

**MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)
DANVILLE VA MEDICAL CENTER (VAMC)
AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER (IL SHPO)
REGARDING
DEMOLITION OF BUILDINGS 31, 32, 33, 34, 37, 38, 75, 81, 82, AND 83
AT THE DANVILLE VAMC**

WHEREAS, the U.S. Department of Veterans Affairs (VA) is a federal agency that operates the Danville VA Medical Center (VAMC) located in the City of Danville, Vermillion County, Illinois, and has identified ten (10) buildings that do not support current or future operations; and

WHEREAS, the Danville VAMC has determined that the proposed demolition of Buildings 31, 32, 33, 34, 37, 38, 75, 81, 82, and 83 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 Danville VAMC has consulted with the Illinois State Historic Preservation Officer (IL SHPO), consistent with 36 CFR § 800.2(c)(1); and

WHEREAS, the Danville VAMC has invited the following to be consulting parties consistent with 36 CFR § 800.2(c)(2 through 5): Vermillion County, Illinois, the City of Danville, the Citizen Potawatomi Nation (Oklahoma), Forest County Potawatomi Community of Wisconsin, the Hannahville Indian Community, Michigan, the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the Kickapoo Tribe of Oklahoma, the Menominee Indian Tribe of Wisconsin, the Miami Tribe of Oklahoma, the Peoria Tribe of Indians of Oklahoma, the Prairie Band Potawatomi Nation, and Landmarks Illinois, and none chose to participate in the consultation; and

WHEREAS, the Danville VAMC provided the public with information about the undertaking and its effects on historic properties and sought public comment and input, consistent with 36 CFR § 800.2(d); and

WHEREAS, the Danville VAMC, in consultation with the IL SHPO and consistent with 36 CFR § 800.4(a)(1), has determined the area of potential effects (APE) to be the boundary of the Danville Branch, National Home for Disabled Volunteer Soldiers Historic District (Attachment 1); and

WHEREAS, the Danville VAMC has identified the Danville Branch, National Home for Disabled Volunteer Soldiers Historic District, listed in the National Register of Historic Places in 1992 (NRIS 91001973), as a historic property within the APE that may be affected by the undertaking consistent with 36 CFR § 800.4(b); and

WHEREAS, the Danville VAMC, in accordance with 36 CFR § 800.5(d)(2), has found the undertaking will have an adverse effect on the historic property as Buildings 31 (1899; Director's Quarters), 32 (1900; Quarters), 33 (1899; Quarters), 34 (1901; Quarters), 37 (1901; Quarters), 38 (1901; Quarters), 75 (1938; Garage), 81 (1938; Garage), 82 (1938; Garage), and 83 (1938; Garage) are contributing resources to the historic district; and consulted to resolve the adverse effect per 36 CFR § 800.6; and

WHEREAS, the Danville VAMC has notified the Advisory Council on Historic Preservation (ACHP) of

the adverse effect finding, and the ACHP has chosen not to participate in the consultation, pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the Danville VAMC and the IL SHPO agree that the adverse effect will be resolved through execution of this Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(b)(1)(iv), and 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

The Danville VAMC shall ensure that the following measures are carried out. Upon completion of Stipulation I below, it is agreed that no additional notifications or submittals to the IL SHPO are needed for modification or demolition of Buildings 31, 32, 33, 34, 37, 38, 75, 81, 82, and 83.

I. MITIGATION

Architectural Documentation

- a. Prior to authorizing any demolition or other activity that could damage any building or structure, the Danville VAMC will ensure that the resources are documented in accordance with the standards and guidelines of the Historic American Buildings Survey (HABS) (www.nps.gov/hdp/standards/index.htm).
- b. The Danville VAMC will provide the National Park Service (NPS) and IL SHPO sixty (60) days for review of and concurrence on the Draft HABS documentation. If a response is not received within the 60-day period, Danville VAMC may presume concurrence.
- c. The Danville VAMC will submit Final HABS documentation to the NPS in accordance with requirements in the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation (Federal Register, Vol. 68, No. 139, pp. 43159-431162, July 21, 2003) for NPS acceptance and placement within the Heritage Documentation Programs at the Library of Congress where it will be available to the public.
- d. The Danville VAMC will provide the IL SHPO with a copy of the final documentation for its files, in an archival clamshell, along with a digital version of the HABS recordation saved to an archival CD/DVD.
- e. The Danville VAMC will provide the VA Federal Preservation Officer (FPO) with a digital version of the final documentation saved to an archival CD/DVD.
- f. HABS addenda, new documentation of a previously transmitted survey, for the National Home for Disabled Volunteer Soldiers (NHDVS), Danville Branch (HABS No. IL-1232) will include, but is not limited to:
 - i. The written historical and descriptive data in the form of an overview report prepared in accordance with the outline format guidelines (www.nps.gov/hdp/standards/HABS/HABSHistoryGuidelines.pdf).
 - ii. A site plan.
 - iii. Reproduction of select existing drawings, if available, preferably on vellum, for Buildings 31 (HABS No. IL-1232-D), 32 (HABS No. IL-1232-G), 33 (HABS No. IL-1232-H), 34 (HABS No. IL-1232-I), 37 (HABS No. IL-1232-J) and 38 (HABS No. IL-1232-V) which will be added to the individual surveys.
- g. New HABS documentation for the four Garages (Buildings 75, 81, 82, and 83) to be demolished or altered will be added to the NHDVS Danville Branch complex as subsidiaries to the Quarters and will include, but is not limited to:
 - i. Large format (4" x 5" or larger negative size) photographs processed for archival permanence in accordance with HABS photographic specifications

- (www.nps.gov/hdp/standards/PhotoGuidelines.pdf). Views will include:
1. At least one exterior view that shows the resources in context.
 2. One photograph of each exterior façade of each building or two exterior oblique views that capture all facades.
 3. An interior view of each major space.
 4. Views of exterior and interior architectural detail unique to the resource.
- ii. Photo locations keyed to the site plan and included with the "Index to Photographs."
- h. New HABS documentation for two Quarters (Buildings 35 and 41), will be added to the NHDVS Danville Branch complex and will include, but is not limited to:
- i. The written historical and descriptive data in the form of short format reports for each Quarters.
 - ii. Reproduction of select existing drawings, if available, preferably on vellum.
 - iii. Large format (4" x 5" or larger negative size) photographs processed for archival permanence in accordance with HABS photographic specifications (www.nps.gov/hdp/standards/PhotoGuidelines.pdf). Views will include:
 1. At least one exterior view that shows the resources in context.
 2. One photograph of each exterior façade of each building or two exterior oblique views that capture all facades.
 3. An interior view of each major space.
 4. Views of exterior and interior architectural detail unique to the resource.
 - iv. Photo locations keyed to the site plan and included with the "Index to Photographs."

II. SCHEDULE

The Danville VAMC may proceed with demolition of Buildings 31, 32, 33, 34, 37, 38, 75, 81, 82, and 83 once the IL SHPO has reviewed and concurred with the draft documentation per Stipulation I. Final documentation will be submitted to the IL SHPO, NPS and VA FPO no later than six months after demolition of the buildings begins.

III. POST-REVIEW DISCOVERIES

If historic properties are discovered or unanticipated effects on historic properties occur during execution of the undertaking, the Danville VAMC will notify the IL SHPO and make efforts to avoid, minimize or mitigate adverse effects to such resources. The Danville VAMC and IL SHPO shall be guided by steps established in 36 CFR Section 800.13(b).

IV. DURATION

This MOA will expire if its terms are not carried out within seven (7) years from the date of its execution. Prior to such time, the Danville VAMC may consult with the IL SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

V. DISPUTE RESOLUTION

Should either signatory to this MOA object at any time to the manner in which the terms of this MOA are implemented, the Danville VAMC shall consult with the IL SHPO to resolve the objection. If the Danville VAMC determines that such objection cannot be resolved, the Danville VAMC will:

- a. Forward all documentation relevant to the dispute, including any timely advice or comments regarding the dispute from the IL SHPO, and the Danville VAMC's proposed resolution, to the ACHP. The ACHP shall provide the Danville VAMC 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, the Danville VAMC shall prepare a written response that takes into

account any timely advice or comments regarding the dispute from the ACHP and IL SHPO, and provide them with a copy of this written response. The Danville VAMC 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 period, the Danville VAMC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Danville VAMC shall prepare a written response that takes into account any timely comments regarding the dispute from the IL SHPO, and provide it and the ACHP with a copy of such written response.
- c. The Danville VAMC'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.

VI. AMENDMENTS

- a. This MOA may be amended when such an amendment is agreed to in writing by both signatories. The amendment will be effective the date a copy signed by both signatories is filed with the ACHP.

VII. TERMINATION

- a. If either signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatory to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another time period agreed to by both signatories) an amendment cannot be reached, either signatory may terminate the MOA upon written notification to the other signatory.
- b. Once the MOA is terminated, and prior to work continuing on the undertaking, the Danville VAMC 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. The Danville VAMC shall notify the IL SHPO as to the course of action it will pursue.

VIII. ANTI-DEFICIENCY ACT

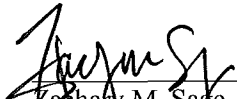
The Danville VAMC's obligations under this MOA are subject to the availability of funds and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act (31 USC § 1341). The Danville VAMC will make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs its ability to implement the stipulations of this MOA, the Danville VAMC will consult with the IL SHPO in accordance with the amendment and termination procedures in Stipulations VI and VII.

Execution of this MOA by the Danville VAMC and IL SHPO and implementation of its terms evidence that the Danville VAMC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

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SIGNATORIES:

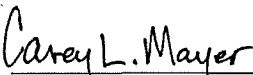
UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, DANVILLE VA MEDICAL CENTER



Zachary M. Sage
Acting Medical Center Director

8/19/2021
Date

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER



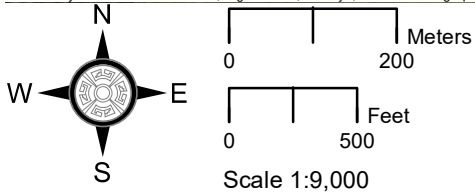
Carey L. Mayer, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources





08/17/2021
Date

Attachment 1: Area of Potential Effects and Location of Buildings 31, 32, 33, 34, 37, 38, 75, 81, 82, and 83



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-  APE
-  National Register
-  Historic District Boundary
-  Selected Built Resources

VA Illiana
Healthcare System
Danville, Illinois
Medical Campus and
Selected Built Resource
Aerial Overview