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**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE U.S. DEPARTMENT OF VETERANS AFFAIRS,  
CONNECTICUT HEALTH CARE SYSTEM  
and  
THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
a PROPOSED SURGICAL and CLINICAL TOWER at  
THE WEST HAVEN VETERANS AFFAIRS MEDICAL CENTER,  
950 CAMPBELL AVENUE, WEST HAVEN, NEW HAVEN COUNTY, CONNECTICUT**

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**WHEREAS**, the Connecticut Health Care System of the U.S. Department of Veterans Affairs (VA) proposes to have an Architecture/Engineering firm design and build a new surgical and clinical tower estimated to hold 161,815 square feet (BGSF) of space at the West Haven Veterans Affairs Medical Center (VAMC) at 950 Campbell Avenue, West Haven, Connecticut (Attachment 1), to address current critical deficiencies related to utility failures, infection prevention issues, patient and staff safety concerns, and space constraints (undertaking); and

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**WHEREAS**, VA has determined that the undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations, 36 CFR Part 800—*Protection of Historic Properties*; and

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**WHEREAS**, VA, in consultation with the Connecticut State Preservation Officer (SHPO), has determined, and SHPO has concurred, that due to extensive surface and subsurface disturbance in all areas of the West Haven VAMC, and the negligible potential for intact, significant archaeological resources, as documented in “Phase IA Archeological Assessment of the West Haven Veterans Affairs Medical Center (VAMC), West Haven, CT” (Kosack et al., 2016), the undertaking will have no effect on archaeological historic properties, as defined in 36 CFR 800.16(l); and

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**WHEREAS**, VA, in consultation with the SHPO, has determined, and the SHPO has concurred, that historic architectural resources will be affected by the undertaking and that the Area of Potential Effects (APE) consists of the boundaries for the National Register of Historic Places (NRHP)-listed “West Haven Veterans Administration Hospital/William Wirt Winchester Memorial Hospital Historic District” (Attachment 2), and

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**WHEREAS**, the proposed undertaking is still in the pre-design phase with three site options under consideration, and VA has not yet finalized the site or design for the undertaking, and, therefore, the full range of effects on architectural historic properties cannot be fully determined at this time; and

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**WHEREAS**, VA has determined that it is appropriate to develop a programmatic agreement (PA) in accordance with 36 CFR § 800.14(b), including 800.14(b)(1)(ii), which recognizes that a PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking; and

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**WHEREAS**, VA has consulted with the SHPO on the proposed undertaking, pursuant to Section 106 of the NHPA and its implementing regulations; and

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**WHEREAS**, VA, in consultation with the SHPO, has determined that completion of the undertaking on any of the three site options under consideration will have effects on historic resources (i.e., contributing buildings to the NRHP-listed historic district), pursuant to 36 CFR § 800.4, which are: Site Option 1 (Courtyard): demolition of Buildings #6 and #7 (Attachment 3); Site Option 2 (Parking Lot 7): demolition

51 of Buildings #6, #7, #8, #9 and #10 (Attachment 4); and Site Option 3 (Loading Dock): demolition of  
52 Buildings #7, #8, #9, and #10 (Attachment 5); and

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54 **WHEREAS**, VA has notified the Advisory Council on Historic Preservation (ACHP) of potential  
55 effects to historic properties and of VA's intent to develop a PA, pursuant to 36 CFR § 800.6(a)(1)(i)(C),  
56 and the ACHP had chosen not to participate in the consultation, pursuant to 30 CFR § 800.6(a)(1)(iii);  
57 and

58  
59 **WHEREAS**, subsequently, SHPO requested that ACHP participate in the consultation, and based on  
60 that request ACHP has chosen to participate in the consultation, pursuant to 30 CFR § 800.6(a)(1)(iii);  
61 and

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63 **WHEREAS**, VA invited the following Federally recognized tribes (Tribes) that might attach religious  
64 and cultural significance to historic properties in the City of West Haven or New Haven County, CT, to  
65 participate in consultation, pursuant to 36 CFR § 800.2(c)(2): the Mashantucket Western Pequot Tribal  
66 Nation and the Mohegan Tribe of Indians of Connecticut; who have not elected to participate as  
67 consulting parties; and

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69 **WHEREAS**, VA invited the following historical and preservation groups that might have a  
70 demonstrated interest in the undertaking to participate in consultation, pursuant to 36 CFR § 800.2(c)(5):  
71 Connecticut Historical Society and Museum, the New Haven Preservation Trust, the New Haven  
72 Museum, Preservation Connecticut, the West Haven Historical Society; and the West Haven Veterans  
73 Museum, who have not elected to participate as consulting parties; and

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75 **WHEREAS**, VA has provided the public with information about the undertaking and is seeking  
76 comment and input, pursuant to 36 CFR § 800.2(d), through National Environmental Policy Act (NEPA)  
77 compliance efforts. The thirty (30) day comment period commenced on September 22, 2022, and will  
78 conclude on October 23, 2022. VA will review all comments and relay to SHPO any comments received  
79 that pertain to cultural resources.

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81 **NOW, THEREFORE**, VA and the SHPO, as Signatory Parties, agree that the undertaking shall be  
82 implemented in accordance with the following stipulations in order to allow VA to select a location and  
83 finalize the design for the new Surgical and Clinical Tower and to continue consultation on effects of the  
84 undertaking on historic properties.

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86 **STIPULATIONS**

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88 VA shall ensure that the following measures are carried out:

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90 **I. APPLICABILITY**

91 a. VA is responsible for ensuring implementation of the stipulations in this PA associated  
92 with the undertaking..

93 b. The Anti-Deficiency Act, 31 U.S.C. 1341, prohibits federal agencies from incurring an  
94 obligation of funds in advance of or in excess of available appropriations. Accordingly,  
95 the parties agree that any requirement for the obligation of funds arising from the terms  
96 of this PA shall be subject to the availability of appropriated funds for that purpose, and  
97 that this agreement shall not be interpreted to require the obligation of funds in violation  
98 of the Anti-Deficiency Act.

99 II. GENERAL

- 100 a. Parties shall send and accept official notices, comments, requests for additional  
101 information and/or documentation, and all other communications required by this PA via  
102 email.
- 103 b. Time designations shall be in calendar days.
- 104 c. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (z)  
105 shall apply.
- 106 d. VA shall ensure that Federal or Contractor staff who meet the applicable Secretary of the  
107 Interior's *Professional Qualification Standards* (36 CFR § 61) in the appropriate  
108 discipline (e.g., architectural history, history, archaeology, architecture, or historic  
109 architecture) will participate in the review and implementation required as part of this  
110 PA.
- 111 e. After selecting the site option for the new surgical and medical tower, VA will move to  
112 continuation of consultation with the SHPO as described in Stipulation III.

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114 III. CONTINUATION of CONSULTATION

- 115 a. VA has completed identification and documentation of historic resources at the West  
116 Haven VAMC and has prepared and submitted a National Register of Historic Places  
117 nomination form for the West Haven Veterans Administration Hospital/William Wirt  
118 Winchester Memorial Hospital Historic District, which was approved and listed in the  
119 National Register on May 26, 2022.
- 120 b. VA has applied the criteria of effect consistent with 36 CFR § 800.5(a) and determined  
121 that the undertaking will have an adverse effect on historic properties and SHPO has  
122 concurred.
- 123 c. VA has determined, as noted above, that the degree of adverse effects will be different at  
124 the three site options since each option affects a different number of historic resources.  
125 VA, in consultation with the SHPO, will seek to mitigate the effects commensurate with  
126 the degree of effect and the number of historic resources affected. VA will seek to  
127 execute a Memorandum of Agreement (MOA) with SHPO, pursuant to 36 CFR §  
128 800.6(b), to determine an appropriate level of mitigative measures for the undertaking.

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130 IV. EXECUTION and DURATION

- 131 a. This PA shall be executed in counterparts with a separate page for each Signatory. VA  
132 shall file a complete copy of the executed PA, including all signatory pages and  
133 attachments, with the ACHP and distribute a copy to the SHPO.
- 134 b. This PA shall expire if its stipulations are not carried out within ten (10) years from the  
135 date of execution, unless it is terminated prior to that date. Six (6) months prior to the  
136 expiration date, VA may consult with the other Signatories to reconsider the terms of the  
137 PA and amend it in accordance with Stipulation VII below.

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139 V. DISPUTE RESOLUTION

- 140 a. Should any party to this PA object in writing to the implementation of any stipulation(s)  
141 of this PA, and VA determines that the objection cannot be resolved, VA will:
- 142 i. Forward all documentation relevant to the dispute, including VA's proposed  
143 resolution, to the ACHP. The ACHP shall provide VA with its advice on the  
144 resolution of the objection within thirty (30) days of receiving adequate  
145 documentation. Prior to reaching a final decision on the dispute, VA shall  
146 prepare a written response that takes into account any timely advice or  
147 comments regarding the dispute from the ACHP and provide them with a copy  
148 of this response. VA will then proceed according to its final decision.

- 149                   ii.    If the ACHP does not provide its advice regarding the dispute within thirty (30)  
150                   days, VA may make a final decision on the dispute and proceed accordingly.  
151                   Prior to reaching such a final decision, VA shall prepare a written response  
152                   which takes into account any timely comments regarding the dispute from the  
153                   SHPO and provide it and the ACHP with a copy of such written response with  
154                   its final decision.
- 155            b.    VA’s responsibility to carry out all actions under this PA that are not the subject of the  
156            dispute shall remain unchanged.
- 157            c.    Should a member of the public object in writing to VA regarding the manner in which  
158            the measures stipulated in this PA are being implemented, VA shall notify the SHPO  
159            and ACHP and consider the views of the member(s) of the public making such objection  
160            in accordance with 36 CFR § 800.2(d).

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162    VI.    AMENDMENTS

- 163            a.    Any signatory to this PA may propose that it be amended, whereupon the Signatories  
164            shall consult to consider such an amendment.
- 165            b.    Any amendment will be agreed to in writing by all Signatories and will be effective on  
166            the date a copy with all signatures is filed with the ACHP.

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168    VII.   TERMINATION

- 169            a.    If VA determines that it cannot implement the terms of this PA, or if the SHPO determines  
170            that the PA is not being properly implemented, either party may propose to the other party  
171            that the PA be terminated.
- 172            b.    The part proposing termination shall so notify the other Signatories to this PA explaining  
173            the reason(s) for termination and affording at least thirty (30) days to consult and seek an  
174            alternative to termination.
- 175            c.    Should such consultation fail, and the PA is terminated, VA shall either consult to develop  
176            a new agreement, in accordance with 36 CFR § 800.6, or request the comments of the  
177            ACHP, under 36 CFR § 800.7(a).

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179    **EXECUTION AND IMPLEMENTATION** of this PA and implementation of its terms evidence that  
180    VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an  
181    opportunity to comment.

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186 **and**  
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188 **REGARDING**  
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191 **950 CAMPBELL AVENUE, WEST HAVEN, NEW HAVEN COUNTY, CONNECTICUT**  
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194 **SIGNATORY:**

195 U.S. Department of Veterans Affairs Connecticut Health Care System

196 Digitally signed by Russell  
197 **Russell W.** W. Armstead 362112

198 **Armstead 362112** Date: 2022.12.01 14:41:49

199 Russell Armstead, CGFM -05'00'

200 Executive Medical Center Director  
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**SIGNATORY:**

Connecticut State Historic Preservation Officer



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Catherine Labadia  
Deputy State Historic Preservation Officer

11/15/2022

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Date

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244 **SIGNATORY:**

245 Advisory Council on Historic Preservation

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249 \_\_\_\_\_  
250 Reid J. Nelson

251 Executive Director, Acting  
252

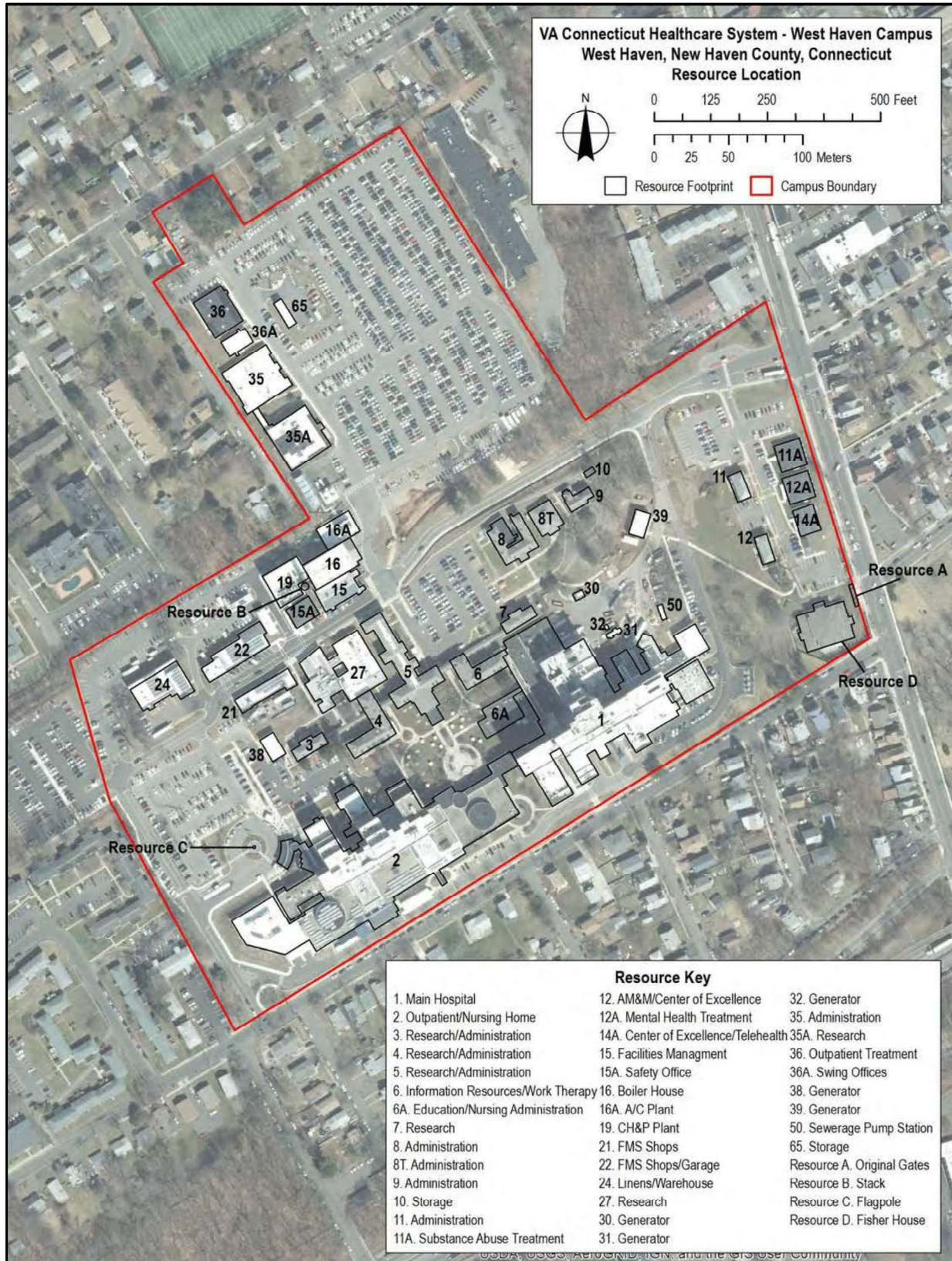
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## **ATTACHMENTS**

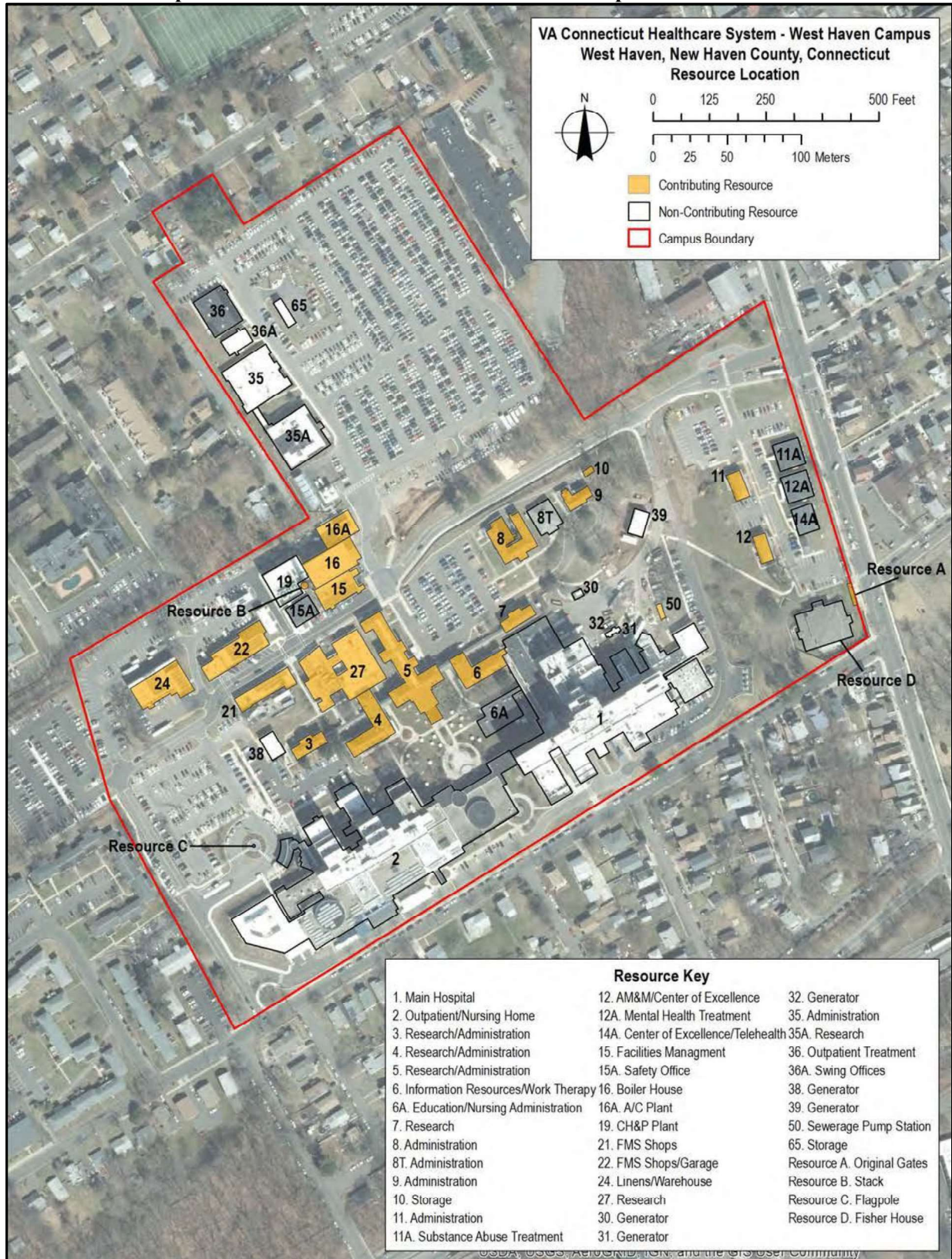


## Attachment 1. Location of West Haven VAMC



Programmatic Agreement for the  
 Proposed Surgical and Clinical Tower at the West Haven VAMC

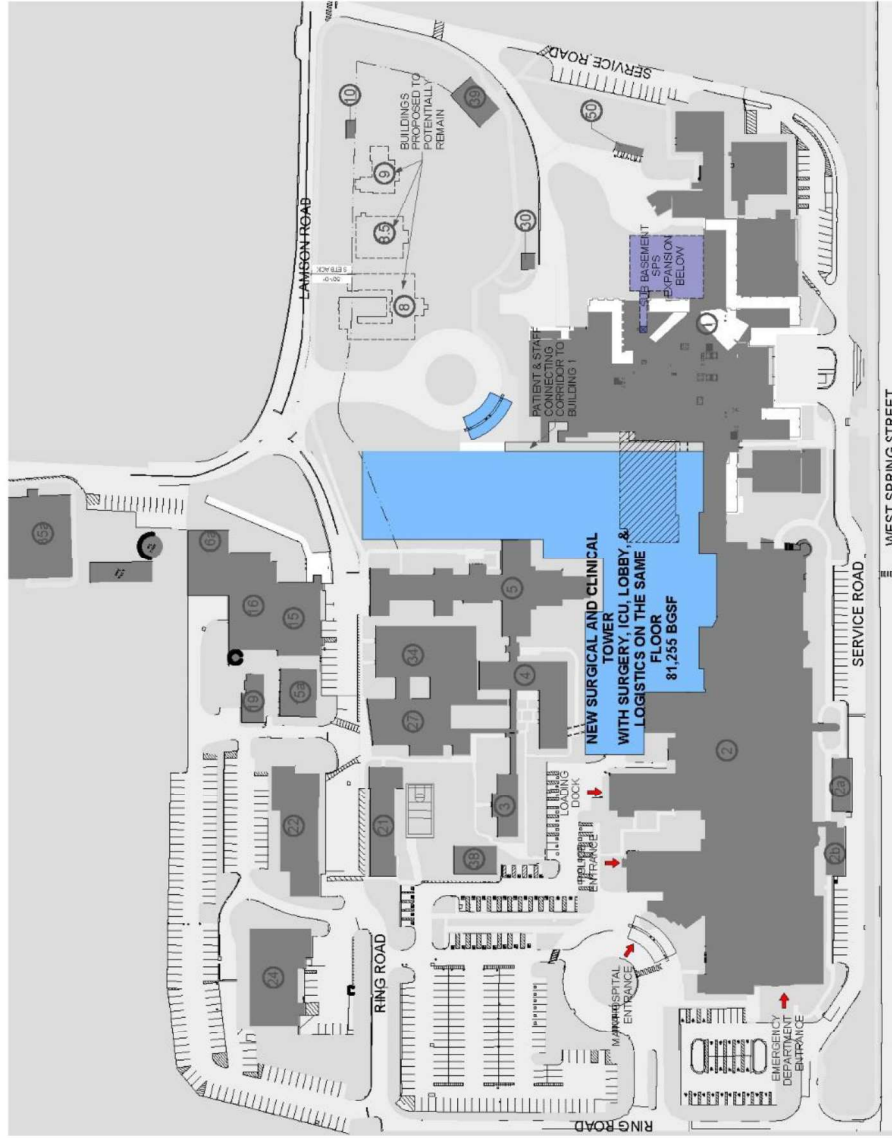
**Attachment 2. Boundaries of the National Register-listed West Haven Veterans Administration Hospital/William Wirt Winchester Memorial Hospital Historic District**



Programmatic Agreement for the  
Proposed Surgical and Clinical Tower at the West Haven VAMC

### Attachment 3. Site Option 1 (Courtyard)

#### SITE OPTION 1



**LEGEND**

BLDG. #	BUILDING DESCRIPTION
1	General Medical/Surgical Building
2	Outpatient Center
2a	Primary Care Center of Excellence
2b	Primary Care Center of Excellence
3	Research Building
4	Human Resources
5	Fiscal Service
6	Research Building
6a	Hospital Education
7	Research Laboratory
8	NEPEC
8.5	NEPEC
9	Decision Support System
10	Garage
15	Facilities Management Service
15a	Safety Office
18	Safety Office
18a	Safety Office
19	
21	Facilities Management Repair Shops
22	Facilities Management Repair Shops
24	Laundry/Warehouse
27	Research Laboratory
29	
30	Generator
34	Nanoscience Laboratory
35a	Clinical Epidemiology Research Center
38	Generator GB2
39	Generator GB1
50	Hazardous Waste

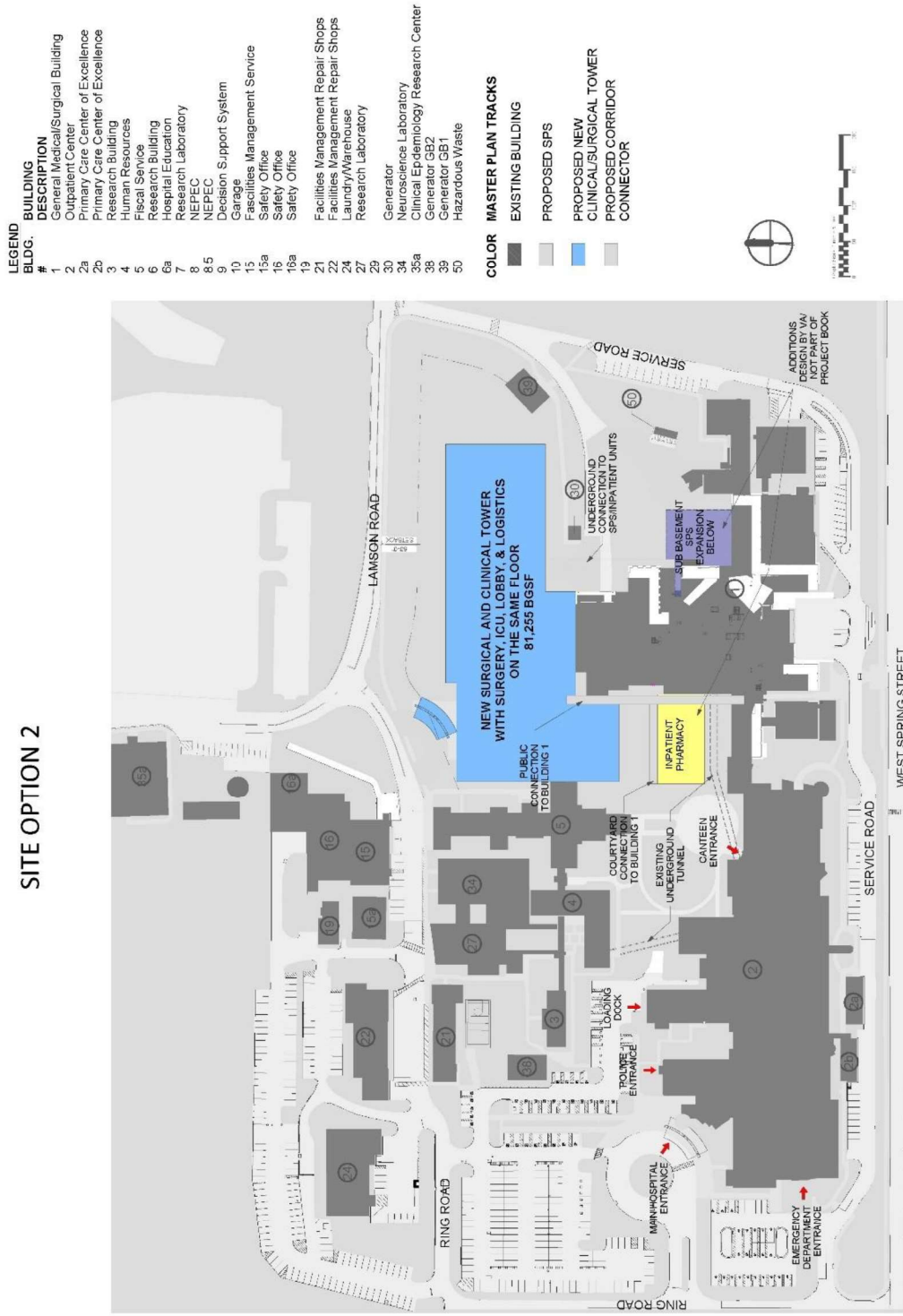
**COLOR MASTER PLAN TRACKS**

[Grey Box]	INPATIENT PHARMACY EXPANSION FOOTPRINT
[Light Blue Box]	PROPOSED SPS
[Dark Blue Box]	PROPOSED NEW CLINICAL/SURGICAL TOWER
[Light Grey Box]	PROPOSED CORRIDOR CONNECTOR

Programmatic Agreement for the Proposed Surgical and Clinical Tower at the West Haven VAMC

# Attachment 4. Site Option 2 (Parking Lot 7)

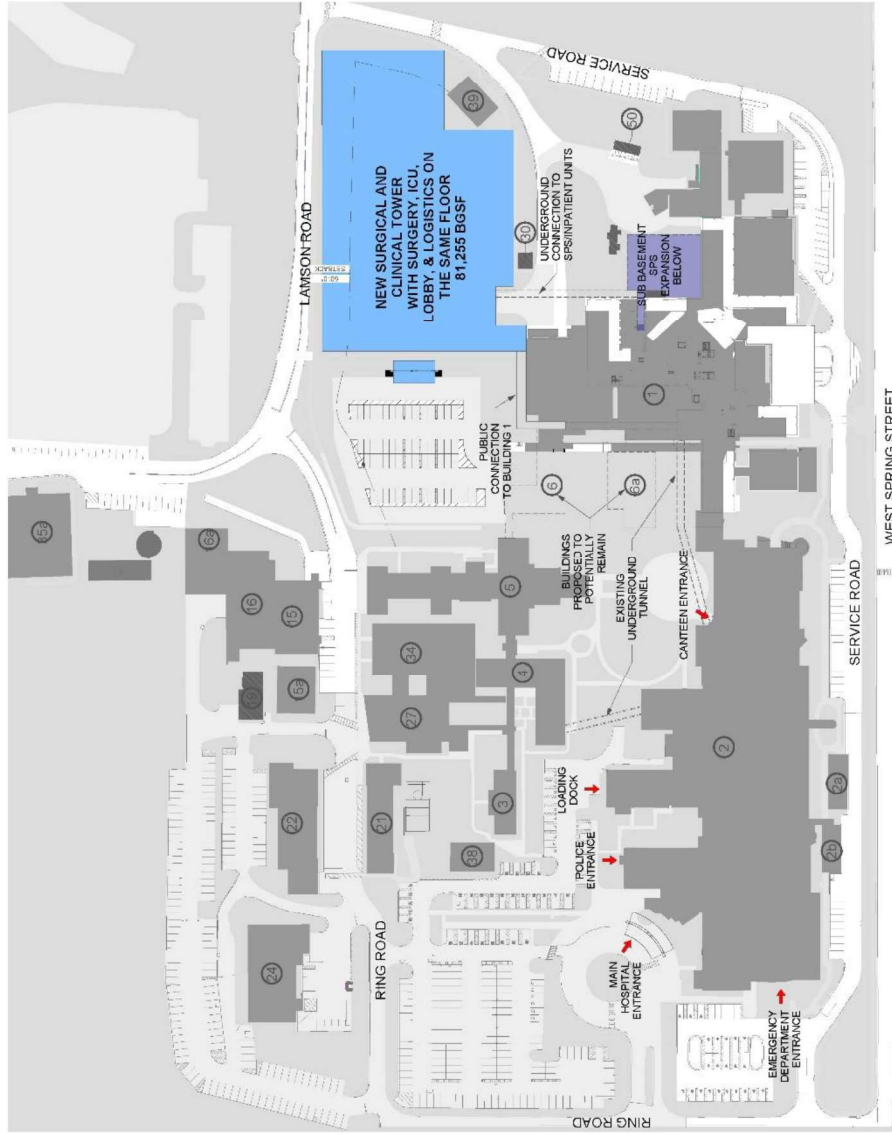
## SITE OPTION 2



Programmatic Agreement for the Proposed Surgical and Clinical Tower at the West Haven VAMC

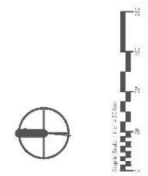
# Attachment 5. Site Option 3 (Loading Dock)

## SITE OPTION 3



BLDG.	BUILDING DESCRIPTION
1	General Medical/Surgical Building
2	Outpatient Center
2a	Primary Care Center of Excellence
2b	Primary Care Center of Excellence
3	Research Building
4	Human Resources
5	Fiscal Services
6	Research Building
6a	Hospital Education
7	Research Laboratory
8	NEPEC
8.5	NEPEC
9	Decision Support System
10	Garage
15	Facilities Management Service
15a	Safety Office
16	Safety Office
16a	Safety Office
19	Facilities Management Repair Shops
21	Facilities Management Repair Shops
22	Laundry/Warehouse
24	Research Laboratory
27	Research Laboratory
29	Research Laboratory
30	Generator
34	Neuroscience Laboratory
35a	Clinical Epidemiology Research Center
38	Generator GB2
39	Generator GB1
50	Hazardous Waste

COLOR	MASTER PLAN TRACKS
Grey	EXISTING BUILDING
Green	PROPOSED RADIOLOGY
Blue	PROPOSED SPS
Light Blue	PROPOSED NEW CLINICAL/SURGICAL TOWER
Dark Blue	PROPOSED CORRIDOR CONNECTOR



Programmatic Agreement for the Proposed Surgical and Clinical Tower at the West Haven VAMC