MEMORANDUM OF AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS SIERRA NEVADA HEALTH CARE SYSTEM,
THE NEVADA STATE HISTORIC PRESERVATION OFFICE, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE BUILDING 1 SEISMIC UPGRADE AND CLINICAL EXPANSION AT THE VETERANS AFFAIRS SIERRA NEVADA HEALTH CARE SYSTEM
RENO, NEVADA (UT 2014-3179, VA Project 654-083)

WHEREAS the U.S. Department of Veterans Affairs Sierra Nevada Health Care System (VASNHCS) proposes to construct project 654-083, Building 1 Seismic Upgrade and Clinical Expansion (the undertaking) at 975 Kirman Avenue, Reno, Washoe County, Nevada; and

WHEREAS, the undertaking consists of (1) the structural stabilization of existing Building 1 to protect the life and safety of veterans, staff and other occupants, and (2) construction of a Clinical Expansion will enable VASNHCS to accommodate increasing needs for clinical health care services for veterans; and

WHEREAS, VASNHCS has consulted with the Nevada State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (54 U.S.C. 306108); and

WHEREAS, VASNHCS has defined the undertaking's area of potential effect (APE) as the VASNHCS campus at 975 Kirman Avenue, Reno, NV 89502, and those areas of the surrounding neighborhoods from which the Clinical Building is visible (Attachment 1); and

WHEREAS, VASNHCS, in consultation with the SHPO, has determined that there are historic properties within the APE (Attachments 1 and 2); and

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

WHEREAS, VASNHCS, in consultation with the SHPO, has notified the community regarding the effects of the undertaking on historic properties, presented the undertaking in a public meeting on August 5, 2015 and invited members of the public to provide input in the design; and

WHEREAS, in accordance with 36 CFR 800.3(f), VASNHCS has invited the following federally recognized tribes, with areas of interest in Washoe County, Nevada, to consult regarding the effects of the undertaking on historic properties, to attend the public meeting held on August 5, 2015, and to provide input in the design: 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 of the Walker River Reservation, Washoe Tribe of Nevada and California, the Yerington Paiute Tribe of the Yerington Colony, and Campbell Ranch; and VASNHCS has received no responses from any of the tribes; and

WHEREAS, VASNHCS, in consultation with the SHPO, has determined that the undertaking will have adverse effects on historic properties due to the physical destruction of Building 1's center and east

wings and introduction of visual elements that diminish the integrity of historic properties in the APE; and

WHEREAS, VASNHCS has minimized the adverse effects of the Clinical Expansion by locating it largely to the east and behind the 6-story Building 1, minimizing the height of the expansion and utilizing a full basement level to limit its visibility within the historic districts, and utilizing glass curtainwall to complement the concrete facades of Buildings 1A and Building 1 - all of which are reflected in the current design per the Section 106 Report dated July 24, 2015 and any subsequent amendments to that Report; and

WHEREAS, in accordance with the 36 CFR 800.3 (f), 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 ACHP agree 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

1. MITIGATION

VASNHCS shall ensure that the following measures are carried out:

A. Develop a web site through the VA Internet to archive and share the history of the VA in Reno and the surrounding neighborhood through photographs and narrative information.

1. No later than October 1, 2016, VASNHCS shall meet with the SHPO to finalize an outline for the 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 May 1, 2017, VASNHCS shall submit the draft 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. Create and install one (1) historic marker through the Nevada Historical Marker Program to document the history of VASNHCS and Ioannis Lougaris' role in the hospital's history.

1. VASNHCS shall fund the installation and maintenance of Nevada Historical Marker #272 in a publically accessible location at VASNHCS consistent with the requirements of the program (NRS 383.091).

2. No later than October 1, 2016, VASNHCS and the SHPO shall meet to initiate the development of the marker.

3. VASNHCS, in consultation with the SHPO, shall determine a suitable location for the marker.

4. No later than October 1, 2017, VASNHCS shall submit a draft design with interpretive text for the marker to the SHPO for concurrence that the design is adequate, appropriate, and sufficient for a Nevada Historical Marker consistent with NRS 383.091. If the SHPO concurs or does not respond to VASNHCS within forty-five (45) days from receipt, VASNHCS may proceed with fabrication and installation of the marker.

5. No later than October 1, 2018, VASNHCS shall ensure that Nevada Historical Marker #272 is installed.

C. Document Building 1 prior to demolition of its two (2) wings through photographs and narrative information. Documentation will be comprised of Historic American Buildings Survey (HABS) level 2 documentation and include large-format, pre-demolition photography of all sides of the building and its wings and selected interiors, written history and description of the building, including these wings. A draft of this documentation will be provided to the SHPO within twelve (12) months of the execution of the MOA.

II. DURATION

This MOA will expire if its terms are not carried out within 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 V below.

III. MONITORING AND REPORTING

Annually following the execution of this MOA, on or around July 14 and until it expires or is terminated, VASNHCS shall provide a summary report to the SHPO detailing work undertaken pursuant to such terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in VASNHCS's efforts to carry our out the terms of this MOA.

IV. 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 its 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's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

V. 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 signed by all of the signatories is filed with the ACHP.

VI. 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 V, above. 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.

VII. 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 taken into account the effects of the undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

U.S. Veterans Affairs Sierra Nevada Health Care System

7/8/16 Date

Lisa Howard
Director

Nevada State Historic Preservation Office

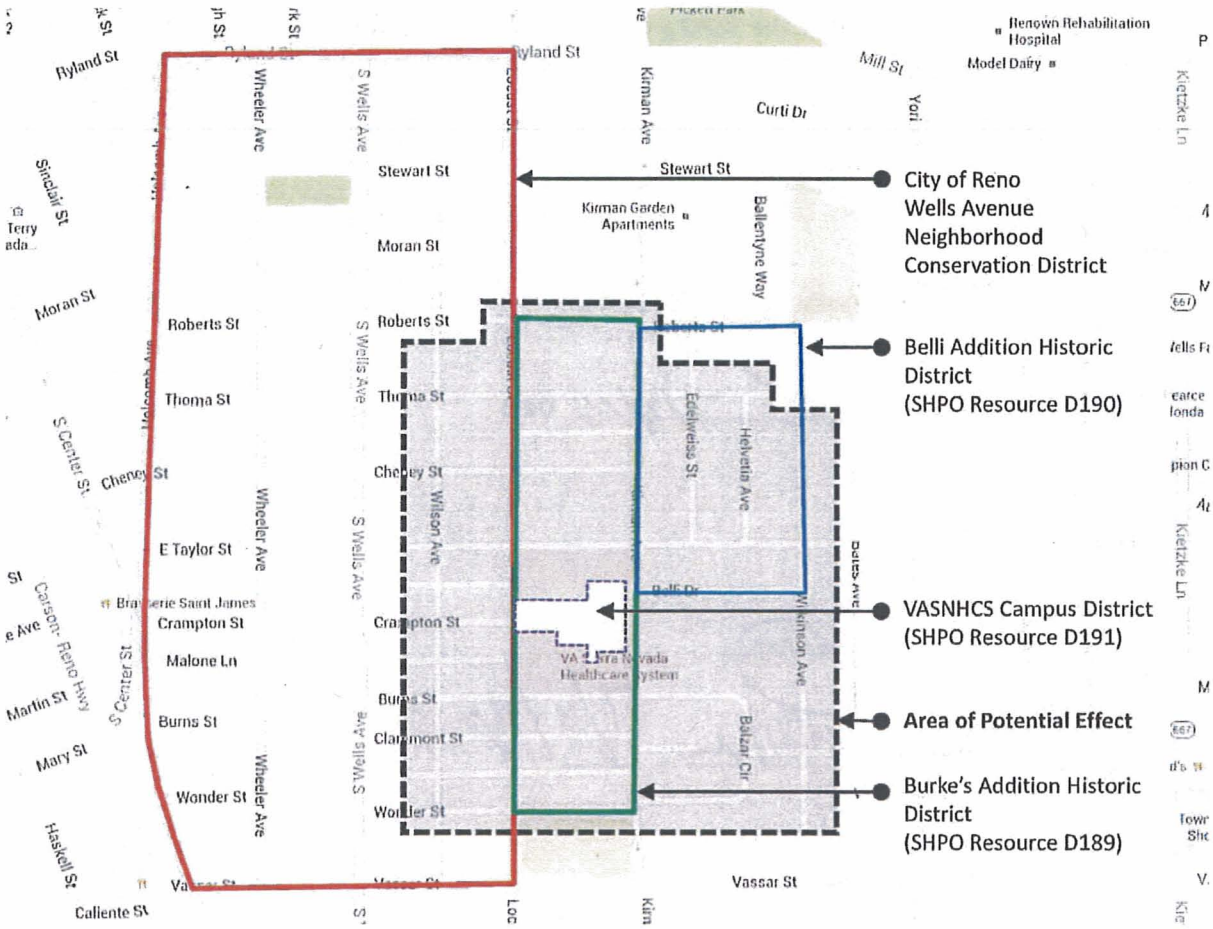
7/11/16 Date

Rebecca L. Palmer
State Historic Preservation Officer

Advisory Council on Historic Preservation

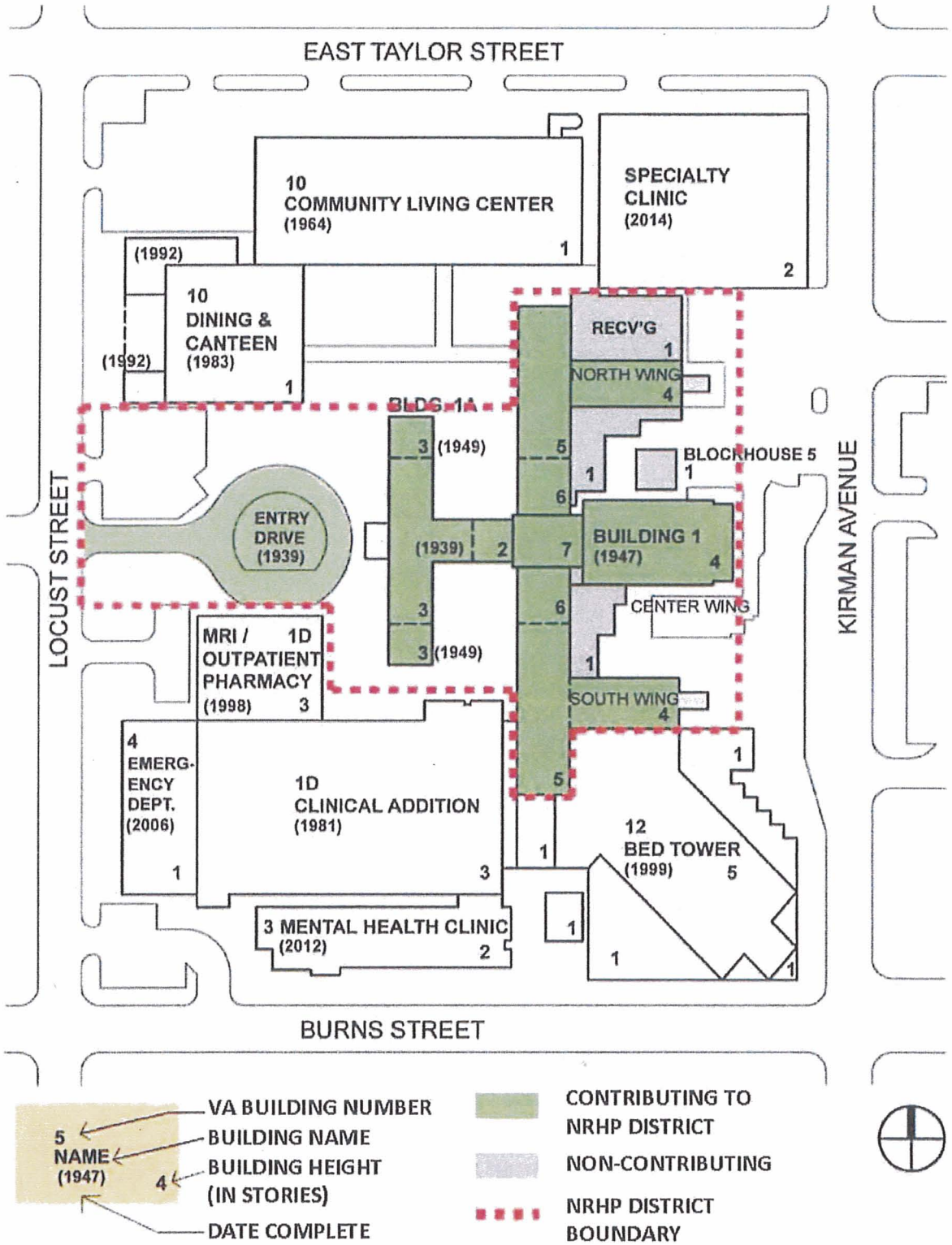
7/19/16 Date

John M. Fowler
Executive Director



Area of Potential Effect (APE) and Adversely Affected Historic Properties

The APE (shown in the dashed black boundary) includes areas that will be directly, indirectly, or cumulatively affected by this undertaking as illustrated in this diagram. The City of Reno has designated the area outlined in red as the Wells Avenue Neighborhood Conservation District. The undertaking will have an adverse effect on the Belli Addition Historic District (eligible under significance criterion C), the VASNHCS Campus District (eligible under significance criteria A and C), and Burke's Addition Historic District (eligible under significance criterion C).



VASNHCS Campus District (SHPO Resource D191)