

**MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS
OSCAR G. JOHNSON VETERANS AFFAIRS MEDICAL CENTER,
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER, AND
THE MICHIGAN STRATEGIC FUND**

**REGARDING
THE DEMOLITION OF BUILDING NUMBER 3
AT THE OSCAR G. JOHNSON VETERANS AFFAIRS MEDICAL CENTER,
IRON MOUNTAIN, DICKINSON COUNTY, MICHIGAN**

WHEREAS, the U.S. Department of Veterans Affairs Oscar G. Johnson Veterans Affairs Medical Center (the "Medical Center"), currently has a medical campus located at 325 East H Street, City of Iron Mountain, Dickinson County, Michigan (the "Campus");

WHEREAS, the Medical Center plans to carry out the demolition and removal (the "Demolition") of a former Attendants Building, identified as Building Number 3 ("Building No. 3"), as part of the Medical Center's expansion of its primary care facility (the "Project");

WHEREAS, the Medical Center has determined that the Demolition and Project are a federal action that meets the definition of an undertaking, pursuant to 36 C.F.R. § 800.16(y), is the type of activity that has the potential to cause effects on historic properties, and is therefore subject to Section 106 of the National Historic Preservation Act (the "NHPA") (54 U.S.C. § 306108) and its implementing regulations, 36 C.F.R. Part 800 (collectively, the "Undertaking");

WHEREAS, the Medical Center has consulted with the Michigan Deputy State Historic Preservation Officer (the "MI SHPO");

WHEREAS, the MI SHPO is part of the State Historic Preservation Office (the "SHPO") which was transferred to the Michigan Strategic Fund (the "MSF") pursuant to Executive Order 2019-13;

WHEREAS, the Medical Center has evaluated alternatives to the Project including not proceeding with the Project/maintaining the status quo, leasing space offsite to meet the Project's goals, and building an addition at a different location to eliminate the demolition and removal of Building No. 3. After careful and prudent consideration of all of the options, the only option that was found to meet all of the Project goals was the option that included the Demolition;

WHEREAS, the Medical Center has invited the following to be consulting parties: the White Earth Band of the Minnesota Chippewa Tribe, the Fond du Lac Band of the Minnesota Chippewa Tribe, the Sault Ste. Marie Tribe of Chippewa Indians; Michigan, the Mille Lacs Band of Ojibwe; Minnesota Chippewa Tribe, the Miami Tribe of Oklahoma, the Bad River Band of the Lake Superior Tribe of Chippewa Indians; Wisconsin, the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, the Lac Vieux Desert band of Lake Superior Chippewa Indians of Michigan, the Grand Portage Band of the Minnesota Chippewa Tribe, the Lac du Flambeau Band of Lake Superior Chippewa Indians; Wisconsin, the Leech Lake Band of the Minnesota Chippewa Tribe, the Sokaogon Chippewa Community; Wisconsin, the Keweenaw Bay Indian Community; Michigan, and the Menominee Indian Tribe of Wisconsin; and only the Menominee Indian Tribe of Wisconsin chose to participate in the consultation;

WHEREAS, the Medical Center provided the Menominee Indian Tribe of Wisconsin with information

indicating that no archeological sites were discovered during the original construction of the Medical Center; therefore, an Archeological Survey will not be required for the Project;

WHEREAS the Medical Center provided the public with information about the Undertaking and its effects on historic properties and sought public comment and input, consistent with 36 C.F.R. § 800.2(d);

WHEREAS, the Campus was listed in the National Register of Historic Places in June 2022 (the “Historic Property”);

WHEREAS, the Medical Center has identified seven (7) buildings, including Building No. 3 (Attendants Quarters, 1949), on the Campus that are contributing buildings to the Historic Property;

WHEREAS, the Medical Center has found the Undertaking will have an adverse effect on the Historic Property by demolishing one of the contributing buildings; and

WHEREAS, in accordance with 36 C.F.R. § 800.6 (a)(1), the Medical Center has notified the Advisory Council on Historic Preservation (the “ACHP”) of its adverse effect finding with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii).

NOW, THEREFORE, the Medical Center and the MI SHPO agree that the adverse effect will be mitigated through execution of this Memorandum of Agreement (the “MOA”), pursuant to 36 C.F.R. § 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 Medical Center shall ensure that the following activities will be carried out.

I. RECORDATION

- a. Prior to commencement of the Demolition, the Medical Center shall prepare a recordation package (the “Recordation Package”) for Building No. 3 so that there is a permanent record of its existence. The Medical Center shall prepare photographic documentation and a historical overview of Building No. 3 according to the SHPO Documentation Guidelines attached hereto as Attachment A. The Medical Center shall ensure that the Recordation Package and all documentation is completed, accepted, and approved by the SHPO prior to Demolition.

II. EXHIBIT SPACE

- a. The Medical Center will dedicate a display case to a permanent exhibit (the “Exhibit”) which documents the history of the Medical Center and the changes made since its initial construction. The Exhibit will include original photographs taken during construction which must include Building No. 3.
- b. The design and content of the Exhibit will be provided to the SHPO for review and comment. The SHPO will provide any comments in writing on the Exhibit within 30 days of receipt.
- c. The Medical Center shall place the Exhibit in a public location within the Main Hospital Building.

- d. The Medical Center shall maintain the Exhibit for not less than three (3) years from the date it was created in accordance with this Stipulation II and Stipulation III..

III. TIMEFRAMES

- a. All work associated with Stipulation I must be completed prior to the start of the Demolition, and all work associated with Stipulation II must be completed no later than eighteen (18) months from the date the Demolition has been completed.

IV. POST-REVIEW DISCOVERIES

- a. If historic properties are discovered or unanticipated effects on historic properties occur during execution of the Undertaking, the Medical Center will notify the MI SHPO and make efforts to avoid, minimize, or mitigate adverse effects to such resources. The Medical Center and MI SHPO shall be guided by steps established in 36 C.F.R. § 800.13(b).

V. DURATION

- a. This MOA will expire if its terms are not carried out within three (3) years from the date of its execution. Prior to such time, the Medical Center may consult with the MI SHPO to reconsider the terms of this MOA and amend them in accordance with Stipulation VII below.

VI. DISPUTE RESOLUTION

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

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 the other signatories to attempt to develop an amendment pursuant to Stipulation VII, above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate this MOA upon written notification to the other signatories.
- b. Once this MOA is terminated, and prior to work continuing on the Undertaking, the Medical Center must either (a) execute a new MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The Medical Center shall notify the MI SHPO as to the course of action it will pursue.

IX. ANTI-DEFICIENCY ACT

- a. The Medical Center'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 U.S.C. § 1341). The Medical Center 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 Medical Center will consult with the MI SHPO in accordance with the amendment and termination procedures in Stipulations VII and VIII.


Execution of this MOA by the Signatories and implementation of its terms evidence that the Medical Center has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

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SIGNATORIES:

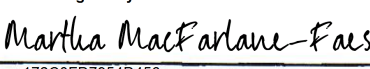
UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OSCAR G. JOHNSON VA MEDICAL CENTER



Zachary M. Sage
Acting Medical Center Director

8/30/2022
Date

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

DocuSigned by:


Martha MacFarlane-Faes
Deputy State Historic Preservation Officer

8/31/2022
Date

MICHIGAN STRATEGIC FUND



Valerie Hoag
Fund Manager

8/31/22
Date

ATTACHMENT A

SHPO Documentation Requirements for Recordation Packages

[Follows under this cover]

ATTACHMENT A: DOCUMENTATION STANDARDS

The following guidelines provide instruction for producing permanent documentation of historic properties following submittal to the State Historic Preservation Office, the photos produced will be transferred to the State Archives, where they will be maintained and made available to the public for research purposes. In many cases, this documentation will constitute the only visual public record of a resource. It is therefore important that reports, drawings and photographs adequately depict the salient visual characteristics of the resource, and that they be produced using archivally stable materials and procedures.

The specifications outlined in this memorandum are intended to ensure that the material will be of high quality and remain in usable condition for many years to come. The guidelines were adapted from those used for submitting nominations to the National Register of Historic Places, as described in **National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Forms**. The complete text of this Bulletin may be found at: <http://www.nps.gov/history/nr/publications/bulletins/nrb16a>. Other National Register Bulletins may be found on the web at <http://www.nps.gov/history/nr/publications/>.

I. REPORTS - GENERAL INSTRUCTIONS

Reports should be printed on archival paper and be 8½ by 11 inches in size.

II. DESCRIPTIVE AND HISTORICAL NARRATIVES

The report should contain a descriptive and historical narrative about the resource(s). The descriptive overview should concisely but thoroughly describe the resource, including discussion of its site and setting; overall design and form, dimensions, structural character, materials, decorative or other details, and alterations. The historical narrative should provide an account of the resource's history and explain its significance in terms of the national register criteria (information about the criteria for listing a resource in the national register may be found on the web at <http://www.nps.gov/history/nr/publications/bulletins/nrb15/>). Published and unpublished sources should be used as needed to document the resource's significance. For bridges and public structures, public records and newspapers should be used for information concerning the historical background and construction of the resource and to identify those involved in its design and construction. All sources of information (including author, title, and publisher, date of publication, volume and page number) should be listed in a bibliography.

III. MAPS

Documentation for the historical narrative must include one or more maps that encompass the whole development, including:

- **USGS Map** – an original United States Geological Survey (USGS) topographical map indicating the location of the subdivision and listing its UTM coordinates.
- **Other Map(s)** - The maps must show the locations of all historic and non-historic features of districts and complexes. If more than one map is required to cover the entire district, a key map should illustrate the entire district and its boundaries.

Information District Maps Must Provide

- District or property name
- Name of community, county, and state
- Significant natural features such as lakes and rivers, with names
- All streets, railroad lines, old railroad grades, and any other transportation rights of way, labeled in bold print with their names
- Lot or property lines
- Outlines or representations for all surveyed properties
- Patterned coding of footprints or representations of all buildings to indicate whether they are contributing or non-contributing to the district's or complex's historic character and significance. The outlines or representations of contributing resources must be darkened, while they are left light for non-contributing resources.
- For districts, street addresses for all properties listed in the description's inventory section; if the properties have numbered street addresses, no other form of identification may appear on the map.
- Boundary of the property associated with the district or complex property.
- Key identifying any symbols used
- North directional arrow
- Scale bar (in case map is copied in larger or smaller format)

Do Not:

- Use color coding. Photocopying in black and white will render color coding unreadable.

Map Standards

The final copies of maps must be printed on white paper meeting the national register's standards for archival stability – 20 pound acid-free paper with a two percent alkaline reserve. Tape, staples, and adhesive labels may not be used. Maps should be in 8 ½" X 11" format, if possible. Map sheets larger than 11" X 17" are not acceptable.

The district map should show both the lot lines and the outlines of the buildings. For business districts containing buildings that occupy most of their lots, the maps must show the building outlines. Outside of business districts, surveyed buildings can be shown by square boxes if maps showing building outlines are not available. Monuments and other objects may be represented by circles or dots.

IV. DRAWINGS - GENERAL INSTRUCTIONS

Drawings should be drawn or printed on archival paper and folded to fit an archival folder approximately 8½ by 11 inches. Use coding, crosshatching, numbering, transparent overlays, or other standard graphic techniques to indicate the information. Do not use color because it cannot be reproduced by microfilming or photocopying.

Drawings should be used to document the existing condition of the resource, the evolution of a resource, alterations to a building or complex of buildings, floor plans of interior spaces. - Site plans should have a graphic north arrow and include locations and types of trees, shrubs and planting beds. All architectural and site plans should include dimensions indicating the overall size of buildings, sizes of major interior spaces and distances between major site features. If original drawings of the resource(s) exist, add a graphic scale the drawings and reproduce them to fit on 8½ by 11 inch archival paper. Photographic reductions are permissible provided they meet the photographic requirements specified in these guidelines.

V. PHOTOGRAPHS - GENERAL INSTRUCTIONS

Submit clear and descriptive photographs and negatives in acid-free envelopes. Photographs should provide a clear visual representation of the historic integrity and significant features of the resource. The actual number of photographic views required depends on the size and complexity of the resource and will vary according to the project and the nature of the resource. Submit as many photographs as needed to depict the current condition and significant aspects of the resource. When available, prints of historic photographs may supplement documentation. The article by David Ames, *A Primer on Architectural Photography and the Photo Documentation of Historic Structures* (*Vernacular Architecture Forum News*, no date) provides helpful information for photographing buildings and structures. This article is available on the web at <http://dspace.udel.edu:8080/dspace/bitstream/19716/2831/1/A%20primer%20on.pdf>.

GUIDELINES FOR PHOTOGRAPHIC COVERAGE

Photography should include at least two general views of each building to be demolished, each if possible showing two sides, so that all four sides are photographed, plus at least one streetscape view looking in each direction of the part of the street in which each building is located. Thus, for each building, four to six views, unless several buildings are in one short stretch of the same street. If there are any examples left of any of the same building form that retain a high state of integrity, photos should be taken of one sample building for each building form, two views of each together showing all four sides.

Buildings, Structures and Objects

- Submit one or more views to show the principal facades and the environment or setting in which the resource is located;
- Additions, alterations, intrusions, and dependencies should appear in the photographs;
- Include views of interiors, outbuildings, landscaping, or unusual details if the significance of the resource is entirely or in part based on them.

Historic and Archaeological Sites

- Submit one or more photographs to depict the condition of the site and any aboveground or surface features and disturbances;
- If they are relevant to the site's significance, include drawings or photographs that illustrate artifacts that have been removed from the site;
- At least one photograph should show the physical environment and configuration of the land making up the site.

BASIC TECHNICAL REQUIREMENTS

Photographs must be:

- At least 5 x 7 inches, preferably 8 x 10 inches, un-mounted (do not affix the photographs to paper, cards, or any other material); photographs with borders are preferred;
- Submitted in acid free envelopes; the envelopes should be labeled in pencil (see labeling instructions below).

Envelope Labeling Instructions

Neatly print the following information on the upper right corner of the envelope in soft lead pencil:

1. Name of the resource;
2. Street Address, township, county, and state where the resource is located;
3. Name of photographer;
4. Date of photograph;
5. Description of view indicating direction of camera;
6. Photograph number.

Do not use adhesive labels for this information.

Film Photography

- Photographs must be printed on double or medium-weight black-and-white paper having a matte, glossy, or satin finish; fiber-based papers are preferred; resin-coated papers that have been processed automatically will be accepted provided they have been properly processed and thoroughly washed; we recommend the use of a hypo-clearing or neutralizing agent, and toning in selenium or sepia to extend the useful life of the photographs; see "Printer paper & inks" for more specifics;
- The negatives must be submitted with the prints. Each strip of negatives should be submitted in acid free envelopes that have the following information submitted in soft lead pencil in the upper right corner of the envelope.

1. Name of the resource;
2. Name of the photographer;
3. Date of photograph;
4. Negative numbers

Digital Photography

Guidelines for acceptable digital photography and photographs are found in the National Park Service's National Register Bulletin 16, specifically the Photo Policy Factsheet (updated 5/15/2013) available at <http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>. The basic technical requirements are as follow:

Digital photographic prints must be submitted with an accompanying disk containing digital files of the photographic prints. Follow the guidance on photographs, digital photograph file renaming, and acceptable disk types/labeling provided in these guidelines.

Camera:

BEST: At Least 6 megapixel digital SLR Camera

Acceptable: Minimum 6 megapixel point-and-shoot digital camera

Acceptable: 2 – 5 megapixel SLR or point-and-shoot digital camera

Not acceptable:

- Camera phones
- Disposable or single-use digital cameras
- Digital cameras with fewer than 2 megapixels of resolution

Image format:

BEST: First generation uncompressed Tag image file format (.tif or .tiff) or raw converted to .tiff

Acceptable:

- Joint Photographic Experts Group (JPEG) converted to TIFF
- *JPEG must not be altered in any way prior to conversion*

After the image has been saved as a Tiff, rename the file as detailed in the National Register Photo Policy Factsheet (updated 5/15/13). The file name for each electronic image saved on the CD-R must correspond with the photo log included with the documentation package.

Capturing the Image:

BEST: Minimum 6 megapixels (2000 x 3000 pixel image) at 300 dpi

Acceptable: Minimum 2 megapixels (1200 x 1600 pixel image) at 300 dpi

Printer paper and inks¹:

BEST Inks: Manufacturer recommended pigmented ink for photograph printing

- Some examples:
 - Epson UltraChrome K3
 - Kodak No. 10 Pigmented Inks
 - HP Vivera Pigment Inks
 - Epson Claria "Hi-Definition Inks"
 - Epson DuraBrite Ultra Pigmented Inks
 - HP Vivera 95 dye-based inks

BEST Papers: Photographic Matte Paper

Not acceptable:

- Regular copy or printer papers
- Glossy photographic paper papers
- Paper or ink not equivalent to the examples listed above
- Disk only, without prints

The Disk:

BEST: CD-R - with patented Phthalocyanine dye and 24 Karat gold reflective layer.

- Examples:
 - Delkin's Archival Gold™ (also referred to as eFilm® Archival Gold)
 - MAM-A Gold™ (also know as Gold-On-Gold™)
 - Verbatim UltraLife™ Gold Archival Grade CD and DVD-R

Acceptable: CD-R or DVD-R

Not acceptable: CD-RW or DVD- RW

Labeling the Disk: The disk accompanying the digital photographic prints should contain the following information:

1. Name of the resource;
2. Name of the photographer;
3. Date of photographs;
4. Photograph numbers (i.e. Photos 001 – 050)

¹ The list below includes products known at this time to meet the minimum documentation specifications established for the compilation of National Register nomination documents. The list is not intended to be restrictive or comprehensive, and does not constitute, and shall not be taken as, endorsement by the State of Michigan State Historic Preservation Office of any of the specific products or manufacturers identified.

BEST: Labels printed directly on the disk by way of inkjet or laser printers

Acceptable: Labeled using CD/DVD safe markers,

- Examples:
 - Sharpies™
 - Prismacolor®

Not acceptable: Ammonia or solvent based markers

Protecting the Disk: The CD-R disk must be stored in a "protective jewel box" container that includes a listing of the same information required on the label and the full photograph file name for each photograph (not just the photo numbers).

VI. ADDITIONAL ITEMS

In addition to the items described in these guidelines, the SHPO may request additional documentation, depending on the nature and significance of a particular resource.