA by Central Arkansas Veterans Healthcare System and the AR SHPO and implementation of its terms evidence that Central Arkansas Veterans Healthcare System has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

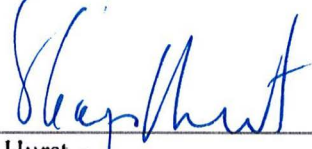
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SIGNATORIES:

U.S. Department of Veterans Affairs Central Arkansas Veterans Healthcare System

 Date 6/19/2019
Margie A. Scott, MD
Medical Center Director

Arkansas State Historic Preservation Office

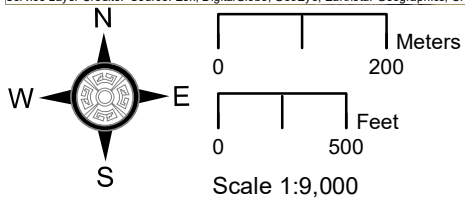
 Date 6-26-19
Stacy Hurst
Arkansas State Historic Preservation Officer

Attachments

A: Area of Potential Effect
B: Photos of Buildings



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



- Historic District Boundary
- Selected Built Resource
- APE

**Central Arkansas
Veterans Healthcare System,
North Little Rock, Arkansas**
Medical Campus and
Selected Built Resource
Aerial Overview

R. CHRISTOPHER GOODWIN & ASSOCIATES, INC. 241 EAST FOURTH STREET, SUITE 100 FREDERICK, MARYLAND 21701

Building Photos



Building 75 façade, camera looking east



Building 158 façade, camera looking southwest



Building 162 façade, camera looking northwest



Building 176 façade, camera looking northwest



(From left) Building 162, Building 176, and Building 75 (rear)