

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS
DES MOINES VA MEDICAL CENTER (VAMC),
THE IOWA STATE HISTORIC PRESERVATION OFFICER (IA SHPO) AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)
REGARDING DEMOLITION OF BUILDING 6
AT THE DES MOINES VAMC
DES MOINES, POLK COUNTY, IOWA**

WHEREAS, the U.S. Department of Veterans Affairs (VA) Des Moines VA Medical Center (VAMC), located at 3600 30th Street, Des Moines, Polk County, Iowa, has identified Building 6 as not supporting current or future operations; and

WHEREAS, the Des Moines VAMC has determined that the proposed demolition of Building 6 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 Des Moines VAMC has consulted with the Iowa State Historic Preservation Officer (IA SHPO), consistent with 36 CFR § 800.2(c)(1); and

WHEREAS, the Des Moines VAMC has invited the following to be consulting parties, consistent with 36 CFR § 800.2(c)(2 through 5): the City of Des Moines – a Certified Local Government, Polk County, the Des Moines Historical Society, Preservation Iowa, the Apache Tribe of Oklahoma, the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma, the Menominee Indian Tribe of Wisconsin, the Sac & Fox Nation of Missouri in Kansas and Nebraska, the Sac & Fox Nation, Oklahoma, and the Sac & Fox Tribe of the Mississippi in Iowa; and the City of Des Moines has chosen to participate in the consultation; and

WHEREAS, the Des Moines VAMC 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 informing Veterans Services Organizations (VSOs) of the undertaking and of the availability of the building for use by VSOs or other groups dedicated to providing services to Veterans and by including the City of Des Moines Historic Preservation Commission in the consultation; and

WHEREAS, the Des Moines VAMC, in consultation with the IA SHPO, has determined the area of potential effects (APE) to be the Des Moines VAMC campus (Attachment 1); and

WHEREAS, the Des Moines VAMC, in consultation with the IA SHPO, has identified Buildings 3, 5 and 6 at the Des Moines VAMC, which were determined eligible for the National Register of Historic Places (NRHP) in 2013 (IA SHPO R&C #131077063), as historic properties within the APE that may be affected by the undertaking; and

WHEREAS, the Des Moines VAMC has found the undertaking will have an adverse effect on historic Building 6 and consulted to resolve the adverse effect per 36 CFR § 800.6; and

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

NOW, THEREFORE, the Des Moines VAMC, IA SHPO, and 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.

STIPULATIONS

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

I. Offering Building 6 for Relocation

- a. The Des Moines VAMC shall seek to donate Building 6 to a public body willing to acquire and relocate Building 6 from its campus.
 - i. The Des Moines VAMC will offer to donate Building 6 to a public body for removal from the station at no charge; costs to facilitate the move, such as utility cut off and post-removal remediation of the building site, shall be paid by the building recipient.
 - ii. Proposals for relocating Building 6 will be sought following established VA protocols, including publishing a Request for Expression of Interest (EoI) for Building Relocation on beta.Sam.gov for a period no less than forty-five (45) calendar days, followed by internal review by VA of any responses received.
 - iii. The Des Moines VAMC will distribute a draft press release regarding the availability of Building 6 and draft EoI for Building Relocation to the consulting parties (ACHP, IA SHPO, and City of Des Moines) for a fifteen (15) calendar day review and comment period prior to the publication of the EoI.
 - iv. Concurrent with the publication of the final EoI for Building Relocation, the Des Moines VAMC will issue the final press release (taking into account any comments from the consulting parties) and distribute it to the consulting parties and any additional parties identified by the consulting parties.
- b. The Des Moines VAMC will evaluate the feasibility of proposals to ensure that any prospective recipient meets specific capability requirements, possesses the appropriate financial resources, and is responsive to concerns related to the ability to move and maintain the structural integrity of Building 6. The Des Moines VAMC will request assistance from the consulting parties in evaluating the proposals to the extent permitted by Federal procurement authorities.
 - i. If the Des Moines VAMC selects a viable recipient, it will notify the consulting parties of the proposed time and date of the move and then provide confirmation of the relocation.
 - ii. If the Des Moines VAMC concludes that no viable recipient has been found within sixty (60) calendar days of the EoI for Building Relocation, the Des Moines VAMC will notify the consulting parties and may proceed with demolition of Building 6.

II. Public Outreach

- a. The Des Moines VAMC will create and make publicly available a webpage devoted to the history and significance of the hospital campus.
- b. The webpage will include, at a minimum, the following:
 - i. An overview of Des Moines VAMC site history;

- ii. An overview of Des Moines VAMC facility history;
 - iii. A discussion of Des Moines VAMC architecture; and
 - iv. Information regarding residential life on site.
- c. The Des Moines VAMC will submit the proposed text and graphics for the web-based interpretation to the IA SHPO prior to publishing. The IA SHPO will provide comments on the history within thirty (30) days of receipt of draft materials. The Des Moines VAMC will take into account any timely comments provided prior to finalizing the web-based interpretation.
 - d. The website will go live within one (1) year of the execution of this MOA. Formal notification of the publication of the history webpage will be made by the Des Moines VAMC via a press release sent to consulting parties, local libraries, historic societies, and preservation groups.
 - e. The web content will be made publically available for a minimum of five (5) years.

III. POST-REVIEW DISCOVERIES

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

IV. DURATION

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

V. DISPUTE RESOLUTION

Should a signatory to this MOA object at any time to the manner in which the terms of this MOA are implemented, the Des Moines VAMC shall consult with the objector to resolve the objection. If the Des Moines VAMC determines that such objection cannot be resolved, the Des Moines VAMC will:

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

VI. AMENDMENTS

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

VII. 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 the other signatories to attempt to develop an amendment per Stipulation VI, 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 Des Moines 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 Des Moines VAMC shall notify the other signatories as to the course of action it will pursue.

VIII. ANTI-DEFICIENCY ACT

The Des Moines 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 Des Moines 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 Des Moines VAMC will consult with the other signatories in accordance with the amendment and termination procedures in Stipulations VI and VII.

Execution of this MOA by the Des Moines VAMC, IA SHPO and ACHP and implementation of its terms evidence that the Des Moines 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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DES MOINES, POLK COUNTY, IOWA**

SIGNATORIES:

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS DES MOINES VA MEDICAL CENTER

Gail L. Graham 104991 Digitally signed by Gail L. Graham 104991
Date: 2020.04.01 11:09:06 -05'00'

GAIL L. GRAHAM
Director

Date

IOWA STATE HISTORIC PRESERVATION OFFICER

 _____

Susan Kloewer

7/14/2020
Date

ADVISORY COUNCIL ON HISTORIC PRESERVATION

 _____

John M. Fowler
Executive Director

7/21/2020
Date

Attachment 1: Area of Potential Effects and Location of Building 6

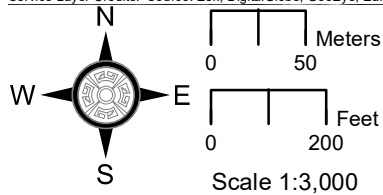
MOA Attachment 1: Area of Potential Effects and Location of Building 6

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- VAMC Boundary/APE
- Selected Built Resource

VA Central Iowa
Health Care System
Des Moines, Iowa
Campus and Selected
Built Resource
Aerial Overview

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