

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) AND THE
ILLINOIS STATE HISTORIC PRESERVATION OFFICER
REGARDING
DEMOLITION OF BUILDINGS 23, 24, 25, 26, 27, 28, 29, 31, AND 32
AT THE EDWARD HINES JR VAMC
(SHPO LOG #007080321)**

WHEREAS, the U.S. Department of Veterans Affairs (VA) is a federal agency that operates the Edward Hines Jr. VA Medical Center (VAMC) located at 5000 5th Ave, Hines, Cook County, Illinois, and has identified nine (9) buildings that do not support current or future operations; and

WHEREAS, the Hines VAMC has determined that the proposed demolition of Buildings 23, 24, 25, 26, 27, 28, 29, 31, and 32 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 VAMC has defined the Undertaking's Area of Potential Effects (APE) as the Edward Hines Jr. Veterans Affairs Hospital Historic District described in Attachment 1; and

WHEREAS, the VAMC has consulted with the Illinois State Historic Preservation Office (Office), a Division of the Illinois Department of Natural Resources (IDNR), pursuant to the Act; and

WHEREAS, the Office currently resides within IDNR, and the Director of IDNR is the duly designated State Historic Preservation Officer (SHPO); and

WHEREAS, the buildings at 5000 S. Fifth Avenue Hines, IL contribute to the Edward Hines Jr., Veterans Administration Hospital National Register of Historic Places (NRHP) Historic District; and

WHEREAS, the SHPO has determined on December 10, 2021, that the Undertaking will have an adverse effect on the buildings that contribute to the Edward Hines, Jr. Veterans Administration Hospital Historic District (District); and

WHEREAS, pursuant to 36 CFR 800.2(c)(2), the VAMC has invited the following federally-recognized Indian tribes to consult, the Forest County Potawatomi, the Prairie Band Potawatomi Nation, the Citizen Potawatomi Nation, the Menominee Indian Tribe of Wisconsin, the Hannahville Indian Community, the Miami Tribe of Oklahoma, the Kickapoo Tribe of Oklahoma, and the Little Traverse Bay Bands of Odawa Indians, and none of the Indian tribes have chosen to participate; and

WHEREAS, pursuant to 36 CFR 800.2(c)(3) and 36 CFR 800.2(c)(5), the VAMC has invited

the Proviso Township, the village of Broadview, the village of North Riverside, the Maywood Historic Preservation Commission, the Historical Society of Forest Park, Cook County, the City of Chicago Historic Preservation Division, and Landmarks Illinois to consult regarding the effects of the undertaking on historic properties, and none of these entities have chosen to participate; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1) and 36 CFR § 800.10(b), the VAMC has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect determination, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

NOW, THEREFORE, the VAMC and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this Memorandum of Agreement (Agreement) in order to mitigate the adverse effects of this Undertaking to the properties that contribute to the district.

STIPULATIONS

I. MITIGATION

Prior to the initiation of this mitigation, the VAMC must consult with SHPO to ensure that expectations are understood.

A. PERSONNEL TRAINING

1. The VAMC shall ensure that key personnel, including the Historic District Liaison, complete Section 106 and 110 training, as offered by qualified historic preservation specialists.
2. Within six months of the MOA execution, the VAMC shall develop, with assistance of persons meeting the professional qualification standards specified by the Secretary of the Interior in 36 CFR Part 61, a Training Program plan for VAMC employees, including but not limited to project managers, project engineers, and contract personnel, who are responsible for decision-making related to projects that may affect Historic Properties. This training plan will be submitted to SHPO for review and comment. SHPO will provide any comments in writing within 30 days of receipt. After considering all comments, the VAMC shall distribute to SHPO the final Training Program plan.
3. The Training Program shall include, but is not limited to explanations, descriptions, and representations:
 - a. for the Application of the Secretary of the Interior's Standards and guidelines for the Treatment of Historic Properties;
 - b. of archaeological principles for the identification and treatment of buried resources;
 - c. of the various parties' responsibilities under the NHPA.
4. The VAMC shall implement the Training Program within six months of finalization of the Training Program plan.

36 CFR § 800.7. VAMC shall notify the signatories as to the course of action it will pursue.

VIII. COUNTERPARTS; FACSIMILE OR .PDF SIGNATURES

This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement. A facsimile or .pdf copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

IX. DISTRIBUTION OF AGREEMENT

In order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv), upon the execution of this Agreement and prior to approving the Undertaking, the VAMC must transmit to the ACHP the executed Agreement along with the documentation specified in Section 800.11(f).

X. ANTI-DEFICIENCY ACT

The VAMC 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 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 VAMC will consult with SHPO in accordance with the amendment and termination procedures in Stipulations VI and VII.


EXECUTION of this Agreement by signatories and invited signatories, and the implementation of its terms evidence that the VAMC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment on the effects of the Undertaking in compliance with the NHPA and its implementing regulations.

[Signature Pages to follow]

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SIGNATORY

Edward Hines Jr. Veterans Affairs Medical Center (VAMC)

Signature:  _____ Date: 9/22/22

Name: Jon Beidelschies

Title: Acting Hospital Director

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SIGNATORY

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER (SHPO)

By: Carey L. Mayer Date: 09/13/2022
Carey L. Mayer, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources