

MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF VETERANS AFFAIRS,
CHILLICOTHE VETERANS AFFAIRS MEDICAL CENTER,
OHIO STATE HISTORIC PRESERVATION OFFICE,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING DEMOLITION OF BUILDINGS 4, 5 AND 8
AT THE CHILLICOTHE VETERAN AFFAIRS MEDICAL CENTER
IN CHILLICOTHE, ROSS COUNTY, OHIO

WHEREAS, the U.S. Department of Veterans Affairs (VA) Chillicothe VA Medical Center (VAMC) identified Buildings 4 (Re-educational Building), 5 (Disturbed Patients Building) and 8 (Convalescent Cottage), located around Griffith Circle at 17273 State Route 104, Ross County, Chillicothe, Ohio, as campus resources that do not support current or future operations and proposes to demolish them; and

WHEREAS, in accordance with 36 CFR § 800.3(a), Chillicothe VAMC has determined that the proposed demolition of these buildings 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, in accordance with 36 CFR § 800.2(c)(1), Chillicothe VAMC has consulted with the Ohio State Historic Preservation Office (OH SHPO); and

WHEREAS, in accordance with 36 CFR § 800.2(c)(2), Chillicothe VAMC has notified and invited the following federally recognized Indian tribes to be consulting parties: the Eastern Shawnee Tribe of Oklahoma and the Delaware Nation, and neither expressed an interest in participating in the consultation; and

WHEREAS, in accordance with 36 CFR § 800.2(c)(3), Chillicothe VAMC invited the Ross County Commissioners to participate in consultation and they did not express an interest in participating in consultation; and

WHEREAS, in accordance with 36 CFR § 800.2(c)(5), Chillicothe VAMC invited the following organizations to consult on the undertaking's adverse effects: Preservation Ohio, Heritage Ohio, Ross County Historical Society, Historic Chillicothe, Hopewell Culture National Historical Park,

Veterans of Foreign Wars Post 108, Camp Sherman, Inc., Ross County Veterans Council, Veterans in Transition, and Adena Core, and none of these parties expressed an interest in participating in the consultation; and

WHEREAS, in accordance with 36 CFR § 800.2(d), Chillicothe VAMC provided the public with information about the undertaking and its effects on historic properties and sought public comment and input through public announcements, in various forms and venues during 2017 and 2018, describing their availability for lease and the possible need to demolish if an alternative use could not be identified; and

WHEREAS, in accordance with 36 CFR § 800.4(a)(1), Chillicothe VAMC, in consultation with the OH SHPO, has determined the undertaking's area of potential effects (APE) as the perimeter around the three buildings and Griffith Circle (Appendix A), a contributing built landscape feature for the campus; and

WHEREAS, in accordance with 36 CFR § 800.4(b), Chillicothe VAMC, in consultation with the OH SHPO, has identified the Chillicothe VAMC Historic District, listed on the National Register of Historic Places (NRHP) (#12000110), as a historic property encompassing the APE that may be affected by the undertaking; and

WHEREAS, in accordance with 36 CFR § 800.5(a), Chillicothe VAMC, in consultation with the OH SHPO, has found that the undertaking will have an adverse effect on the historic property as Buildings 4, 5 and 8 are contributing resources to it; and

WHEREAS, the *Programmatic Agreement Among the Department of Veterans Affairs, the Advisory Council on Historic Preservation, the Ohio State Historic Preservation Office, Camp Sherman, INC., the Hopewell Culture National Historical Park, VFW Post 108, and the Ross County Veterans Council for Implementation of the Revised 2008 Master Plan for the Veterans Affairs Medical Center, Chillicothe, Ohio* (Master Plan PA) was executed on August 24, 2015 and is scheduled to expire on August 24, 2020 in accordance with its Stipulation XV.g., unless amended to extend its duration; and

WHEREAS, in accordance with Stipulation IV.2. (i.e. Taft and Griffith Circles) of the Master Plan PA, Chillicothe VAMC sought "to secure funding to maintain buildings along Griffith Circle that are not in use" and provided documentation evidencing fulfillment of this stipulation to the OH SHPO on August 16, 2019; and

WHEREAS, Chillicothe VAMC consulted the *Historic Preservation Plan for the VA Medical Center in Chillicothe, Ohio* (HPP), which was finalized in June 2016, and is available online (https://www.chillicothe.va.gov/about/Final_Chillicothe_HP_Plan_Interactive.pdf) to ensure the proposed undertaking follows the guidance in the "Demolition" section of Chapter 5 (page 58); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), Chillicothe VAMC has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, Chillicothe VAMC, the OH SHPO and the ACHP 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.

STIPILATIONS

Chillicothe VAMC shall ensure that the following stipulations are carried out:

I. RECORDATION / DOCUMENTATION

- a. Prior to their demolition, Chillicothe VAMC shall document Buildings 4, 5 and 8 according to Stipulation 1.c of the Master Plan PA and the documentation standards included in Appendix F of that PA.
- b. Prior to demolition of Building 4, 5, and 8, Chillicothe VAMC shall aerially document the built environment within the APE by drone videography.
- c. Chillicothe VAMC shall electronically provide the above documentation to the OH SHPO no less than 60 calendar days prior to the first building's demolition. The OH SHPO will provide any comments in writing on the documentation within 30 calendar days of receipt.
- d. In finalizing the documentation, Chillicothe VAMC shall take into account comments from the OH SHPO submitted in accordance with paragraph c, immediately above, and shall provide a final copy of the documentation to the OH SHPO and VA Federal Preservation Officer prior to proceeding with demolition.
- e. Upon completion of Stipulation I, it is agreed that no additional notifications or submittals to the OH SHPO are needed for modifications or demolition of Buildings 4, 5 and 8.

II. EXHIBIT

- a. Chillicothe VAMC shall create one interpretative wayside exhibit along Griffith Circle based on guidelines detailed by the U.S. Department of the Interior publication for the National Park Service, *Wayside Exhibits: A Guide to Developing Outdoor Interpretive Exhibits* (October 2009), or subsequent revisions or replacement to this document.
- b. Chillicothe VAMC shall provide the design and draft content of the proposed wayside exhibit to the OH SHPO for review and comment. The OH SHPO will provide any comments in writing on the proposed wayside exhibit within 30 calendar days of receipt.

- c. In finalizing the wayside exhibit, Chillicothe VAMC shall take into account comments from the OH SHPO in accordance with paragraph b, immediately above.
- d. Chillicothe VAMC shall install the wayside exhibit within three years following demolition of Buildings 4, 5 and 8; and will notify the signatories once installation is complete.

III. DEMOLITION STANDARDS

- a. Chillicothe VAMC will accomplish demolitions per the Lower-Impact Demolition Standards (LIDS) guidelines in Chapter 5 of the HPP (pages 58-60).

IV. POST-REVIEW DISCOVERIES

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

V. DURATION

- a. This MOA will expire 1) upon completion of the undertaking and Stipulation I and II, or 2) if its terms are not carried out within seven (7) years from the date of its execution. Prior to such time, Chillicothe VAMC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI, below.

VI. DISPUTE RESOLUTION

- a. Should any signatory to this MOA object at any time to any associated actions proposed or the manner in which the terms of this MOA are implemented, Chillicothe VAMC shall consult with the objecting signatory to resolve the objection. If Chillicothe VAMC determines that such objection cannot be resolved, it will:
 - i. Forward all documentation relevant to the dispute, including Chillicothe VAMC's proposed resolution, to the ACHP. The ACHP shall provide Chillicothe VAMC with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Chillicothe VAMC shall prepare a written response that takes into account any timely advice regarding the dispute from the ACHP and the OH SHPO, and provide them with a copy of this written response. Chillicothe VAMC will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within the 30 day period, Chillicothe VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Chillicothe VAMC shall prepare a written response that takes into account

any timely advice regarding the dispute from the OH SHPO, submitted in accordance with paragraph i. immediately above, and provide it and the ACHP with a copy of such written response.

- iii. Chillicothe 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.
- iv. At any time during implementation of the measures stipulated in the MOA, should a member of the public object to Chillicothe VAMC regarding the manner in which the measures stipulated in this MOA are being implemented, Chillicothe VAMC shall notify the other signatories to this MOA and consult with the objector to resolve the objection. The signatories may request that Chillicothe VAMC notify the concurring parties to this MOA about the objection.

VII. AMENDMENTS

- a. 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 signatories is filed with the ACHP.

VIII. TERMINATION

- a. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with other signatories to attempt to develop an amendment per Stipulation VII, above. If within 30 calendar days (or another period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.
- b. Once the MOA is terminated, and prior to work continuing on the undertaking, Chillicothe VAMC must either 1) execute a MOA pursuant to 36 CRF § 800.6 or 2) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Chillicothe VAMC shall notify the other signatories as to the course of action it will pursue.

IX. ANTI-DEFICIENCY ACT

- a. Chillicothe 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). Chillicothe 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, Chillicothe VAMC will consult with the signatories in accordance with the amendment and termination procedures in Stipulations VII and VIII, above.

X. EXECUTION

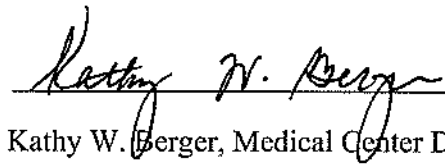
- a. The execution of this MOA by Chillicothe VAMC, the OH SHPO and the ACHP, and implementation of its terms evidence that Chillicothe VAMC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

APPENDIX A

Figure 4: APE for Building 4, 5, and 8

SIGNATORIES

U.S. DEPARTMENT OF VETERANS AFFAIRS CHILLICOTHE VA MEDICAL CENTER



Kathy W. Berger, Medical Center Director

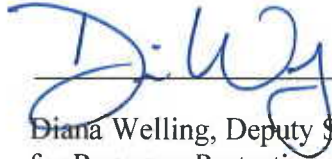
13 April 2020

Date

Contact Information:

VA Medical Center (00)
17273 State Route 104
Chillicothe, OH 45601
740-772-7002
Kathy.Berger@va.gov

OHIO STATE HISTORIC PRESERVATION OFFICE



Diana Welling, Deputy State Historic Preservation Officer
for Resource Protection & Review

4/22/2020

Date

Contact Information:

800 East 17th Avenue
Columbus, OH 43211
614-298-2000
dwelling@ohiohistory.org

Memorandum of Agreement Chillicothe VAMC Demolition of Buildings 4, 5 and 8

ADVISORY COUNCIL ON HISTORIC PRESERVATION

A handwritten signature in blue ink, appearing to read "John M. Fowler".

4/29/20

John M. Fowler, Executive Director Date

Contact Information:

401 F Street NW, Suite 308

Washington, DC 20001 202-517-0200

Appendix A

Section 2: Project Description and Area of Potential Effect (APE)

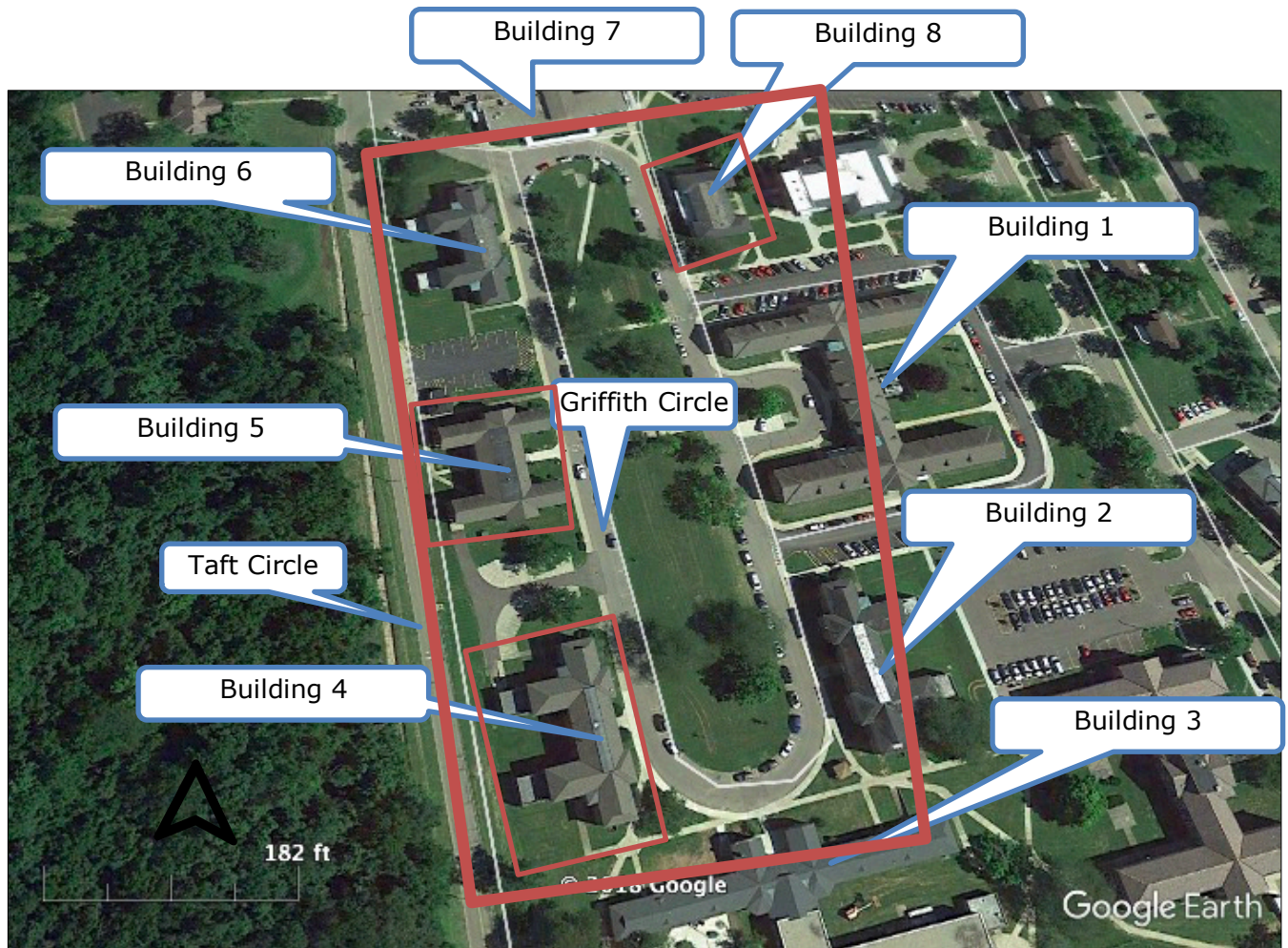


Figure 4: APE for Building 4, 5, and 8

The larger red square notes the visual APE, while the three smaller squares note the immediate APE for each building