

Amendment #1 to the Memorandum of Agreement Regarding the Perry Point Enhanced-Use Lease, Perry Point, Maryland

**AMENDMENT #1 TO
MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF VETERANS AFFAIRS,
H.E.L.P. DEVELOPMENT CORP.,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PERRY POINT ENHANCED-USE LEASE
PERRY POINT, CECIL COUNTY, MARYLAND**

WHEREAS, the *Memorandum of Agreement Among the U.S. Department of Veterans Affairs, H.E.L.P. Development Corp., Maryland State Historic Preservation Officer, and the Advisory Council on Historic Preservation* (Agreement) was executed on March 16, 2017; and

WHEREAS, the Agreement will expire on March 16, 2027; and

WHEREAS, in accordance with Stipulation VI (Amendments), the U.S. Department of Veterans Affairs (VA) has identified a need to amend the Agreement to reflect a new scope of work and expansion of the Area of Potential Effect (APE) for Phase II of the undertaking, which includes the rehabilitation of 20 existing structures, construction of 23 new houses (single family and duplex), the construction of a community building, and the expansion of an existing solar field that currently provides power to the EUL (see Exhibit A Amended Site Map); and

WHEREAS, VA consulted with the Maryland State Historic Preservation Office (MD SHPO) in a letter dated May 15, 2024 regarding the effects of the new scope of work for Phase II of the undertaking on historic properties and the MD SHPO concurred in a letter dated June 17, 2024 that Phase II would have no adverse effect on the Perry Point Village (CE-1552) and the Perry Point Veterans Administration Medical Center (CE-1554), historic districts eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the VA submitted documentation for the construction of the existing solar field (Perry Point Solar Array Field Project) to the Maryland SHPO on February 16, 2017, and the Maryland SHPO concurred that the undertaking would have no effect to historic properties; and

WHEREAS, in accordance with Stipulation VI (Amendments), VA has identified a need to amend the Agreement to include stipulations regarding ongoing consultation for additional amenities and minor scope changes to the project; and

WHEREAS, in accordance with Stipulation VI (Amendments), VA has identified a need to amend Stipulation IX (Duration) to extend the duration of the Agreement ten years from the date of signature of this amendment to allow additional time to complete the terms of the Agreement; and

WHEREAS, the signatories to the Agreement have determined that it is appropriate to amend the agreement to reflect changes to the Phase II scope of work, duration, and APE, as well

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as add a new stipulation regarding undertaking-associated activities that do not require further consultation; and

WHEREAS, the Agreement's terms and conditions not modified by this first amendment are still in force; and

NOW, THEREFORE, in accordance with Stipulation VI (Amendments) of the Agreement, VA, the Maryland SHPO, H.E.L.P. Development Corp., and the ACHP agree to amend the Agreement as follows:

1. Replace Exhibit A with the revised Exhibit A that depicts changes to the Phase II scope of work and APE (see attached).
2. Amend Stipulation IX (Duration) to read:

This MOA will expire if its terms are not carried out within ten (10) years from the date of the execution of the first amendment, except and to the extent that the parties otherwise agree in writing. Prior to such time, VA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI.

3. Add a new stipulation (Stipulation XI) regarding associated actions that do not require further review so that reads as follows:

XI. REVIEW OF PROJECT EFFECTS - CHANGES IN PROJECT SCOPE

- A. In the event of any changes to the Project scope, the following measures shall be implemented in consultation with the signatories:
 1. VA shall assess and revise the Project APE as needed to incorporate any additional areas that have the potential to affect historic properties.
 2. VA shall carry out additional investigations to identify historic architectural and archaeological properties that may be affected.
 3. VA shall assess the Project's effect on any new historic properties and explore measures to avoid, minimize, or mitigate effects on these properties.
 4. VA shall ensure the preparation of appropriate reports and documents, notify Section 106 consulting parties, including Indian tribes, or any changes in the Project's effect on historic properties, and provide an opportunity for review and comment.
 5. If a change in project scope results in additional adverse effects to historic properties, VA shall consult with all consulting parties to amend the MOA in accordance with Stipulation VI (Amendments).
- B. Actions associated with this undertaking that do not require further review for the duration of this Agreement include:

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1. Construction of a greenhouse within the APE that does not exceed a depth of two (2) feet, and approximately 250 sq ft. footprint.
- C. These determinations shall be documented, recorded, and reported in accordance with Stipulation IV.

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SIGNATORIES:

U.S. Department of Veterans Affairs

C. Brett Simms
C. Brett Simms, Designated VA Representative

Date: 9/9/24

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SIGNATORIES:

Maryland Historic Trust/State Historic Preservation Office



Date: 9/27/2024

Elizabeth Hughes, Director and State Historic Preservation Officer

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SIGNATORIES:

Advisory Council on Historic Preservation



Reid J. Nelson, Executive Director

Date: 10/15/2024

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INVITED SIGNATORIES:

H.E.L.P. Development Corp.



David Cleghorn, President

10/1/2024
Date: _____

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EXHIBIT A

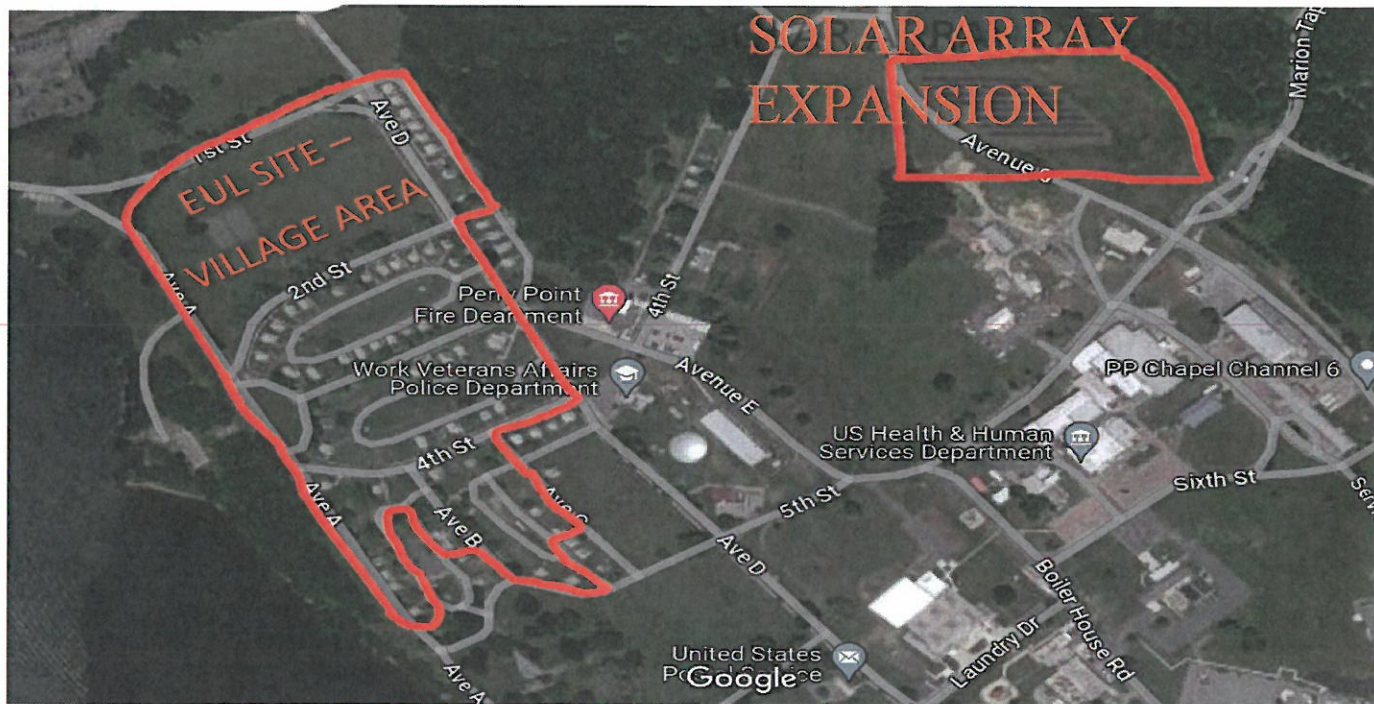
Revised Site Map

(see attached)

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Perry Point EUL

Perry Point, MD



Area of Potential Effects (APE) outlined above. For the Village, the APE is defined as the project area. The Phase II solar field APE includes visual effects. A diagram of the Phase II solar field is on the next page.



LEGEND

- CONSTRUCTED / COMPLETED
PHASE I
43 BUILDINGS
(79) TOTAL UNITS
- PROPOSED
PHASE II
44 BUILDINGS
(77) TOTAL UNITS **

87 TOTAL BUILDINGS
152 TOTAL UNITS **

** INCLUDES 1 MANAGER'S UNIT

KEY

- ENHANCED USE LEASE (EUL) AREA
- LOCATION OF STORM BASIN
- ACCESSIBLE BUILDING
- HV = HEARING & VISUAL UNIT

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