

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, SAN FRANCISCO VETERANS AFFAIRS MEDICAL CENTER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE LONG RANGE DEVELOPMENT PLAN FOR THE
SAN FRANCISCO VETERANS AFFAIRS MEDICAL CENTER**

WHEREAS, the San Francisco Veterans Affairs Medical Center (SFVAMC), located at 4150 Clement Street, has developed a Long Range Development Plan (LRDP) (the “Undertaking”) that includes two main phases with 18-20 sub-phases encompassing 29-31 project components (depending on which development scenario is implemented) to meet the mission of the Veterans Health Administration (VHA), one of three major branches of the U.S. Department of Veterans Affairs (VA), and the needs of Veterans in the San Francisco Bay Area and the North Coast of California over 15 years; and

WHEREAS, SFVAMC has developed the LRDP in a way that meets its mission and seeks to manage historic properties under its control through continued use of and reinvestment in resources contributing to the SFVAMC Historic District and to avoid or minimize adverse effects caused by implementation of the Undertaking through incorporation of the *Secretary of the Interior’s Standards for the Treatment of Historic Properties (SOISTHP)*, 36 Code of Federal Regulations (CFR) Part 68, and applicable guidelines; and

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 16 U.S. Code (USC) §470f, and its implementing regulations, 36 CFR Part 800 (collectively referred to here as “Section 106”), require federal agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings; and

WHEREAS, implementation of the LRDP will include rehabilitation, new construction, and demolition; and

WHEREAS, SFVAMC provided the public an overview of its Section 106 compliance responsibilities at National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) scoping meetings held on October 26, 2010, and April 26, 2011, and a joint NEPA/NHPA meeting to collect and consider commentary on September 20, 2012; SFVAMC published advertisements on its website and in the *San Francisco Chronicle* to obtain the views of the public regarding the Undertaking and its effects on historic properties for the LRDP alternatives; SFVAMC published information regarding the Undertaking on its website; SFVAMC established a dedicated e-mail address for distributing information to Consulting Parties and to collect their comments; and SFVAMC held meetings with Consulting Parties to discuss resolution of adverse effects on December 10, 2013, and March 13, 2014; and

WHEREAS, SFVAMC notified the National Park Service Golden Gate National Recreation Area (GGNRA); the City and County of San Francisco; the National Trust for Historic Preservation; the California Preservation Foundation; the Board of Directors of the Northern California Institute for Research and Education; the University of California, San Francisco School of Medicine; the Palace of the Legion of Honor; the Planning Association for the Richmond; the Friends of Lands End; and the People for a Golden Gate National Recreation Area of the Undertaking and they have accepted

SFVAMC's invitation to participate in this consultation as Consulting Parties and are invited to concur with this agreement in accordance with 36 CFR §800.6(c)(3); and

WHEREAS, SFVAMC notified the San Francisco Veterans Affairs Commission; the Western Regional Office of the National Park Service; the San Francisco County Veterans Service Office; and the Presidio Trust of the Undertaking and the opportunity to participate in this consultation, but they either did not respond or declined to participate; and

WHEREAS, SFVAMC contacted the California Native American Heritage Commission in an effort to identify and consult federally recognized and other Indian tribes that may attach religious and/or cultural significance to the SFVAMC property, and SFVAMC determined that there are no such federally recognized tribes; the state recognized Amah/Mutsun Tribal Band, Coastanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, and Ohlone Indian Tribe were notified of the Undertaking and the opportunity to participate in this consultation, but they either did not respond or declined to participate; and

WHEREAS, SFVAMC, in consultation with the California State Historic Preservation Office (SHPO), has determined the area of potential effect (APE), which encompasses the construction footprint and all construction activity areas and any buildings or structures adjacent to those areas where potential LRDP-related effects may occur for the Undertaking, as the entire SFVAMC Fort Miley Campus. Because of the proximity of the Fort Miley Military Reservation Historic District on lands located within and managed by GGNRA directly east and west of the SFVAMC Fort Miley Campus, the APE also includes all GGNRA land included in the Fort Miley Military Reservation Historic District (Attachment A); and

WHEREAS, SFVAMC, in consultation with the SHPO, has identified the historic properties within the APE that may be affected by the Undertaking: the SFVAMC Historic District and the Fort Miley Military Reservation Historic District (Attachment A); and

WHEREAS, SFVAMC, in consultation with the SHPO and consideration of views from other Consulting Parties, has determined that the Undertaking will adversely affect historic properties as a result of the introduction of new visual elements, demolition of contributing resources, and physical alteration of contributing resources (unless project components are designed in accordance with the *SOISTHP* and applicable guidelines); and

WHEREAS, SFVAMC, in consultation with the SHPO, has determined that there are no known archaeological sites present within the APE, and, therefore, adverse effects are not anticipated; and

WHEREAS, SFVAMC notified the ACHP of the adverse effect, and the ACHP has elected to participate in consultation for this Undertaking pursuant to 36 CFR §800.2(b) (1); and

WHEREAS, SFVAMC, through consultation with the SHPO and ACHP, has determined that it will fulfill its Section 106 responsibilities for the Undertaking through the development and implementation of a Programmatic Agreement (PA) under 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

WHEREAS, SFVAMC initiated reviews of Sub-phases 1.9 (Building 40 [Construct Research Building 40 and Demolish Buildings 14, 18, T-23, and 21]) and 1.16 (Seismic Retrofit of Buildings 1, 6, and 8) before execution of this PA under 36 CFR Part 800, but such reviews will not be completed until the PA is executed, and the Consulting Parties have agreed to review in accordance with protocols in this PA; and

WHEREAS, SFVAMC, the SHPO, and the ACHP will execute this PA as Signatories;

NOW, THEREFORE, SFVAMC, the SHPO, and the ACHP agree that implementation of the following stipulations evidence that SFVAMC has taken into account the effects of the Undertaking on historic properties, and this PA evidences compliance with Section 106 in accordance with 36 CFR §800.6(c) and 36 CFR §800.14(b).

STIPULATIONS

I. APPLICABILITY

- a. SFVAMC is responsible for ensuring implementation of the stipulations in this PA associated with the Undertaking.
- b. The stipulations of this PA describe treatment measures for historic properties being affected by demolition, alteration, or new construction as part of the LRDP. Stipulation III provides a review process for each LRDP sub-phase (which may comprise more than one project component). Stipulation IV describes the mitigation measures for the overall effect of full implementation of the LRDP inclusive of the adverse effects, which may be direct, indirect, or cumulative. The Historic District Design Guidelines will provide SFVAMC with a tool to help minimize or avoid the contribution of each sub-phase to the adverse effect on historic properties. The Historic Landscape Study and the Public Interpretation Program will provide a greater understanding of the affected heritage. The Historic Preservation Treatment and Maintenance Plan will provide SFVAMC with a tool to improve on-going and cyclical maintenance and operations activities by integrating preservation techniques and standards into these routine activities.

II. GENERAL

- a. All parties will send and accept official notices, comments, requests for further information and documentation, and other communications required by this PA by e-mail.
- b. Time designations are in calendar days. Failure to comment within specified time designations will allow SFVAMC to proceed to the next step in the process as outlined in this PA.
- c. For the purposes of this PA, the definitions provided in 36 CFR § 800.16(a) through (y) inclusive shall apply.
- d. SFVAMC will ensure that federal or contractor staff who meet the Secretary of the Interior's Professional Qualification Standards for architectural history, history, archaeology, architecture, and historic architecture, as determined by VA's Federal Preservation Officer or SFVAMC's Cultural Resource Manager, participate in the decision-making required as part of this PA. Where individual sub-phase reviews are performed and require adherence to the *SOISTHP*, SFVAMC will ensure that a staff member or contractor who meets the Secretary of the Interior's Professional Qualifications Standards in the appropriate discipline(s) is included in the design process.

III. REVIEW PROCEDURES FOR INDIVIDUAL LRDP SUB-PHASES

SFVAMC will review individual LRDP sub-phases according to the procedures set forth below, with the goal of avoiding or minimizing adverse effects on historic properties. The review procedures for individual LRDP sub-phases reference different stages in SFVAMC's process for project design.

VA's Schematic Design stage is roughly equivalent to 30 percent design; the Design Development stage is roughly equivalent to 60 percent design, and the Construction Drawings stage is roughly equivalent to 90–100 percent design.

SFVAMC, in consultation with the SHPO, has developed review categories based on project location to take into consideration the effects of the proposed LRDP sub-phases on historic properties. The applicable review procedure was determined by whether the project is located within the SFVAMC Historic District (Review Category A), adjacent to and within visual range of the SFVAMC Historic District (Review Category B) or the Fort Miley Military Reservation Historic District (Review Category C), or outside and out of visual range of either historic district (Review Category D). SFVAMC created a table of individual LRDP sub-phases with an indication of the relationship of each sub-phase to the historic districts and an indication of the review category or categories that apply (Attachment B). SFVAMC will assess, and update if necessary, the applicable category as an initial step of each sub-phase review.

For sub-phases where more than one review category applies, the required steps and documentation may be combined. If these review criteria are not adhered to, 36 CFR Part 800 must be followed.

- a. REVIEW CATEGORY A: Sub-phases Located within the SFVAMC Historic District
 - i. Before completing Schematic Design, SFVAMC will initiate review under the terms of this PA, with reference to Review Category A, by providing the SHPO a written description of the proposed sub-phase, including any ways in which it differs from what is described in the LRDP Finding of Effect (summarized in Attachment B) and how the design applies the *SOISTHP*.
 1. SFVAMC will post the review initiation to its LRDP website and will notify Consulting Parties of this posting within 15 days of transmittal to the SHPO.
 2. Within 30 days of receipt of the submission, the SHPO will acknowledge the initiation of review in writing, including comments or guidance specific to that sub-phase, as the SHPO deems appropriate. SFVAMC will post the SHPO's response on its LRDP website and will notify Consulting Parties of this posting.
 - ii. Before completing Design Development, SFVAMC will document the measures taken to avoid or minimize adverse effects on the SFVAMC Historic District and address the SHPO's comments.
 1. Documentation will include, but not be limited to:
 - a. Written description of how the design applies the *SOISTHP*, including reference to how the Design Guidelines were applied.
 - b. Written statement of whether the application of the *SOISTHP* achieved a minimization or avoidance of adverse effect on historic properties, and whether the sub-phase will contribute to the adverse effect on historic properties.
 - c. Drawings including site plans, elevations, sections, and renderings illustrating the existing conditions and proposed sub-phase.
 2. SFVAMC will distribute this documentation to Consulting Parties for a 30-day review and comment period. SFVAMC will forward comments received within this period to the SHPO.
 - iii. The SHPO will provide SFVAMC written comments on the Design Development documentation within 45 days, allowing the SHPO to consider comments received from other

Consulting Parties. If the SHPO does not provide comments within this period, SFVAMC may proceed to Step III.a.iv. If, prior to the end of this period, the SHPO requests to meet with SFVAMC to discuss the sub-phase and consider additional measures for adhering to the *SOISTHP*, SFVAMC will schedule a meeting.

- iv. Before completing Construction Drawings, SFVAMC will summarize the results of the Review Category A consultation, including measures to avoid and minimize adverse effects on the SFVAMC Historic District. SFVAMC will submit this report to the SHPO for final concurrence on completion of consultation for the sub-phase. The SHPO will respond within 30 days with either concurrence or a request for additional information or consultation. If the SHPO requests additional information, it will have 15 more days to review new information from SFVAMC. Once the SHPO concurs, SFVAMC will post the final summary report to its LRDP website and will notify Consulting Parties of this posting. This documentation will evidence completion of consultation for the sub-phase. If the SHPO does not concur with completion of consultation for the sub-phase, SFVAMC will transmit the final summary report to the ACHP to review SFVAMC efforts to fulfill the requirements of the PA review procedures, and all parties shall proceed in accordance with Stipulation VI.
- b. REVIEW CATEGORY B: Sub-phases Located Adjacent to the SFVAMC Historic District
- i. Before completing Schematic Design, SFVAMC will initiate review under the terms of this PA, with reference to Review Category B, by providing the SHPO a written description of the proposed sub-phase, including any ways in which it differs from what is described in the LRDP Finding of Effect (summarized in Attachment B) and how the design applies the *SOISTHP*.
 1. SFVAMC will post the review initiation to its LRDP website and will notify Consulting Parties of this posting within 15 days of transmittal to the SHPO.
 2. Within 30 days of receipt of the submission, the SHPO will acknowledge the initiation of review in writing, including comments or guidance specific to that sub-phase, as the SHPO deems appropriate. SFVAMC will post the SHPO's response on its LRDP website and will notify Consulting Parties of this posting.
 - ii. Before completing Design Development, SFVAMC will document the measures taken to avoid or minimize adverse effects on the SFVAMC Historic District and address the SHPO's comments.
 1. Documentation will include, but not be limited to:
 - a. Description of how the design applies the *SOISTHPs*, including reference to how the Design Guidelines were applied.
 - b. Statement of whether the application of the *SOISTHP* achieved a minimization or avoidance of adverse effect on historic properties, and whether the sub-phase will contribute to the adverse effect on historic properties.
 - c. Drawings including site plans, elevations, sections, and renderings illustrating the existing conditions and proposed sub-phase.
 2. SFVAMC will distribute this documentation to Consulting Parties for a 30-day review and comment period. SFVAMC will forward comments received within this period to the SHPO.
 - iii. The SHPO will provide SFVAMC written comments on the Design Development documentation within 45 days, allowing the SHPO to consider comments received from other Consulting Parties. If the SHPO does not provide comments within this period, SFVAMC

may proceed to Step III.b.iv. If, prior to the end of this period, the SHPO requests to meet with SFVAMC to discuss the sub-phase and consider additional measures for adhering to the *SOISTHP*, SFVAMC will schedule a meeting.

- iv. Before completing Construction Drawings, SFVAMC will summarize the results of the Review Category B consultation, including measures to avoid and minimize adverse effects on the SFVAMC Historic District. SFVAMC will submit this report to the SHPO for final concurrence on completion of consultation for the sub-phase. The SHPO will respond within 30 days with either concurrence or a request for additional information or consultation. If the SHPO requests additional information, it will have 15 more days to review new information from SFVAMC. Once the SHPO concurs, SFVAMC will post the final summary report to its LRDP website and will notify Consulting Parties of this posting. This documentation will evidence completion of consultation for the sub-phase. If the SHPO does not concur with completion of consultation for the sub-phase, SFVAMC will transmit the final summary report to the ACHP to review SFVAMC efforts to fulfill requirements of the PA review procedures, and all parties shall proceed in accordance with Stipulation VI.
- c. REVIEW CATEGORY C: Sub-phases Located Adjacent to the Fort Miley Military Reservation Historic District
 - i. Before completing Schematic Design, SFVAMC will:
 1. Initiate review under the terms of this PA, with reference to Review Category C, by providing the SHPO a written description of the proposed sub-phase, including any ways in which it differs from what is described in the LRDP Finding of Effect (summarized in Attachment B) and how the design applies the *SOISTHP*.
 - a. SFVAMC will post the review initiation to its LRDP website and will notify Consulting Parties of this posting within 15 days of transmittal to the SHPO.
 - b. Within 30 days of receipt of the submission, the SHPO will acknowledge the initiation of review in writing, including comments or guidance specific to that sub-phase, as the SHPO deems appropriate. SFVAMC will post the SHPO's response on its LRDP website and will notify Consulting Parties of this posting.
 2. Provide GGNRA with a written and graphic description of the schematic design. SFVAMC will also invite GGNRA to meet to discuss the proposed sub-phase and schematic designs. GGNRA will provide written comments to SFVAMC within 30 days of receipt of information or of the meeting, whichever is later. SFVAMC will post GGNRA comments on its LRDP website and will notify Consulting Parties of this posting.
 - ii. Before completing Design Development, SFVAMC will document the measures taken to avoid or minimize adverse effects on the Fort Miley Military Reservation Historic District and address the SHPO's and GGNRA's comments.
 1. Documentation will include, but not be limited to:
 - a. Written description of how the design applies the *SOISTHP*, including reference to how the Design Guidelines were applied.
 - b. Written statement of whether the application of the *SOISTHP* achieved a minimization or avoidance of adverse effect on historic properties, and whether the sub-phase will contribute to the adverse effect on historic properties.
 - c. Drawings including site plans, elevations, sections, and renderings illustrating the existing conditions and proposed sub-phase.

- d. Summary of coordination efforts with GGNRA, including full copies of written comments received from GGNRA.
2. SFVAMC will distribute this documentation to Consulting Parties for a 30-day review and comment period. SFVAMC will forward comments received within this period to the SHPO.
- iii. The SHPO will provide SFVAMC with written comments on the Design Development documentation within 45 days, allowing the SHPO to consider comments received from other Consulting Parties. If the SHPO does not provide comments within this period, SFVAMC may proceed to Step III.c.iv. If, prior to the end of this period, the SHPO requests to meet with SFVAMC to discuss the sub-phase and consider additional measures for adhering to the *SOISTHP*, SFVAMC will schedule a meeting.
- iv. Before completing Construction Drawings, SFVAMC will summarize the results of the Review Category C consultation, including measures to avoid and minimize adverse effects on both the SFVAMC Historic District and the Fort Miley Military Reservation Historic District. SFVAMC will submit this report to the SHPO for final concurrence on completion of consultation for the sub-phase. The SHPO will respond within 30 days with either concurrence or a request for additional information or consultation. If the SHPO requests additional information, it will have 15 more days to review new information from SFVAMC. Once the SHPO concurs, SFVAMC will post the final summary report to its LRDP website and will notify Consulting Parties of this posting. This documentation will evidence completion of consultation for the sub-phase. If the SHPO does not concur with completion of consultation for the sub-phase, SFVAMC will transmit the final summary report to the ACHP to review SFVAMC efforts to fulfill requirements of the PA review procedures, and all parties shall proceed in accordance with Stipulation VI.
- d. REVIEW CATEGORY D: Sub-phases Located Outside and Out of Visual Range of the Historic Districts
 - i. Before completing Schematic Design, SFVAMC will submit to the SHPO a written description of the proposed sub-phase, including any ways in which it differs from what is described in the LRDP Finding of Effect (summarized in Attachment B), with reference to Review Category D.
 1. SFVAMC will post the submission to its LRDP website and will notify Consulting Parties of this posting within 15 days of transmittal to the SHPO.
 2. If the SHPO does not object or request additional information within 30 days, SFVAMC may proceed with the sub-phase. If the SHPO requests additional information, it will have 15 more days to review the new information. SFVAMC will post the submission to the SHPO, or SFVAMC's response to any SHPO objection, to its LRDP website and will notify Consulting Parties of this posting. This documentation will evidence completion of consultation for the sub-phase.

IV. MITIGATION MEASURES

SFVAMC will mitigate for the LRDP's adverse effects on historic properties, including the effects of demolition of Buildings 18 and 20, new construction within the SFVAMC Historic District, and the cumulative effects of the LRDP as a whole, by creating the following:

- a. Historic District Design Guidelines (HDDG): SFVAMC will prepare design guidelines for the SFVAMC Historic District, interpreting the *SOISTHP* and applicable guidelines in the context of

the significance, integrity, and character-defining features of the SFVAMC Historic District and, as applicable to Category C projects, the Fort Miley Military Reservation Historic District. SFVAMC will ensure that all exterior projects occurring within the SFVAMC Historic District apply the design guidelines beginning with project planning and design development. The HDDG will cover both the architectural and landscape qualities of the SFVAMC Historic District, as well as provide advice for designing projects in the context of the Fort Miley Military Reservation Historic District. The HDDG will also consider vegetative screening along the boundaries, and determine whether such screening would improve the historical integrity of the SFVAMC Historic District and/or the Fort Miley Military Reservation Historic District.

- i. SFVAMC will provide a draft of the HDDG to Consulting Parties by September 8, 2014.
 - ii. SFVAMC will post the draft HDDG to its LRDP website and will notify Consulting Parties of this posting and their 30-day comment period.
 - iii. SFVAMC will consider comments received during this period as it finalizes the HDDG.
 - iv. SFVAMC will post the final HDDG to its LRDP website by April 3, 2015, and will notify Consulting Parties of this posting.
- b. Historic Landscape Study (HLS): SFVAMC will prepare a Historic Landscape Study for the SFVAMC Historic District to document its landscape qualities, including the original design concept, the historical evolution of landscape characteristics, the significance of the landscape design, and the way in which the current landscape contributes to the eligibility of the SFVAMC Historic District.
- i. By or about April 30, 2015, SFVAMC will prepare a draft work plan for development of an HLS; specifying the content, methods and standards for preparation process for review by Consulting Parties, timeline for completion, and estimated cost.
 - ii. SFVAMC will post the draft HLS work plan to its LRDP website and will notify Consulting Parties of this posting and their 30-day comment period.
 - iii. SFVAMC will consider comments received during this period as it finalizes the HLS work plan.
 - iv. SFVAMC will post the final HLS work plan to its LRDP website by October 1, 2015, and will notify Consulting Parties of this posting. SFVAMC will prepare the HLS in accordance with the final HLS work plan.
- c. Public Interpretation Program (PIP): SFVAMC will design and implement a public interpretation program related to its history. The PIP shall include, but not be limited to, a permanent display in a publicly accessible space at the Medical Center.
- i. By or about March 1, 2015, SFVAMC will prepare a draft work plan for the PIP defining the objectives of the PIP, specifying the media with which the program will be developed (with consideration of typical media such as displays in publically accessible places, oral history recordation, traveling exhibits, popular publications, and/or websites), and defining themes that will be conveyed by the program. In addition, the PIP work plan will specify the timeline and milestones for implementation of the program and preparation of the individual media and will provide an estimate of associated costs. The PIP work plan will specify how individual interpretive media will be funded and prepared in tandem with LRDP sub-phases that contribute to the adverse effect on historic properties.
 - ii. SFVAMC will post the draft PIP work plan to its LRDP website and will notify Consulting Parties of this posting and their 30-day comment period.

- iii. SFVAMC will consider comments received during this period as it finalizes the PIP work plan
- iv. SFVAMC will post the final PIP work plan to its LRDP website by October 1, 2015, or before demolishing Buildings 18 and 20 – whichever is earlier, and will notify the Consulting Parties of this posting. SFVAMC will implement the PIP in accordance with the final work plan.
- d. Historic Preservation Treatment and Maintenance Plan (HPTMP): SFVAMC will prepare a historic preservation treatment and maintenance plan applicable to the resources that contribute to the SFVAMC Historic District. The HPTMP will include procedures for cyclical, routine, and emergency treatment and maintenance activities to ensure that such activities are performed in accordance with federal guidelines and current best practices in the historic preservation industry.
 - i. By or about March 1, 2015, SFVAMC will prepare a draft work plan for the HPTMP to define the objectives, milestones, and timeline for the HPTMP.
 - ii. SFVAMC will post the draft HPTMP work plan to its LRDP website and will notify Consulting Parties of this posting and their 30-day comment period.
 - iii. SFVAMC will consider comments received during this period as it finalizes the HPTMP work plan
 - iv. SFVAMC will post the final HPTMP work plan to its LRDP website by October 1, 2015, and will notify the Consulting Parties of this posting. SFVAMC will prepare and implement the HPTMP in accordance with the final work plan.
- e. As Mitigation Measures a, b, c, and d are being developed, SFVAMC may continue to consult on individual LRDP sub-phases, in accordance with Stipulation III above.

V. INADVERTENT DISCOVERIES

- a. If archaeological deposits are discovered during implementation of the LRDP, all ground disturbance will immediately stop within 50 feet (15 meters) of the discovery, and the location of the discovery will be marked for avoidance.
 - i. A qualified archaeologist will recommend to SFVAMC whether the discovery is NRHP-eligible by evaluating it in accordance with 36 CFR § 60.4.
 - ii. SFVAMC will submit its finding to the SHPO for review and concurrence via e-mail.
 - 1. If SFVAMC finds that the archaeological resource is not eligible for the NRHP, and if the SHPO concurs or does not comment within 7 days, construction may proceed at the discretion of SFVAMC.
 - 2. If SFVAMC finds that the archaeological resource is eligible for the NRHP, and if the SHPO concurs or does not comment within 7 days, SFVAMC will seek to avoid the historic property. If it cannot avoid the resource, SFVAMC will prepare and implement a data recovery plan (template at Attachment C).
- b. The SHPO will be afforded the opportunity to review reports describing the evaluation, finding of effect, and proposed treatment of inadvertent discoveries. However, these reports will not be posted to the LRDP website, due to the protected and sensitive nature of archaeological information.
- c. If human remains are discovered during construction, SFVAMC will follow procedures consistent with California Health and Safety Code Section 7050.5 and Public Resources Code

Section 5097.98. If, upon inspection of the human remains, the San Francisco County Coroner determines that the remains are of Native American origin, the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 USC 3001, will apply.

VI. RESOLVING OBJECTIONS

Should any Signatory to this PA object to any actions proposed or the manner in which the terms of this PA are implemented, SFVAMC will consult with that party to resolve the objection. If SFVAMC determines that such objection cannot be resolved, SFVAMC will:

- a. Forward all documentation relevant to the dispute, including SFVAMC's proposed resolution, to the ACHP. The ACHP shall provide VA with its advice on the resolution of the objection within 30 days of receiving adequate documentation.
- b. Prior to reaching a final decision on the dispute, prepare a written response that takes into account any advice or comments regarding the objection received from the ACHP, the SHPO, and concurring parties, and provide these parties a copy of its response. SFVAMC will then proceed according to its final decision.
- c. Prior to reaching a final decision on the dispute when the ACHP has not provided advice within 30 days, prepare a written response that takes into account any timely comments regarding the dispute received from the SHPO and concurring parties to this PA and provide those parties and the ACHP with a copy of its response. SFVAMC will then proceed accordingly.
- d. Carry out all other actions subject to the terms of this PA that are not the subject of the dispute.

VII. ADMINISTRATION AND DURATION

- a. This PA will be executed and effective immediately on the date of the signature by the final Signatory.
- b. This PA will be executed in counterparts, with a separate signature page for each Signatory. SFVAMC will post a complete copy of the executed PA, including all signature pages, to its LRDP website and will notify Consulting Parties of this posting.
- c. This PA will remain in effect for a period of 15 years from the date of execution, unless it is terminated prior to that time. No later than 18 months prior to the expiration of the PA, SFVAMC shall initiate consultation to determine if the PA should be allowed to expire or whether it should be extended for an additional term, with or without amendments, as the Signatories may determine. Unless the Signatories unanimously agree through such consultation on an extension, this PA shall automatically expire and have no further force or effect in accordance with the timetable stipulated herein.
- d. The Anti-Deficiency Act, 31 USC 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for the obligation of funds arising from the terms of this PA shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation of funds in violation of the Anti-Deficiency Act.
- e. SFVAMC will provide Consulting Parties with an Interim Progress Report every year on the anniversary of this PA's execution. Interim Progress Reports will include updates, if any, on

implementation of the mitigation measures and the LRDP. SFVAMC will also identify the status of individual sub-phase reviews conducted during the preceding year, including whether there was a contribution to the adverse effect on historic properties. The Interim Progress Reports will also include any inadvertent discoveries, and the status of coordination under Stipulation V.

VIII. AMENDMENT AND TERMINATION

- a. The PA may be amended if any Signatory requests an amendment and it is agreed to in writing by all Signatories. The amendment will go into effect on the date of the signature by the final Signatory.
- b. If any Signatory to this PA 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 VIII.a. If within 30 days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the PA upon written notification to the other Signatories. SFVAMC will notify Consulting Parties in writing of a termination.
- c. Upon termination of this PA, in accordance with Stipulation VIII.b, SFVAMC will either consult to execute another agreement or request ACHP comments, pursuant to 36 CFR §800.6(c)(8). This PA may be terminated without further consultation by the execution of a subsequent agreement that explicitly terminates or supersedes this PA.

EXECUTION AND IMPLEMENTATION of this PA, pursuant to 36 CFR §800.14(b), evidences that SFVAMC has afforded the ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, that SFVAMC has taken into account the effects of the Undertaking on historic properties, and that SFVAMC has satisfied its Section 106 responsibilities.

Signature Pages: Signatories and Concurring Parties

Attachment A: SFVAMC LRDP Area of Potential Effect (including NRHP historic districts)

Attachment B: SFVAMC LRDP Sub-phases with Programmatic Agreement Review Category

Attachment C: Archaeological Data Recovery Plan Template for the San Francisco VA Medical Center

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, SAN FRANCISCO VETERANS AFFAIRS MEDICAL CENTER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION;
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE LONG RANGE DEVELOPMENT PLAN FOR THE
SAN FRANCISCO VETERANS AFFAIRS MEDICAL CENTER**

Signatory:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____

John M. Fowler

Date: _____

1/9/15

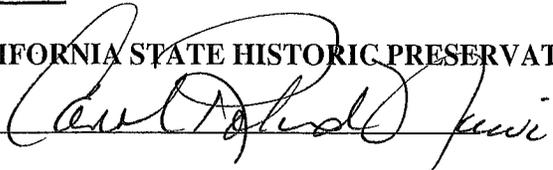
John M. Fowler, Executive Director

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH
ADMINISTRATION, SAN FRANCISCO VETERANS AFFAIRS MEDICAL CENTER;
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION;
AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE LONG RANGE DEVELOPMENT PLAN FOR THE
SAN FRANCISCO VETERANS AFFAIRS MEDICAL CENTER**

Signatory:

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By: _____



Date: _____

12-16-14

Carol Roland-Nawi, PhD, State Historic Preservation Officer

ATTACHMENT A

SFVAMC LRDP Area of Potential Effect (Including NRHP historic districts)

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Source: compiled by AECOM - February 2014

Attachment A: SFVAMC LRDP Areas of Potential Effect and Identified Historic Properties

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ATTACHMENT B

SFVAMC LRDP Sub-phases with Programmatic Agreement Review Category

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Attachment B: SFVAMC LRDP Sub-phases with Programmatic Agreement Review Category

SFVAMC LRDP Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
1.1	Building 211 (Emergency Operations Center and Parking Garage)	Construction	Adjacent to SFVAMC HD and Fort Miley Military Reservation HD	B and C	Sub-phase 1.1 would involve constructing a five-story parking structure west of Building 18, a contributor. The Emergency Operations Center would be incorporated into the parking garage building. Construction would take place on the western end of the SFVAMC Fort Miley Campus, outside and to the rear of the SFVAMC Historic District, which is oriented more to the north and facing San Francisco Bay. The proposed development would occur outside of the HD and would introduce new visual elements to the district.	Yes, unless designed in accordance with Secretary's Standards
1.2	Trailer 17	Removal	Within SFVAMC HD; non-contributor to district	A	Sub-phase 1.2 would involve constructing a large two-story building adjacent to the SFVAMC HD, to the south and slightly west of Building 6. This would introduce a new visual element close to the SFVAMC HD, but outside the district's boundaries. This sub-phase also includes the removal of Building T-17, a non-contributor to the SFVAMC HD.	Yes, unless designed in accordance with Secretary's Standards
1.2	Building 41 (Research)	Construction	Adjacent to SFVAMC HD	B		Yes, unless designed in accordance with Secretary's Standards

Attachment B: SFVAMC LRDP Sub-phases with Programmatic Agreement Review Category

SFVAMC LRDP Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
1.3	Buildings 5 and 7	Seismic Retrofit	Within SFVAMC HD; contributors to district	Previous Section 106 consultation resulted in finding of No Adverse Effect. The SHPO concurred 8/27/09	Sub-phase 1.3 would involve seismically retrofitting Buildings 5 and 7. These buildings are contributors to the SFVAMC HD. Also, all proposed activities would be conducted within the district.	Yes, unless designed in accordance with Secretary's Standards
1.4	Buildings 9 and 10	Seismic Retrofit	Within SFVAMC HD; contributors to district	Previous Section 106 consultation resulted in finding of No Adverse Effect. The SHPO concurred 8/27/09	Sub-phase 1.4 would involve constructing a two-story building east of Buildings 9 and 10 (both contributors) and seismically retrofitting Buildings 9 and 10. These buildings are contributors to the SFVAMC HD. Also, all proposed activities would be conducted within the district.	Yes, unless designed in accordance with Secretary's Standards
1.5	Parking Garage Extensions (Buildings 209 and 211)	Construction	Adjacent to SFVAMC HD and Fort Miley Military Reservation HD	B and C	Sub-phase 1.5 would involve expanding the existing structures to the west and removal of existing smaller surface parking spaces. The at-grade levels of these two extensions would overhang Veterans Drive. The proposed expansions are for two existing structures adjacent to the two historic districts.	Yes, unless designed in accordance with Secretary's Standards
1.6	Building 203 C-Wing Extension (Ground Floor Patient Welcome Center) and Drop-Off Area with Canopy Structure	Construction	Building 203 C-Wing would be located adjacent to SFVAMC HD; Drop-Off Area would be located within HD boundaries, adjacent to a contributor to district	A and B	Sub-phase 1.6 would introduce a traffic circle southwest of the south elevation of Building 1, and permanently close through traffic on Veterans Drive. A one-story pavilion would also be constructed on the ground level between	Yes, unless designed in accordance with Secretary's Standards

Attachment B: SFVAMC LRDP Sub-phases with Programmatic Agreement Review Category

SFVAMC LRDP Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
1.7	Building 200 Expansion (Operating Room D-Wing)	Construction	Located outside SFVAMC HD; proposed development would introduce new visual elements adjacent to HD, but construction would not substantially alter existing scale and character of district	B	Buildings 200 and 203, extending out toward Building 1. A traffic circle and drop-off area that would be introduced to the east, in the front, and would require modifying the roadway to incorporate a garden. The planned construction would take place inside the SFVAMC HD boundaries and would introduce new visual elements to the HD. The location of the proposed construction within the district has already been altered in recent years through construction of Buildings 200 and 203, and the parking lot near Building 1.	No
					Sub-phase 1.7 would include an addition of a D-wing on Building 200, which is located outside of the SFVAMC HD. The proposed construction would occur outside and to the south of the SFVAMC Historic District boundaries. The proposed development would introduce new visual elements adjacent to the district; however, the construction would not substantially alter the existing scale and character of the SFVAMC Fort Miley Campus.	

Attachment B: SFVAMC LRDPA Sub-phases with Programmatic Agreement Review Category

SFVAMC LRDPA Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
1.8	Building 20	Demolition	Within the SFVAMC HD; contributor to district	A and C (in progress; Section 106 initiated 8/27/10 but put on hold pending Section 106 review of the LRDPA)	Sub-phase 1.8 would involve constructing a three-story building behind Building 8 to the east (a contributor). Building 20 (a contributor) would be demolished as part of this sub-phase. All proposed construction would occur within the SFVAMC HD boundaries. The proposed development would alter the look and feel of the HD by removing a contributing resource and introducing modern elements into a part of the district that is mostly intact and features a high level of integrity of setting and design.	Yes, due to the demolition of a contributor to the SFVAMC HD (Building 20).
	Building 24 (Mental Health Clinical Expansion)	Construction	Within SFVAMC HD; adjacent to a contributor to district; adjacent to the Fort Miley Military Reservation HD			The new construction would also contribute to the adverse effect unless designed in accordance with Secretary's Standards
	Building 18	Demolition	Within SFVAMC HD; contributor to district		Sub-phase 1.9 would involve constructing a five-story building and demolishing Buildings 14, 18, and 21 and Trailer 23. With the exception of Building 18, these are all non-contributors to the SFVAMC HD. The proposed construction would take place on the west side of the existing SFVAMC Fort Miley Campus, both within and immediately outside of the SFVAMC HD boundaries. This sub-phase also includes removal of the Water Tower from its current location and installation of the Water Tower elsewhere on the campus. The	Yes, due to the demolition of a contributor to the SFVAMC HD (Building 18). The new construction would also contribute to the adverse effect unless designed in accordance with Secretary's Standards
1.9	Building 14	Demolition	Within SFVAMC HD; non-contributor to district			
	Building 21	Demolition	Within SFVAMC HD; non-contributor to district			
	Trailer 23	Removal	Within SFVAMC HD; non-contributor to district	A, B and C		
	Structure 206 (Water Tower)	Installation	Adjacent to SFVAMC HD and Fort Miley Military Reservation HD			
Structure 206 (Water Tower)	Removal	Adjacent to SFVAMC HD and Fort Miley Military Reservation HD				

Attachment B: SFVAMC LRD P Sub-phases with Programmatic Agreement Review Category

SFVAMC LRD P Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
	Building 40 (Research)	Construction	Proposed new building would be located adjacent to and within boundaries of SFVAMC HD; construction would result in demolition of a contributor to district		Water Tower is not a contributor to the SFVAMC HD. It is located outside of but within visual range of both the SFVAMC HD and the Fort Miley Military Reservation HD.	
1.10	Building 207 Expansion (IT Support Space)	Construction	Adjacent to SFVAMC HD and adjacent to a contributor to district	B	Sub-phase 1.10 would involve constructing an addition on Building 207, located outside of the HD. The planned construction would occur outside and to the south of the SFVAMC HD boundaries.	No
1.11	Trailer 31	Removal	Within SFVAMC HD; non-contributor to district		Sub-phase 1.11 would involve the removal of a non-contributing trailer located within the boundaries of the HD. The removal of this non-contributor from the district would remove a visual and physical intrusion on the district. In its place would be a new building that would introduce a new visual intrusion on the district.	Yes
1.11	Building 43 (Research and Administration)	Construction	Within SFVAMC HD; adjacent to contributors to district	A		
1.12	Trailer 36 (New Modular)	Installation	Not within SFVAMC HD or Fort Miley Military Reservation HD and outside visual range of districts	D	Sub-phase 1.12 would involve installing a modular trailer. This installation would be outside the SFVAMC HD and not within the visual range of the Fort Miley Military Reservation HD.	No

Attachment B: SFVAMC LRD P Sub-phases with Programmatic Agreement Review Category

SFVAMC LRD P Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
1.13	Building 23 (Mental Health Research Expansion)	Construction	Within SFVAMC HD; adjacent to contributors to district; construction would result in demolition of a contributor to district; adjacent to Fort Miley Military Reservation HD	A, C	Sub-phase 1.13 would involve constructing a three-story building to the east behind Building 8 (a contributor). The proposed development would alter the look and feel of the SFVAMC HD by introducing modern elements into a part of the district that is mostly intact and features a high level of integrity of setting and design.	Yes, unless designed in accordance with Secretary's Standards
1.14	Building 203 Extension (Psychiatric Intensive Care Unit C-Wing)	Construction	Not within SFVAMC HD or Fort Miley Military Reservation HD and outside visual range of districts	D	Sub-phase 1.14 would involve expanding the existing building with new construction to the south. This new proposed construction would be outside the SFVAMC HD and not within the visual range of the Fort Miley Military Reservation HD.	No
1.15	Trailer 24 Building 208 Extension (Community Living Center and National Cardiac Device Surveillance Center)	Removal Construction	Not within SFVAMC HD or Fort Miley Military Reservation HD and outside visual range of districts Not within SFVAMC HD or Fort Miley Military Reservation HD and outside visual range of districts	 D	Sub-phase 1.15 would involve the removal of a trailer and new construction to expand an existing building to the south. Both activities would occur outside the SFVAMC HD and outside the visual range of the Fort Miley Military Reservation HD.	No

Attachment B: SFVAMC LRDP Sub-phases with Programmatic Agreement Review Category

SFVAMC LRDP Sub-phase	Building	Action	Relation to SFVAMC HD or Fort Miley Military Reservation HD	PA Review Category	Finding of Effect—Analysis	Potential to Contribute to the Adverse Effect on Historic Properties
1.16 (under Scenario A) and 2.2, 2.3, and 2.1, respectively (under Scenario B)	Buildings 1, 6, and 8	Seismic Retrofit	Within SFVAMC HD; contributors to district	A	This sub-phase would involve seismically retrofitting Buildings 1, 6, and 8, which are contributors to the HD.	Yes, unless designed in accordance with Secretary's Standards
1.17 (under Scenario A) and 1.16 (under Scenario B)	Building 12	Demolition	Adjacent to SFVAMC HD	B	This sub-phase would involve constructing a five-story building and demolishing Building 12, a non-contributor to the SFVAMC HD. The proposed construction would take place on the west side of SFVAMC Fort Miley Campus, both within and immediately outside of the SFVAMC HD boundaries.	No
2.1 (under Scenario A) and 2.4 (under Scenario B)	Building 213 (Clinical Addition Building)	Construction	Adjacent to SFVAMC HD	B	This sub-phase would involve constructing a new building adjacent to the SFVAMC HD.	Yes, unless designed in accordance with Secretary's Standards

Notes: HD = Historic District; IT = Information Technology; LRDP = Long Range Development Plan; PA = Programmatic Agreement; SFVAMC = San Francisco Veterans Affairs Medical Center; SHPO = State Historic Preservation Officer.
 Source: Data compiled by AECOM in 2014

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ATTACHMENT C

Archaeological Data Recovery Plan Template for the San Francisco VA Medical Center

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Archaeological Data Recovery Plan Template for the San Francisco VA Medical Center

Components of the Data Recovery Plan

Introduction

A detailed research design detailing the purpose of the data recovery effort and the goals that it seeks to accomplish is included in the Introduction. The Introduction will describe the resource, including primary number and trinomial (if applicable), and provide the determination of National Register of Historic Places (NRHP) eligibility status. A brief statement explaining why data recovery is being performed (e.g., compliance with NRHP, in accordance with the Programmatic Agreement) will be included, as required.

Site Description

This section should provide all of the following pertinent site information:

- General topographic and chronological setting
- Site dimensions
- Location of the site relative to the project's Area of Potential Effects (APE)
- General observations of artifacts, ecofacts, and features found during initial identification
- Preliminary functional interpretation (site type and use)

Research Design

All data recovery plans must have a clearly stated research design. The core research design should include explicit research themes and questions to which the data recovery effort can contribute or answer. The research design may be revised to reflect and address new data, information, or conditions.

Proposed Investigation

This section details the procedures for all stages of the investigation, including methods and data acquisition efforts. Components of this section may include previous investigations and research to date; proposed field methods (mapping, excavation, and collection); laboratory techniques (for artifact processing, cataloguing, and curation); and reporting commitments (time frame for report submittal).

Public Outreach Plan

This section discusses and identifies specific measures for disseminating the results of the program to professionals, interested parties, and possibly the public.

Native American Coordination

This section describes the extent of previous and anticipated future involvement of applicable tribes. It also details the protocols to be followed, in accordance with the Native American Graves Protection and

Repatriation Act and all other federal laws, if human bone, sacred items, associated grave artifacts, or items of cultural patrimony are found.

Personnel

This section describes the professional qualifications of the individuals who will carry out the commitments detailed in the data recovery plan.

Curation

This section identifies a federally recognized curation facility where the collected artifacts and associated documentation will be placed.

Reporting

An Archaeological Data Recovery Report is produced to disseminate the findings of the data recovery effort to a professional audience and/or possibly a public audience. All data recovery work and the resultant conclusions must be documented in the report. This report will be submitted within 6 months of fieldwork completion. The report will be reviewed by the San Francisco Veterans Affairs Medical Center cultural resources manager. Upon completion of the review, a copy will be sent concurrently to the State Historic Preservation Officer, the California Historical Resources Information System Information Center, Consulting Parties, and any applicable Native American Tribes or groups. Report components include:

- Title Page
- Executive Summary
- Table of Contents
- Acknowledgments
- Introduction
- Site Context
- Research Design
- Field and Laboratory Methods
- Required Permits
- Native American Coordination
- Curation, including identified curation facility and accession number
- Study Results
 - Prehistoric Archaeological Sites
 - Historic-Period Archaeological Sites
- Summary and Conclusions
- References Cited
- Maps
- Tables and Other Figures
- Appendices