

**MEMORANDUM OF AGREEMENT AMONG THE
U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) WILLIAM JENNINGS BRYAN DORN VA MEDICAL CENTER,
ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
REGARDING REDEVELOPMENT AT THE DORN VA MEDICAL CENTER,
COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA**

WHEREAS, the William Jennings Bryan Dorn Veterans Affairs Medical Center (Dorn VAMC), part of the Columbia VA Health Care System (CVAHCS), will be redeveloping the northwest portion of its campus at 6439 Garners Ferry Road, Columbia, South Carolina, to meet its mission and the needs of Veterans; and

WHEREAS, the redevelopment will include rehabilitation of Building 10; new construction: Center for Rehabilitation Services, Center for Prosthetics and Sensory Aid, two Primary Care buildings, Fisher House, multi-story parking garage, and surface parking lots; expansion of associated utilities; and demolition: Buildings 11, 12, 13, 16, 17, 18, 19, 23 and T-35; and

WHEREAS, the Dorn VAMC has determined that the redevelopment is an undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), 54 USC § 306108, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the Dorn VAMC will apply Section 4.3.1. (Utilitarian Historic Properties) of the *VA Program Comment for Vacant and Underutilized Properties*, Federal Register Vol. 83, No. 208, October 26, 2018, to address demolition of the five utilitarian historic properties (garages 16, 17, 18, 19 and 23), which are part of the redevelopment and listed in VA's 2019 Composite List of Vacant and Underutilized Properties; and

WHEREAS, the *Programmatic Agreement by and between Department of Veterans Affairs and the South Carolina State Historic Preservation Office and the Advisory Council on Historic Preservation and the Keenan Development Associates of South Carolina, LLC regarding the Enhanced Use Lease at the William Jennings Bryan Dorn VA Medical Center, Columbia, South Carolina* (PA), executed in 2010 and amended in 2016, has expired and is therefore no longer in effect; and

WHEREAS, the Dorn VAMC has consulted with the South Carolina State Historic Preservation Officer (SHPO) pursuant to 36 CFR 800.2(c)(1); and

WHEREAS, pursuant to 36 CFR 800.2(c)(3) and 36 CFR 800.2(c)(5), the Dorn VAMC has invited the University of South Carolina (UofSC) School of Medicine, Midlands Veteran Engagement Council, Richland County, the City of Columbia, and the Historic Columbia Foundation (HCF) to consult regarding the effects of the undertaking on historic properties, and Richland County, the City of Columbia, and the HCF are participating in the consultation; and

WHEREAS, pursuant to 36 CFR 800.2(c)(2), the Dorn VAMC has invited the following federally-recognized Indian tribes to consult, the Catawba Indian Nation, Eastern Band of Cherokee Indians, and Muscogee (Creek) Nation, and the Indian tribes have chosen not to participate; and

WHEREAS, pursuant to 36 CFR 800.2(d), the Dorn VAMC has provided the public with information regarding the proposed undertaking and its effects on historic properties; and

WHEREAS, the Dorn VAMC, in consultation with the SHPO, has determined the area of potential effects (APE) to be the entire medical center campus pursuant to 36 CFR 800.4(a)(1); and

WHEREAS, the Dorn VAMC, in consultation with the SHPO, has identified the William Jennings Bryan Dorn Veterans Affairs Medical Center, University of South Carolina School of Medicine Historic District (also historically referred to as "Veterans Hospital"), listed on the National Register of Historic Places (NRHP) in 2009 (NRIS 09000062), as a historic property within the APE that will be affected by the undertaking; and

WHEREAS, the Dorn VAMC completed identification and evaluation of archaeological resources in the northwest portion of the campus, documented in: *Archaeological Aspect of the Cultural Resources Assessment of Proposed Improvements at WJB Dorn VA Medical Center* (New South Associates Technical Report #1503 dated August 1, 2007), and *Archaeological Reconnaissance of Proposed Improvements at WJB Dorn VA Medical Center* (New South Associates Technical Report #1565 dated March 10, 2008); and

WHEREAS, the Dorn VAMC and the SHPO agreed based on the results of the studies that the northwest portion of the campus does not contain any known archaeological sites eligible for the NRHP and that further archaeological investigations are not warranted prior to the commencement of individual projects associated with the redevelopment of the northwest portion of the campus; and

WHEREAS, Richland County funded a grant to the UofSC School of Medicine Educational Trust to collect, digitize, archive, and exhibit historical photos, documents and other materials at Dorn VAMC and the project was titled "Reflections of Medical Education & Care in Richland County: Preservation of History for Public Viewing, Education, Visitation, and Scholarly Research of Architecture, Documents, Photographs, and Biosciences Equipment Related to the University of South Carolina School of Medicine Campus & the William Jennings Bryan Dorn Veterans Affairs Medical Center" (Richland County Medical Project); and

WHEREAS, the Dorn VAMC, in consultation with the SHPO, has found that the undertaking will have an adverse effect due to demolition of Buildings 11, 12 and 13, which are contributing resources, and introduction of elements through new construction (Center for Rehabilitation Services, Center for Prosthetics and Sensory Aid, two Primary Care buildings, Fisher House, multi-story parking garage, and surface parking lots) that diminish the integrity of the property's significant historic features, and consulted to resolve the adverse effect pursuant to 36 CFR § 800.6; and

WHEREAS, the Dorn VAMC has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding in accordance with 36 CFR § 800.6(a)(1) and provided specified documentation in accordance with 36 CFR § 800.11(e) and the ACHP has chosen to participate in consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the Dorn VAMC, the SHPO and the ACHP agree that the adverse effects will be resolved through execution of this Memorandum of Agreement (MOA) and the undertaking will be implemented in accordance with the following stipulations in order to take into account the effects on historic properties.

STIPULATIONS

The Dorn VAMC shall ensure the following measures are carried out:

I. PROFESSIONAL STANDARDS

- a. The Dorn VAMC shall ensure that work carried out pursuant to this MOA shall be done by or under supervision of historic preservation professionals who meet the Secretary of the Interior's (SOI) Professional Qualifications Standards.

II. PROJECT IMPLEMENTATION AND DESIGN REVIEW

- a. Building 10
 - i. The Dorn VAMC has designed, and SHPO has concurred, the rehabilitation of Building 10 to be consistent with the SOI Standards for Rehabilitation. The Dorn VAMC will ensure the design is constructed as planned.
- b. Center for Rehabilitation Services
 - i. The Dorn VAMC revised the Center for Rehabilitation Services design based on initial review comments from the SHPO and will ensure the design is constructed as planned. While the Dorn VAMC substantially modified the design to minimize adverse effects, the SHPO did not concur the final design was fully consistent with the SOI Standards for Rehabilitation.
- c. Center for Prosthetics and Sensory Aid
 - i. The Dorn VAMC revised the Center for Prosthetics and Sensory Aid design based on initial review comments from the SHPO and will ensure the design is constructed as planned. While the Dorn VAMC substantially modified the design to minimize adverse effects, the SHPO did not concur the final design was fully consistent with the SOI Standards for Rehabilitation.
- d. Two Primary Care Buildings, Fisher House, and Parking Garage
 - i. The Dorn VAMC will ensure the design for each project complements the character of the historic district, consistent with the SOI Standards for Rehabilitation, in particular Standards 9 and 10.
 - ii. The Dorn VAMC shall submit the designs to the SHPO and concurring parties for comment at or before 35% design and again at or before 95% design.
 - iii. The SHPO will provide any comments on the 35% and 95% design within 30 days. If no timely comments from the SHPO are received, the Dorn VAMC will move ahead with the design process as initially proposed.
 - iv. The Dorn VAMC will provide written response to the SHPO on any comments received, indicating how the comments will be addressed in design development.
 - v. Any disagreements about the design of each project will be resolved following Stipulation IX (Dispute Resolution).

III. INTERPRETATION

- a. Documentation
 - i. Prior to demolition, the Dorn VAMC will document Buildings 11, 12 and 13 by preserving, both physically and electronically, original extant construction plans and specifications, newspaper articles, photographs, documents and other memorabilia from the Dorn VAMC's collection, including associated documentation collected as part of the Richland County Medical Project. Documentation is to be kept on the Dorn VAMC Campus and digitally stored on the VAMC Server.
- b. Public Meetings
 - i. Within two and a half (2.5) years of execution of this MOA, the Dorn VAMC will coordinate two (2) public meetings for acquiring oral histories and documentation related to experiences living, working, or visiting the Dorn VAMC and its impact on the City of Columbia. In addition to general notice to the public, specific notice will be given to veterans and veterans groups, former residents and employees, current employees, local institutions including the UofSC School of Medicine, Historic Columbia Foundation, and local governments, as well as any individuals and organizations who may have conducted oral histories or have local knowledge of the

Dorn VAMC. At the meetings, in addition to presenting oral histories, attendees may share information by providing photographs, letters, or other documents related to the history of the Dorn VAMC.

- ii. The Dorn VAMC will issue a report to the SHPO transcribing oral histories and describing other information gathered at the meetings within eighteen (18) months of execution of this MOA. The report will be provided to the Department of Oral History at UofSC, available to the public, and will be considered in the development of the content for the Exhibits.
- c. Website
- i. Within two (2) years of execution of this MOA, the Dorn VAMC will expand and enhance information about the historic district on its website utilizing, but not limited to, the documentation developed in Stipulation III.a. and b. above and maintain this information for the duration of this MOA.
- d. Exhibits
- i. The Dorn VAMC will develop and install historical interpretation exhibits for permanent display in Building 10 and the proposed two (2) Primary Care Buildings. These exhibits, at a minimum, will provide two (2) 16x20 graphic panels and four (4) 8x10 framed photographs. All exhibits will provide a written description of the graphics and historic context of the exhibit. The Dorn VAMC will develop three (3) exterior wayside exhibits in the redevelopment area of the Historic District. The wayside exhibits will meet the National Park Service (NPS) Standards for wayside exhibits found in the most current version of the publication "Wayside Exhibits: A Guide to Developing Outdoor Interpretive Exhibits" (<https://www.nps.gov/subjects/hfc/upload/Wayside-Guide-First-Edition.pdf>).
 - ii. The exhibits may include, but not be limited to, the history, context and original development of the Dorn VAMC, daily social life activities of the campus, evolution of the campus, changes in development over time, and the role of the development in serving military veterans and families. Displays may include, but not be limited to, narrative text, newspaper articles, photographs, documents and other memorabilia from the Dorn VAMC's collection, in addition to the documentation developed in Stipulation III.a. and b. above.
 - iii. Within two (2) years of the execution of this MOA, the Dorn VAMC will provide a draft exhibits location plan and draft exhibits design to the SHPO and concurring parties for review. The SHPO will provide its comments to the Dorn VAMC within thirty (30) days. Additional review and comment will be provided within thirty (30) day timeframes if requested and at the Dorn VAMC's discretion.
 - iv. The Dorn VAMC will install the exhibits in Building 10 within three (3) months of SHPO review or of its reopening, whichever occurs later. The Dorn VAMC will install the exhibits in the proposed two (2) Primary Care Buildings within three (3) months of SHPO review or within three (3) months of opening, whichever occurs later. The Dorn VAMC will install the exterior wayside exhibits within three (3) months of SHPO review.

IV. HISTORIC PRESERVATION PLAN

- a. Within two (2) years of execution of this MOA, the Dorn VAMC will contract for the development of a Historic Preservation Plan that will serve as a practical preservation tool for Facility planners and project managers. The Historic Preservation Plan will:
 - i. Describe character defining features and identify intact features (interior, exterior, and site) within the Veterans Hospital Historic District, including at each contributing resource, keyed to historic and/or existing photographs and drawings.

- ii. Provide a conditions assessment of each contributing resource (e.g., exterior wall materials, structural analysis, doors, windows, roofs/drainage, and primary and secondary spaces), keyed to photographs and drawings of existing conditions.
 - iii. Provide a brief history of modifications at each contributing resource.
 - iv. Identify threats as well as previously completed non-recommended actions which detract from each contributing resource's integrity or lead to deterioration of building fabric.
 - v. Provide recommendations and guidance in regard to the SOI Standards for the Treatment of Historic Properties, in order to establish long-term planning and guiding principles for new construction, preservation, rehabilitation, or restoration of historic properties.
 - vi. List prioritized tasks and written recommendations for preservation, rehabilitation, restoration and/or maintenance to keep contributing resources from further decline.
 - vii. Recommend a timeline for recurring tasks, including building inspections.
 - viii. Provide recommendations and guidance in regard to Department of Defense Minimum Antiterrorism Standards for Buildings.
- b. Within three (3) years of execution of this MOA, the Dorn VAMC will provide the SHPO and the concurring parties with one (1) hard copy of the draft plan for review and comment. SHPO will have thirty (30) days to respond with any comments. The Dorn VAMC will address all comments received and incorporate them into the final Plan within sixty (60) days. Should the SHPO request additional review periods, the Dorn VAMC will provide additional time for review at its discretion. The Dorn VAMC will provide the SHPO with one (1) hard copy and one (1) electronic copy of the final plan.
 - c. The Dorn VAMC will incorporate the final Historic Preservation Plan into its facility and project manager training program.

V. HISTORIC PROPERTY RELOCATION

- a. The Dorn VAMC will draft and solicit interested parties to submit proposals to the CVAHCS to remove/relocate and rehabilitate Building 11. The Dorn VAMC will provide the SHPO with one (1) hard copy and one (1) electronic copy of the final solicitation, a list of interested parties and the Notice of Award for the selected proposal, should a viable proposal be selected.

VI. POST-REVIEW DISCOVERIES

- a. If historic properties are discovered or unanticipated effects on historic properties occur during the implementation of the undertaking, the Dorn VAMC will notify the SHPO and make efforts to avoid, minimize or mitigate adverse effects. The Dorn VAMC shall be guided by steps established in 36 CFR § 800.13(b).
- b. If unanticipated cultural materials (e.g., large, intact artifacts or animal bones; large clusters of artifacts or animal bones; large soil stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) are discovered prior to or during land altering or construction activities, then the Dorn VAMC will temporarily halt any activities and notify the SHPO of the unanticipated discoveries. A minimum 50-foot buffer shall be immediately established around the cultural materials by the construction project manager. The buffer will be flagged, and the construction project manager will notify all project personnel that no land altering activities will be allowed within this buffer zone until the course of action hereinafter described has been established. The halt will afford the SHPO the opportunity to assess the situation and recommend a course of action within two (2) business days of such notification.
- c. If human remains are found or suspected, they should be left in place, respectfully covered and protected under the Native American Graves Protection and Repatriation Act (NAGPRA)

until consultation is initiated under 40 CFR Part 10. The Dorn VAMC is responsible for notifying the local coroner or medical examiner immediately, and dependent upon their assessment, the tribes and NAGPRA coordinators with tribes that may be affiliated with the locality to initiate consultation.

- d. The Dorn VAMC shall consult with SHPO, THPOs and Indian tribes to determine if the discovered site is eligible for listing in the NRHP. If it is eligible, the Dorn VAMC shall submit a treatment plan for the avoidance, protection, recovery of information, or destruction without data recovery to the SHPO, THPOs, and Indian tribes for review and comment. The treatment plan shall be consistent with the ACHP's handbook *Treatment of Archaeological Properties* and subsequent amendments, ACHP's *Section 106 Archaeology Guidance*, and SHPO guidelines.

VII. MONITORING AND REPORTING

- a. Every twelve (12) months following the execution of this MOA until it expires or is terminated, The Dorn VAMC shall provide the SHPO 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 Dorn VAMC's efforts to carry out the terms of this MOA.

VIII. DURATION

- a. This MOA will expire 1) upon completion of the undertaking and Stipulations II, III, IV, and V above, or 2) if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, the Dorn VAMC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation X below.

IX. DISPUTE RESOLUTION

- a. Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Dorn VAMC shall consult with such party to resolve the objection. If the Dorn VAMC determines that such objection cannot be resolved, it will:
 - i. Forward all documentation relevant to the dispute, including the Dorn VAMC's proposed resolution, to the ACHP. The ACHP shall provide the Dorn VAMC 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, the Dorn VAMC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Dorn VAMC will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day period, the Dorn VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Dorn VAMC shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties and provide them and the ACHP with a copy of such written response.
 - iii. The Dorn 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.
- b. At any time during implementation of the measures stipulated in this MOA, should an

objection pertaining to this MOA or the effect of the undertaking on historic properties be raised by a member of the public, the Dorn VAMC will notify the parties to this MOA and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this MOA to resolve the objection.

X. 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.

XI. TERMINATION

- a. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall consult with the other signatories to attempt to develop an amendment per Stipulation X 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.
- b. Once the MOA is terminated and prior to work continuing on the undertaking, the Dorn VAMC must either (a) execute a MOA pursuant to 36 CFR 800.6 or (b) request, taking into account, and respond to the comments of the ACHP under 36 CFR 800.7. The Dorn VAMC shall notify the other signatories as to the course of action it will pursue.

XII. ANTI-DEFICIENCY ACT

- a. The Dorn 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 Dorn 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 Dorn VAMC will consult with the other signatories in accordance with the amendment and termination procedures in Stipulations X and XI above.

EXECUTION of this MOA by the Dorn VAMC, SHPO and ACHP and implementation of its terms evidence that the Dorn VAMC 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 DORN VA MEDICAL CENTER:



David L. Omura, DPT, MHA, MS
Columbia VA Health Care System Director/CEO

5/5/20

DATE

SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER



W. Eric Emerson, PhD, Director/State Historic Preservation Officer

5/12/20

DATE

ADVISORY COUNCIL ON HISTORIC PRESERVATION



5/28/20

John M. Fowler, Executive Director

DATE

CONCURRING PARTIES:

HISTORIC COLUMBIA FOUNDATION

Robin Waites, Executive Director

DATE

RICHLAND COUNTY

Nancy Stone-Collum, Conservation Program Analyst

DATE

CITY OF COLUMBIA

Amy Moore, Principal Planner/Preservation Planner

DATE