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53 WHEREAS, JCSLVA provided the public with information about the Undertaking and its effects on  
54 historic properties and sought public comment and input, pursuant to 36 CFR § 800.2(d), through National  
55 Environmental Policy Act (NEPA) compliance efforts in 2014 and 2019, and hosted a consultation meeting  
56 with the Consulting Parties on November 1, 2019; and

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58 WHEREAS, JCSLVA, in consultation with the MO SHPO, has determined the Area of Potential Effects  
59 (APE) to include the whole of the JCSLVA campus plus surrounding areas as depicted on the map in  
60 Attachment A, pursuant to 36 CFR § 800.4(a)(1); and

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62 WHEREAS, JCSLVA, in consultation with the MO SHPO, identified the following historic properties  
63 within the APE, pursuant to 36 CFR § 800.4:

- 64 • Midtown Historic District – National Register of Historic Places (NRHP) No. 78003392,
- 65 • St. Louis Theater (Powell Theater) – NRHP No. 01000545,
- 66 • Welfare Finance Building – NRHP No. 16000103,
- 67 • Palladium – determined NRHP eligible in 2013 under Criterion A: *Ethnic Heritage*,
- 68 • 3514 Delmar Boulevard – determined NRHP eligible in 2013 under Criterion C: *Architecture*,
- 69 • 1023 North Grand Boulevard – determined NRHP eligible in 2013 under Criterion C: *Architecture*;
- 70 and

71 WHEREAS, JCSLVA, in consultation with the MO SHPO, determined in 2013 that the JCSLVA campus  
72 lacked the integrity necessary to be NRHP eligible; and

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74 WHEREAS, on March 14, 2018, the City of St. Louis found the Palladium to be unsafe and issued a notice  
75 of condemnation via letter to the property owner; and

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77 WHEREAS, subsurface archaeological sites meeting the criteria for NRHP listing as described in 36 CFR  
78 § 60.4 could be present within the APE; and

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80 WHEREAS, JCSLVA has produced a reconfiguration site lay-out but has not finalized a design and  
81 therefore the full range of effects on historic properties cannot be fully determined at this time; and

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83 WHEREAS, JCSLVA shall use a phased approach to assess the Undertaking's effects on historic properties,  
84 pursuant to 36 CFR § 800.5(a)(3); and

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86 WHEREAS, JCSLVA has determined it appropriate to develop a programmatic agreement (PA) in  
87 accordance with 36 CFR § 800.14(b), including § 800.14(b)(1)(ii), which recognizes that a PA may be used  
88 when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

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90 WHEREAS, pursuant to 36 CFR § 800.6(a)(1)(i)(C), JCSLVA invited the Advisory Council on Historic  
91 Preservation (ACHP) to participate in consultation and the ACHP has chosen to participate pursuant to 36  
92 CFR § 800.6(a)(1)(iii); and

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94 NOW, THEREFORE, JCSLVA, the MO SHPO and the ACHP agree that the Undertaking shall be  
95 implemented in accordance with the following stipulations in order to take into account the effects of the  
96 Undertaking on historic properties.

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98 STIPULATIONS

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100 JCSLVA shall ensure the following measures are carried out:

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I. GENERAL

- a. The Anti-Deficiency Act, 31 USC § 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, any requirement for the obligation of funds arising from the terms of this PA shall be subject to the availability of appropriated funds for that purpose, and this agreement shall not be interpreted to require the obligation of funds in violation of the Anti-Deficiency Act.
- b. All parties shall send and accept official notices, comments, requests for additional information and/or documentation, and all other communications required by this PA via email.
- c. Time designations shall be in calendar days. Failure to comment within specified time designations shall not prevent JCSLVA from proceeding in the process as outlined in this PA.
- d. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z) inclusive shall apply.
- e. JCSLVA shall ensure that federal or contractor staff who meet the applicable Secretary of the Interior's *Professional Qualification Standards* for architectural history, history, archeology, architecture, and historic architecture (36 CFR Part 61) participate as required by this PA.
- f. Annually, within two weeks of the anniversary of the execution of this PA, until it is closed out, expires, or is terminated, JCSLVA shall provide all parties to this PA a summary report detailing work undertaken pursuant to its terms. The report shall include any scheduling changes proposed, any problems encountered, and any disputes or objections received in JCSLVA's efforts to carry out the terms of this PA.

II. PRE-DESIGN REVIEW

- a. Following execution of this PA, JCSLVA shall solicit recommendations from Consulting Parties on measures to avoid and/or minimize adverse effects of reconfiguration concepts on historic properties for at least 30 days. These suggestions may concern setbacks, massing, and lay-out; materials; landscaping, and other design details.
  - i. JCSLVA shall take into account suggestions made by Consulting Parties on reconfiguration concepts in the advancement of design plans.
- b. JCSLVA shall host a charrette to solicit comments from Consulting Parties on the concept alternatives prior to choosing an alternative.
  - i. JCSLVA shall notify Consulting Parties at least 14 days in advance of the proposed presentation.
  - ii. JCSLVA shall host the charrette within the City of St. Louis.
  - iii. The Consulting Parties shall have an opportunity to comment on the proposed concept alternatives at the design charrette. These comments may be provided verbally or in writing at the design charrette meeting, and/or within 7 days after the meeting.
  - iv. VA shall take the comments into consideration to refine the design and proceed with assessment of adverse effects.

III. ARCHITECTURAL REVIEW PROCEDURES

- a. In the Schematic Design 1 ("SD-1") stage, JCSLVA, assisted by a person or persons meeting the *Professional Qualification Standards* in architectural history as described in Stipulation I(e), shall assess adverse effects of the proposed design on historic properties in accordance with 36 CFR § 800.5. The design may be for the overall reconfiguration undertaking, a single component or multiple components. Pursuant to 800.5(a)(3), JCSLVA shall use a phased process in applying the criteria of adverse effect should designs be submitted as separate components.

















**PROGRAMMATIC AGREEMENT  
AMONG THE JOHN COCHRAN DIVISION OF THE U.S. DEPARTMENT OF VETERANS  
AFFAIRS ST. LOUIS HEALTH CARE SYSTEM,  
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,  
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
REGARDING RECONFIGURATION OF THE JOHN COCHRAN DIVISION OF THE U.S.  
DEPARTMENT OF VETERANS AFFAIRS ST. LOUIS HEALTH CARE SYSTEM**

SIGNATORY:

Advisory Council on Historic Preservation



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John M. Fowler  
Executive Director

1/27/2020

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Date



