MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS SIERRA NEVADA HEALTH CARE SYSTEM, AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PURCHASE OF LAND FOR MEDICAL CENTER EXPANSION AND PARKING FOR THE VETERANS AFFAIRS SIERRA NEVADA HEALTH CARE SYSTEM RENO, NEVADA

WHEREAS, the U.S. Department of Veterans Affairs, Sierra Nevada Health Care System (VASNHCS) proposes to acquire land in the vicinity of the VASNHCS campus located at 975 Kirman Avenue, Reno, Washoe County, Nevada and has determined that the proposal constitutes an undertaking, as described in Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, the undertaking consists of the acquisition of land near the VASNHCS campus, the demolition of buildings and structures on the land and the construction and operation of surface parking due to a shortage of on-campus parking. The new parking will be utilized by Veteran patients, volunteers, hospital visitors, VASNHCS staff, and VA contractors; and

WHEREAS, VASNHCS has defined the undertaking's area of potential effects (APE) as the properties to be acquired and those areas of the surrounding neighborhoods from which the undertaking is visible (Attachment 1); and

WHEREAS, VASNHCS, in consultation with the Nevada State Historic Preservation Office (SHPO), has determined that there are historic properties within the APE (Attachment 1: Tables 1 and 2 and Maps 1 and 2); and

WHEREAS, VASNHCS, has determined that the undertaking will have an adverse effect on the historic properties in the APE due to the physical destruction of one existing structure (530 E. Taylor Street (B17052)) that is a contributing resource to the Burke's Addition Historic District, and the introduction of visual elements that diminish the integrity of the historic properties and has consulted with the SHPO pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, this Memorandum of Agreement (MOA) addresses UT# 2016-4249, the proposed acquisition of three (3) new parcels, subsequent demolition of five (5) existing buildings on these parcels, and the construction and operation of surface parking; and

WHEREAS, VASNHCS has determined, and the SHPO has concurred, that there are no archaeological historic properties within the APE; and

WHEREAS, in accordance with 36 CFR 800.3(f), VASNHCS has invited the following federally recognized Indian tribes, with areas of interest in Washoe County, Nevada, to consult regarding the effects of the undertaking on historic properties: Lovelock Tribal Council; Summit Lake Paiute Tribal Council; Carson Community Council; Stewart Community Council; Woodfords Community Council; Winnemucca Tribal Council; Yomba Tribal Council; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation; Paiute Shoshone Tribe of the Fallon Reservation and Colony; Pyramid Lake Paiute Tribe of

the Pyramid Lake Reservation; Reno Sparks Indian Colony; Walker River Paiute Tribe; Carson Colony; Dresslerville Colony Ranch; Stewart Community Ranch; Washoe Tribe of Nevada and California; Woodfords Community Ranch; and the Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch. VASNHCS has received no response or objection to the undertaking from these tribes; and

WHEREAS, VASNHCS has invited the Historic Reno Preservation Society, the Archaeo-Nevada Society, the City of Reno Historical Resources Commission, the Nevada Archaeological Association, the Washoe County Planning Division, and the City of Reno Community Development Department to consult regarding the effects of the undertaking on historic properties. The City of Reno responded that no excessive impacts are expected and a zoning amendment will be necessary. They did not comment on the establishment of an historic designation; and

WHEREAS, VASNHCS posted a public notice in the Reno Gazette Journal for the dates of February 7 through 13, 2019, to invite public comment. No comments were received during the review period; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), VASNHCS 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, VASNHCS, the SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties.

STIPULATIONS

VASNHCS shall ensure that the following measures are carried out:

1. MITIGATION

A. VASNHCS will continue maintaining and updating historical information on the VA website (which can be accessed via the "Project Historic Documents" tab on the right-hand side of this webpage https://www.reno.va.gov/about/index.asp), which was previously developed as mitigation for VA Project #654-823. This effort will archive and share documentation concerning historic properties adversely affected by the undertaking through photographs and narrative information.

1. No later than six (6) months from the signing of this document, VASNHCS shall meet with the SHPO to finalize an outline for the undertaking-specific contents of the website.

2. VASNHCS shall ensure that it takes any contemporary images necessary for the website, and submits them for review by the SHPO, prior to the initiation of the undertaking if any modification resulting from the undertaking would be visible in the image.

3. No later than one (1) year from the signing of this document, VASNHCS shall submit the draft undertaking-specific elements of the website to the SHPO for review.

VASNHCS shall consider any comments received within forty-five (45) days from receipt of submission in finalizing the website.

B. The VASNHCS in consultation with the SHPO will design the landscape plan to be compatible with the current neighborhood aesthetics (e.g., landscaping, foliage, trees, lighting, etc.), to minimize adverse effects on surrounding historic properties to the extent practicable. Trees and shrubbery will provide for species diversity, and smaller trees and shrubs may be used between adequately spaced larger trees.

C. Documentation of one Architectural Resource, 530 E. Taylor Street (B17052), proposed for demolition:

VASNHCS shall ensure that the contributing architectural resource proposed for demolition will be documented in the following manner prior to the initiation of any demolition activities associated with the undertaking:

1. Color digital photographs of exterior and interior views of the resources. The exterior should be documented by at least 6 views including: a) the front and one side; b) the rear and one side; c) the front elevation; d) environmental view showing the building as part of its larger landscape or streetscape; e) major elements of the building including doors, windows, additions, etc. not fully visible in the overview photographs; and f) details, such as materials and hardware. Interior photographs should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interior, unless the resource is large or complex.

2. Reproductions of historic photographs, if any were located during research efforts.

3. Photocopies of existing drawings or plans (including scale), if any were located during research efforts. If permission is required to reproduce historic photographs, plans, maps, or other materials, it is the responsibility of the researcher to obtain proper authorizations. Copies of permission forms must be submitted with the report.

4. Site plan and sketch plan. The site plan must include the resource's orientation in its natural landscape and include the scale and a north arrow. The sketch plan will show the layout and floor plan of the resource, including all associated features. The sketch plan need not be a "measured drawing," but an approximate scale should be included.

5. All images, photocopies, and drawings will be labeled identifying the name of the property, the date rendered, the name of the photographer or renderer, and the orientation of the photograph or drawing.

VASNHCS shall submit the documentation to the SHPO. The SHPO shall have 30 days from receipt to review the submission. If the SHPO concurs or does not respond within this timeframe, VASNHCS shall finalize the documentation. If the SHPO requests changes to the documentation, VASNHCS shall revise and resubmit the documentation to the SHPO

for review. Once the SHPO concurs that the document is adequate, VASNHCS shall finalize the documentation and submit one final hard copy to the SHPO. The hard copy shall include all images printed on archival paper and an archival CD with all images.

D. Inventory of Potential Historic Districts Affected by the undertaking.

VASNHCS will conduct a reconnaissance level architectural survey for the mitigation of adverse effects on historic properties in the Indirect APE. The survey will include unevaluated resources within the historic districts identified in Attachment 1.

1. The survey area boundary will encompass the area defined as the Indirect APE illustrated in the Map 2 Attachment in this document.

2. VASNHCS will engage an architectural historian who meets The Secretary of the Interior's (SOI) Professional Qualifications Standards (36 CFR 61). The architectural historian's scope of work will include the following:

   a. A review of the prior 2014 windshield survey reports for the National Register eligible Belli Addition Historic District (D190) and Burke's Addition Historic District (D189) and the City of Reno's report on the Wells Avenue Conservation District.

   b. The preparation of Page 1 of the SHPO's Architectural Resource Assessment (ARA) form for the resources that are 50 years or older within the boundaries determined under D.1. above.

   c. A determination of eligibility for each resource in order to determine if the resource is a contributing element of a district.

   d. Preparation of a color-coded map to indicate which resources are contributing vs. non-contributing to any eligible district.

   e. A review of the existing historic contexts and the preparation of an update to supplement the new reconnaissance survey work.

E. VASNHCS will work with the City of Reno to execute a zoning amendment.
VASNHCS shall submit the documentation to the SHPO. The SHPO shall have 30 days from receipt to review the submission and provide comments. If the SHPO concurs or does not respond within this timeframe, VASNHCS shall finalize the documentation. If the SHPO requests changes to the documentation, VASNHCS shall revise and resubmit the documentation to the SHPO for review. Once the SHPO concurs that the document is adequate, VASNHCS shall finalize the documentation and submit one final hard copy (including both a paper copy and an archival CD) to the SHPO.

II. DURATION

This MOA will expire if its terms are not carried out within ten (10) years of its execution, or VA Project custody and transfer, whichever comes first. Prior to such time, VASNHCS may consult

with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI.

III. POST-REVIEW INADVERTENT DISCOVERIES

A. In the event that unanticipated cultural resources are identified during construction associated with the undertaking, VASNHCS shall notify the SHPO and ACHP immediately, followed by a report of findings within forty-eight (48) hours in writing. All activities within thirty (30) meters of the discovery shall cease immediately until authorized to proceed by VASNHCS.

1. VASNHCS shall ensure the discovery is confirmed, assessed, and recorded as needed by a professional meeting the Secretary of Interior's Qualification Standards.

2. If the discovery is an archaeological site, VASNHCS shall ensure that the discovery is recorded on an Intermountain Antiquities Computer System form, including appropriate continuation sheets and following SHPO guidelines. VASNHCS shall determine eligibility for listing on the National Register of Historic Places (National Register), following the criteria of 36 C.F.R. § 60.4, and consult with the SHPO on that determination. The SHPO shall have seven (7) calendar days from receipt to provide comments on VASNHCS's determination.

   a) If VASNHCS, in consultation with the SHPO, determines that the discovered site is not eligible for listing on the National Register, then no further actions will be required.

   b) If VASNHCS, in consultation with the SHPO, determines that the discovered site is eligible for listing on the National Register, then VASNHCS shall further consult with the SHPO on measures to resolve any adverse effects to the historic property.

3. If the discovery includes human remains, VASNHCS will require that the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" or any subsequent Policy Statements that are issued after the execution of this MOA are considered, and will comply with the relevant requirements of NAGPRA if the human remains appear to be Native American.

4. If any uncovered human remains are determined to be non-Native American, VASNHCS will contact law enforcement officials to assess the nature and age of the human remains. If the coroner determines that the human remains are older than 50 years of age and are not a crime scene, VASNHCS will contact the SHPO.

5. On any non-Federal property, human remains and associated grave goods will be handled according to the provisions of NRS 383.

IV. REPORTING

Upon completion of the proposed undertaking, VASNHCS shall provide a summary report to the SHPO and ACHP detailing work undertaken pursuant to 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, VASNHCS shall consult with such party to resolve the objection. If VASNHCS determines that such objection cannot be resolved, VASNHCS will:

A. Forward all documentation relevant to the dispute, including VASNHCS's proposed resolution, to the ACHP. The ACHP shall provide VASNHCS 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, VASNHCS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and SHPO, and provide them with a copy of this written response. VASNHCS will then proceed according to the final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, VASNHCS may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, VASNHCS shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, and provide it and the ACHP with a copy of such written response.

C. VASNHCS' responsibility to carry out all other actions subject to the terms of this MOA, which are not the subject of the dispute, remain unchanged.

VI. 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 is signed by all of the signatories.

VII. 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 per Stipulation VI. 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.

B. Once the MOA is terminated and prior to work continuing on the undertaking, VASNHCS 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. VASNHCS shall notify the signatories as to the course of the action it will pursue.

VIII. ANTI-DEFICIENCY CLAUSE

A. All requirements set forth in this MOA requiring expenditures of VASNHCS funds are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. Section 1341).

B. No obligation undertaken by VASNHCS under the name of this MOA shall require or be interpreted to require a commitment to expend funds not appropriated for a particular purpose.

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

This MOA will be signed in counterparts and each signature will be effective and binding as if the signatories had signed the same document.

SIGNATORIES:

U.S. Department of Veterans Affairs Sierra Nevada Health Care System

2/14/19 Date

Lisa Howard
Director

Nevada State Historic Preservation Office

02/14/19 Date

Rebecca L. Palmer
State Historic Preservation Officer

Advisory Council on Historic Preservation

2/22/19 Date

John M. Fowler
Executive Director

ATTACHMENT 1

Area of Potential Effects (APE) and Affected Historic Properties

The APE includes three historic districts and a conservation district that will be directly, indirectly (visually), or cumulatively affected by this undertaking: Belli Addition (SHPO Resource D190), Burke's Addition (SHPO Resource D189), Wells Avenue Conservation District (TBD), and the VASNHCS Campus (SHPO Resource D191). See Map 1 below, which illustrates the districts' boundaries.

Table 1. Potential Historic Districts in the Direct and Indirect/Visual APE

SHPO Resource	Name/Address	Period of Significance
D191	Veterans Hospital District	1939-1962
D189	Burke's Addition Historic District	1907-1945
TBD	Wells Avenue Conservation District	1904-1945
D190	Belli Addition Historic District	1946 (platted)

Contributing and non-contributing resources that have been evaluated within the Direct APE which are proposed to be demolished, include those listed in Table 2 below. Note that there is only one resource, B17052, that is listed as a contributing resource and will be mitigated.

Table 2. Direct APE Properties

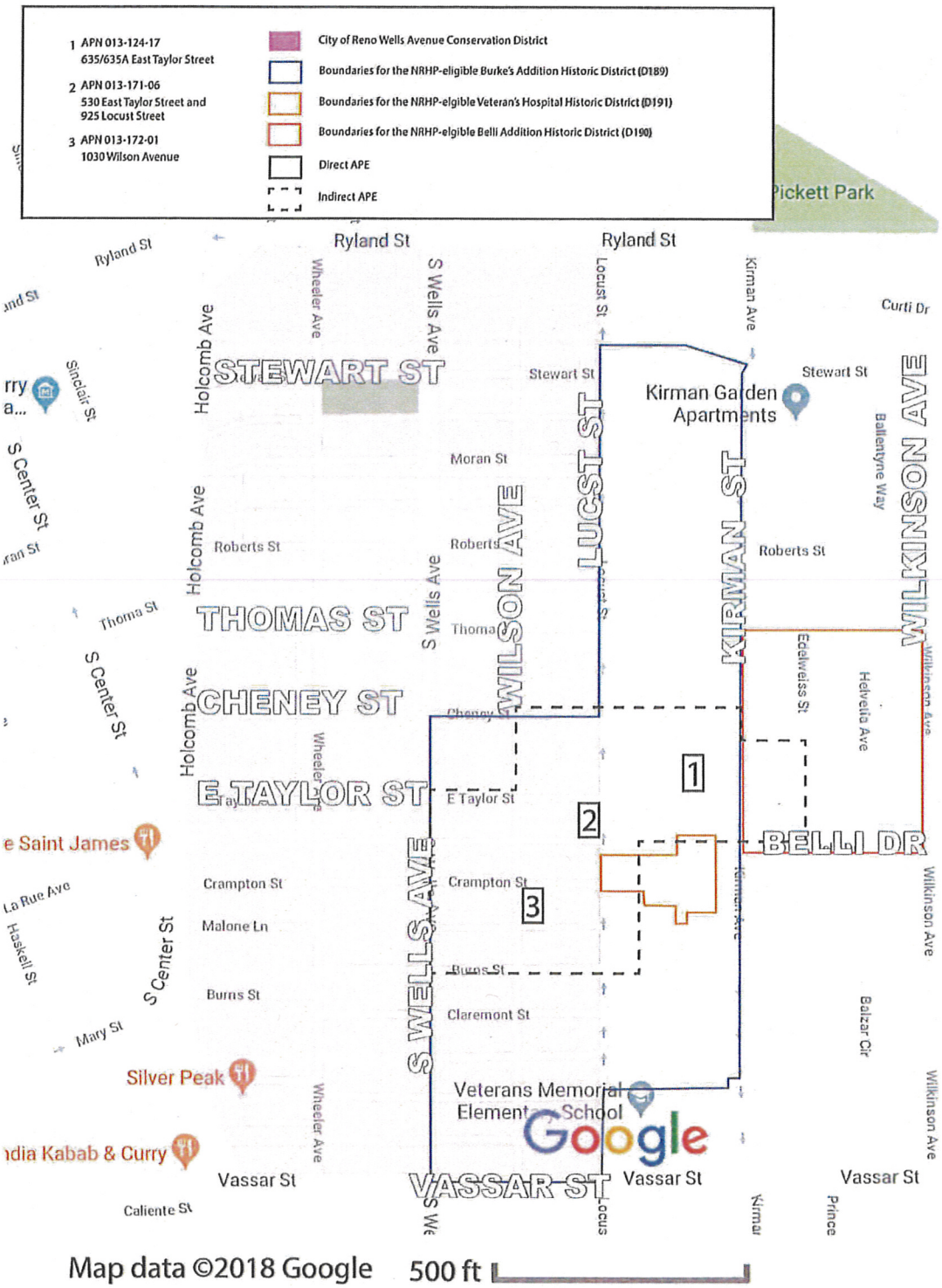
	SHPO Resource	APN Number	Name/Address	Year Built	Evaluation	Type of Structure
1	B17701	013-124-17	635 E. Taylor Street	1948	Non-Contributing (Burke's Addition HD)	Single-Family Residence
	TBD (not deemed a historic resource)	013-124-17	635A E. Taylor Street	1988	Non-Contributing (Burke's Addition HD)	Single-Family Residence

	SHPO Resource	APN Number	Name/Address	Year Built	Evaluation	Type of Structure
2	B17052	013-171-06	530 E. Taylor Street	1955	Contributing (Burke's Addition HD)	Single-Family Residence
	B17053	013-171-06	925 Locust Street	1955	Non-Contributing (Burke's Addition HD)	Single-Family Residence
3	B17702	013-172-01	1030 Wilson Avenue	1954	Non-Contributing (Burke's Addition HD)	Multi-Family Residence

See Map 2 below which shows the location of 92 buildings (unevaluated) that will be visually affected within the indirect APE.

MAP 1

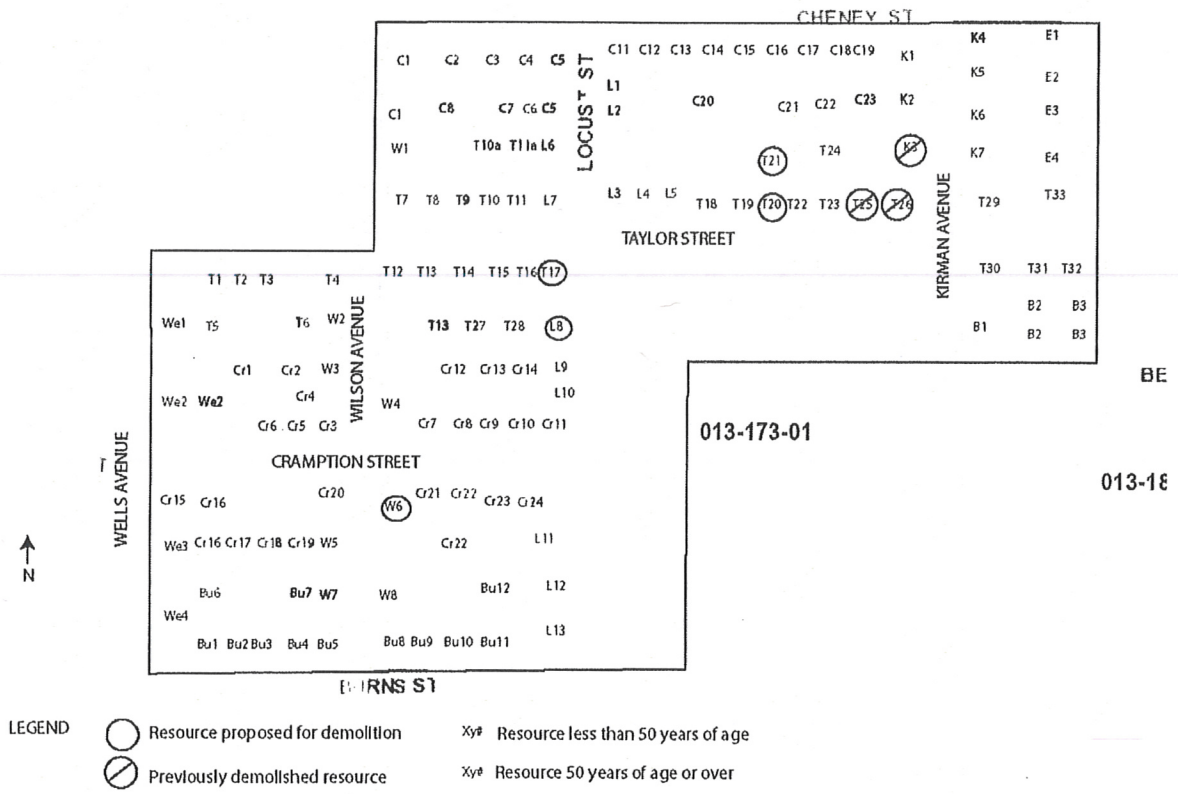
Map 1 illustrates Historic properties that will be affected by this undertaking.



MAP 2

Map 2 illustrates the Indirect APE and the location of the 92 buildings (e.g. labeled as C1 etc.) that are:

1. of historic-age (50 years or older),
2. potentially contributing resources located within the historic districts identified in Map 1 above,
3. unevaluated for individual eligibility for listing in the National Register of Historic Places, and
4. which will be affected by this undertaking.



Site Map of Indirect APE showing Map IDs