

**MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS
MANCHESTER VA MEDICAL CENTER
AND
THE NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER
REGARDING
DISPOSITION OF BUILDINGS 2, 3, 4, 5, 13, AND 14 TO EXPAND VETERAN CARE
AT THE MANCHESTER VA MEDICAL CENTER**

WHEREAS, the U.S. Department of Veterans Affairs (VA) Manchester VA Medical Center (Manchester VAMC) has identified the need to expand Veteran care by constructing Clinical Services and Specialty Care facilities and on-site parking within its existing campus at 718 Smyth Road, Manchester, Hillsborough County, New Hampshire; and

WHEREAS, the Manchester VAMC has six buildings (2, 3, 4, 5, 13, and 14) that do not support current or future operations; and

WHEREAS, the Manchester VAMC has determined that the proposed demolition of the six buildings to create sites for construction of new facilities and additional parking to support expanded Veteran care is a federal action that meets the definition of 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, the Manchester VAMC has consulted with the New Hampshire State Historic Preservation Officer (SHPO); and

WHEREAS, the Manchester VAMC did not identify any Indian tribes with an interest in the area; and

WHEREAS, the Manchester VAMC has invited the following to be consulting parties: the City of Manchester Heritage Commission (MHC), New Hampshire (NH) Preservation Alliance, and Hillsborough County Board of Commissioners; and MHC has been a consulting party; and

WHEREAS, the Manchester VAMC, has 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 presenting the projects at the open meetings of the MHC on May 23 and June 7, 2017, April 24, 2018 and January 26, 2019; and

WHEREAS, the Manchester VAMC, in consultation with the SHPO, has determined the area of potential effects (APE) to be the southern portion of the campus, as shown in Attachment 1; and

WHEREAS, the Manchester VAMC has identified the Manchester VAMC Historic District, determined eligible for listing in the National Register of Historic Places (NRHP) in 2011, and the Smyth Tower, listed in the NRHP in 1978, as historic properties within the APE that may be affected by the undertaking; and

WHEREAS, the Manchester VAMC has found that the undertaking will have an adverse effect on the Manchester VAMC Historic District, as Buildings 2, 3, 4, 5, 13, and 14 are contributing resources to it, and consulted to resolve the adverse effect per 36 CFR § 800.6; and

WHEREAS, the MHC has expressed interest in Building 2 as an uncommon example of Prairie Style domestic architecture in New Hampshire; and the NH Preservation Alliance included Building 2 on its Seven to Save list in 2018 because of its significance and proposed demolition; and

WHEREAS, the Manchester VAMC advertised the availability of Building 2 for reuse via Enhanced Use Lease (EUL) or NHPA Section 111 Historic Property Reuse lease with a Request for Information (RFI) on the Federal Business Opportunity website (FBO) from December 1, 2017, through March 9, 2018, and notified the SHPO and MHC of the posting, and received no expressions of interest; and the Manchester VAMC re-advertised Building 2 on FBO from February 19 to March 19, 2019, and received an expression of interest; and

WHEREAS, the Manchester VAMC evaluated the feasibility of reuse of Building 2 based on the expression of interest to the RFI and determined that lease requirements and duration would not fulfill agency program needs; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the Manchester VAMC 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, the Manchester VAMC and the 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 to account for the effect of the undertaking on historic properties.

STIPULATIONS

The Manchester VAMC shall ensure that the following measures are carried out:

I. HABS DOCUMENTATION

- a. The Manchester VAMC will produce an archival document completed by a qualified architectural historian (36 CFR 61), to Historic American Buildings Survey (HABS) Level III requirements. The report will provide information on the VAMC Historic District; documenting the entire campus while focusing on buildings 2, 3, 4, 5, 13, and 14 and their relationship to the campus as a whole. No more than 35 large format photographs (interior and exterior views as appropriate), site plan, photo index, and photo key will be included in the documentation.
- b. A digital draft HABS document will be submitted to the SHPO for review and comment for a period of 45 days. One draft copy will then be provided by the VAMC to the National Park Service (NPS) for review and comment.

- c. Following NPS comment, one final archival copy (with one set of original photographs) will be submitted to NPS and the SHPO (in archival folder). In addition, a digital PDF copy will be submitted to SHPO.
- d. Upon acceptance of the draft HABS documentation by the SHPO, the demolition can proceed.

II. SITE INTERPRETATION

- a. The Manchester VAMC shall create one interpretive panel pertaining to employees' residential life on campus overseen by a qualified architectural historian (36 CFR 61).
- b. Historical data used in the panel will be based on information contained in the draft Manchester VA Medical Center Historic District National Register Nomination, the United States Third Generation Veterans Hospitals, 1946-1958 Multi-Property Inventory Form, the NH Inventory Form for the Manchester VAMC, materials from the Manchester VAMC archives, and information obtained from interviews with former residents of the Manchester VAMC campus, as possible.
- c. The interpretative panel will be consistent in style and graphic design as used in existing or planned signage on the Manchester VAMC campus.
- d. The Manchester VAMC will submit to the SHPO and MHC the proposed text, graphics and location for the interpretative panel prior to installation.
- e. The SHPO and MHC will have 30 days to comment on the panel.
- f. The Manchester VAMC will consider any comments in finalizing and installing the panel.
- g. The Manchester VAMC will submit photos documenting the completion of the interpretative panel to the SHPO within 30 days of installation.

III. WEB-BASED INTERPRETATION

- a. The Manchester VAMC will create and make publicly available a webpage devoted to the history and significance of the hospital campus. Information contained on this page may include:
 - i. Copies of historical documents that illustrate the history of the station and may include architectural drawing and historic photographs;
 - ii. Virtual tour of Smyth Tower;
 - iii. Information from the draft NRHP nomination.
- b. The Manchester VAMC will submit to the SHPO the proposed text and graphics for the web-based interpretation prior to publishing.
- c. The SHPO will have 30 days to comment on the web content.
- d. The web content will be made available for a minimum of seven years.

IV. LECTURE

- a. The Manchester VAMC will develop an approximately 30-minute lecture on the history and significance of the VA and hospital campus. Lecture materials will include:
 - i. Text; and
 - ii. Illustrations formatted in PowerPoint, which correspond to lecture text.
- b. The Manchester VAMC will schedule, advertise and host a minimum of two lectures with a post-lecture round-table discussion with attendees.

- c. The Manchester VAMC will submit electronic copies of the lecture with illustrations and lecture notifications to the SHPO prior to the events.

V. HISTORIC PRESERVATION MANAGEMENT PLAN

- a. The Manchester VAMC will develop a Historic Properties Management Plan (HPMP) applicable to the resources that contribute to the Manchester VAMC Historic District.
- b. The HPMP will include procedures to guide routine and emergency treatment and maintenance to avoid and minimize adverse effects.
- c. A 75% draft HPMP will be submitted to the SHPO for review and comment before finalization.

VI. POST-REVIEW DISCOVERIES

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

VII. DURATION

This MOA will expire if its terms are not carried out within 7 years from the date of its execution. Prior to such time, the Manchester VAMC may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation IX below.

VIII. 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, the Manchester VAMC shall consult with the SHPO to resolve the objection. If Manchester VAMC determines that such objection cannot be resolved, it will:

- a. Forward all documentation relevant to the dispute, including the Manchester VAMC's proposed resolution, to the ACHP. The ACHP shall provide the Manchester VAMC with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Manchester VAMC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO, and provide them with a copy of this written response. The Manchester VAMC will then proceed according to its final decision.
- b. If the ACHP does not provide its advice regarding the dispute within the 30-day period, the Manchester VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the Manchester VAMC shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and provide it and the ACHP with a copy of such written response.
- c. The Manchester VAMC'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.

IX. AMENDMENTS

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

X. TERMINATION

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 IX, above. If within 30 days (or another time period agreed to by both signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.

Once the MOA is terminated, and prior to work continuing on the undertaking, the Manchester VAMC 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. The Manchester VAMC shall notify the SHPO as to the course of action it will pursue.

XI. ANTI-DEFICIENCY ACT

The Manchester VAMC'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). The Manchester VAMC 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, the Manchester VAMC will consult with the SHPO in accordance with the amendment and termination procedures in Stipulations IX and X.

Execution of this MOA by the Manchester VAMC and SHPO and implementation of its terms evidence that the Manchester VAMC 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:



Alfred A. Montoya, Jr. 7/10/19
DATE
Director, U.S. Department of Veterans Affairs Manchester VA Medical Center



Elizabeth Muzzey 7/11/19
DATE
Director and State Historic Preservation Officer, New Hampshire Division of Historical Resources

Attachment 1: Map of Area of Potential Effects for Disposition of Buildings 2, 3, 4, 5, 13 and 14



**Area of Potential Effect (APE)
Proposed Removal – Buildings 2, 3, 4, 5, 13 and 14
Manchester NH Veterans Affairs Medical Center**



Limits of APE



Approximate Limits of Property