

MEMORANDUM OF AGREEMENT

**AMONG
THE TUSCALOOSA VETERANS AFFAIRS MEDICAL CENTER
THE
THE ALABAMA STATE HISTORIC PRESERVATION OFFICE
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING IMPROVE MODERNIZE CONNECTING CORRIDORS (Project 679-14-102)**

WHEREAS, the U.S. Department of Veterans Affairs, Veterans Health Administration, Tuscaloosa Veterans Affairs Medical Center (TVAMC) proposes to construct project 679-14-102 Improve/Modernize Connecting Corridors (undertaking) pursuant to the United States Code of Federal Regulations, Title 38; and

WHEREAS, the undertaking consists of (1) the structural stabilization of existing connecting corridors to prevent failure and, (2) the renovation of the existing corridors to provide a safe and comfortable environment for egress (Attachment A); and

WHEREAS, TVAMC has defined the undertaking's area of potential effects (APE) as the TVAMC campus because the corridors proposed for construction connects several historic buildings on campus; and

WHEREAS, TVAMC has consulted with the Alabama State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, TVAMC has determined and the SHPO has concurred, that the undertaking will have an adverse effect on TVAMC, which is listed in the National Register of Historic Places, and the corridors as contributing elements to the overall campus; and

WHEREAS, TVAMC has consulted with SHPO concerning the corridor design and has implemented several design recommendations, which are documented in Attachment B; and

WHEREAS, TVAMC has consulted with SHPO and notified the community regarding the effects of the undertaking on historic properties and has invited them to provide input in the design; and

WHEREAS, pursuant to 36 CFR Part 800.3 (f), TVAMC has invited the Muskogee (Creek) Nation to participate in consultation on August 3, 2015, and by September 3, 2015 no response was received; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), TVAMC has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination 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, TVAMC, the SHPO, and the ACHP agree 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

- I. TVAMC shall ensure that the following measures are carried out before and during construction of Improve Modernize Connecting Corridor project 679-14-102:
- A. The current condition of the building will be documented to create a permanent record of the structure as it stands today. Documentation will meet the requirements of Alabama State Documentation Standards, including written descriptions, drawings and photographs. This report will be submitted within six (6) months of execution of MOA.
 - B. TVAMC will host a focused Section 106 training class, administered by VA's Federal Preservation Office and/or the VA's ACHP Liaison, for key engineering personnel and other relevant medical center staff. Training will focus on the Section 106 process and planning for future VA projects. TVAMC will host the training class within six (6) months of execution of the MOA.

TVAMC will invite staff from AL SHPO and applicable personnel from surrounding Veterans Integrated Service Network (VISN) 7 medical centers to attend the training class.
 - C. TVAMC will create a Historic Preservation Plan (HPP) to establish the guiding principles for new construction or renovation. Further discussion of the HPP will occur between the TVAMC and SHPO, allowing SHPO an opportunity to comment. The HPP will include long-term planning for the development, conservation, and preservation of historic resources. The HPP will be completed within two (2) years of the signing of this MOA. The TVAMC will provide a scope of work for the SHPO to comment within three (3) months of the signing of this MOA.

II. CORRIDOR DESIGN

The project will add common bond 6 course header brick masonry veneer buttresses along the exterior. This design will not only provide the structural stabilization required but also fit within the historical contexts of the adjoining buildings. It should also be noted that the design of the buttress will give the structural mass that is needed to counteract the wind and seismic forces reacting against the existing wall as documented in the attached drawings and specifications; and

III. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, TVAMC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

IV. MONITORING AND REPORTING

Semiannually following the execution of this MOA until it expires or is terminated, TVAMC shall provide all parties to this MOA and the ACHP 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 TVAMC's efforts to carry out the terms of this MOA.

V. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, TVAMC shall consult with such party to resolve the objection. If TVAMC determines that such objection cannot be resolved, TVAMC will:

- A. Forward all documentation relevant to the dispute, including the TVAMC's proposed resolution, to the ACHP. The ACHP shall provide TVAMC 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, TVAMC 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. TVAMC 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 time period, TVAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, TVAMC shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. TVAMC'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.

VIII. AMENDMENTS

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 of the signatories is filed with the ACHP.

IX. TERMINATION

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 VIII, 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.

Once the MOA is terminated, and prior to work continuing on the undertaking, TVAMC must either (a) execute an 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. TVAMC shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the TVAMC, the SHPO and the ACHP and implementation of its terms evidence that TVAMC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Tuscaloosa VA Medical Center

John F. Merkle 9/6/15
Date
John F. Merkle, FACHE
Acting Director

Alabama State Historic Preservation Office

Lee Anne Wofford 9/15/15
Date
Lee Anne Wofford
Deputy State Historic Preservation Officer

Advisory Council on Historic Preservation Office

John M. Fowler Date 9/17/15
John M. Fowler, Executive Director