Appendix C

NEPA / NHPA Substitution Process

- Checklist for Substitution, NEPA and NHPA Handbook for Integrating NEPA and Section 106
- VA BHHCS Letter and Mailing List (May 13, 2014): Notification of NEPA/NHPA Integration
- VA BHHCS Letter (October 9, 2014): Section 106 Consultation
- VA BHHCS Letters (4) (January 15, 2015): Consulting Party Participation
- VA Office of Public and Intergovernmental Affairs Letter and Mailing List (August 2014): Native American Consultation
- Summary of Consulting Parties Workshop (November 18-19, 2014)
- Summary of Consulting Parties Workshop (February 12, 2015)
- Consulting Parties Teleconference Notes (April 27, 2015)

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ATTACHMENT C
CHECKLIST FOR SUBSTITUTION

This checklist was developed by the Advisory Council on Historic Preservation (ACHP) as a guide for those preparing or reviewing a NEPA document – Environmental Impact Statement (EIS) or Environmental Assessment (EA) – used for Section 106 purposes in accordance with Section 800.8(c) of the Section 106 implementing regulations, "Protection of Historic Properties" (36 C.F.R. Part 800). The checklist is based on the standards for developing environmental documents to comply with Section 106 at 36 C.F.R. § 800.8(c)(1). Ideally, the preparer or reviewer will be able to answer "yes" to all items.

NOTIFICATION	YES	NO	COMMENTS
Did the agency notify *in advance* the SHPO/THPO and the ACHP of its intent to use the NEPA process for Section 106 purposes?	X		Section 6.2.1 Notification
Is the notification correspondence included in the EA/DEIS or appendices?	X		Appendix C - NEPA/NHPA Substitution Process
IDENTIFICATION OF CONSULTING PARTIES	**YES**	**NO**	**COMMENTS**
Is the effort to identify consulting parties described in the EA/DEIS?	X		Section 6.2.2 Identification of Consulting Parties
Is a list of the consulting parties provided in the EA/DEIS?	X		Section 6.2.2 Identification of Consulting Parties
Are all consulting parties included? (Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties)	X		Section 6.2.2 Identification of Consulting Parties Appendix C - NEPA/NHPA Substitution Process Section 6.2.3 Native American Consultation
Has the agency reviewed and responded to all requests to be consulting parties? Has the agency documented the exchange in its administrative record?	X		Section 6.2.2 Identification of Consulting Parties Appendix C - NEPA/NHPA Substitution Process Correspondence, outreach documentation in Administrative Record
IDENTIFICATION OF HISTORIC PROPERTIES	**YES**	**NO**	**COMMENTS**
Is the effort to identify historic properties of all types (buildings, structures, objects, districts, and sites) described, including the Area of Potential Effects and the methodology for investigation? If no, has the agency disclosed its intent to phase the identification and assessments?	X		Section 3.3.2 Cultural Resource and Historic Property Identification; Section 3.3.3 Areas of Potential Effects for Historic Properties; Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; 3.3.6 Phased Identification and Evaluation of Historic Properties
Is the effort to identify historic properties commensurate with the assessment of other environmental factors?	X		Section 3.3 Cultural Resources in relation to other resources sections in Chapter 3
Are determinations of eligibility for the National Register of Historic Places (NRHP) clearly stated?	X		Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; Section 3.3.5.1.1 Hot Springs Historic District; Section 3.3.5.1.2 Battle Mountain Sanitarium NHL
Can a layman understand the characteristics of each historic property and why it is significant (eligible for the NRHP) and retains integrity?	X		Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; Section 3.3.5.3 Historic Properties of Religious and Cultural Significance; Section 3.3.5.1.1 Hot Springs Historic District; Section 3.3.5.1.2 Battle Mountain Sanitarium NHL

ASSESSMENT OF EFFECTS	YES	NO	COMMENTS
Has one of the following Section 106 effect findings for the undertaking been clearly stated? - No historic properties affected - No historic properties adversely affected - Historic properties adversely affected	X		Sections 4.3.3 through 4.3.9
If adverse effects may result, is the application of the criteria of adverse effect described?	X		Section 4.3.2 Assessment Methodology; Section 4.3.2.2 Types of Adverse Effects on Historic Properties; Sections 4.3.3 through 4.3.9
Was all of the above information presented during scoping meetings and/or other public and stakeholder outreach?	X ongoing		Appendix C - NEPA/NHPA Substitution Process, Section 106 Consultation Workshop Summaries Section 6.1.3 Draft EIS Comment Period
CONSULTATION AND PUBLIC INVOLVEMENT	**YES**	**NO**	**COMMENTS**
Is the SHPO/THPO concurrence with eligibility determinations documented? Is the documentation included in the document and appendices?	X		Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; Section 3.3.5.1.1 Hot Springs Historic District; Section 3.3.5.1.2 Battle Mountain Sanitarium NHL
Is the SHPO/THPO concurrence with the Section 106 effect finding documented? Is the correspondence included?			Pending SHPO review of Draft EIS
Has an adequate opportunity for consulting with the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties been provided prior to the release of the DEIS/EA? Is all relevant documentation (subject to confidentiality) included?	X		Section 6.1.1 Scoping Section 6.2.3 Consultation on Effects to Historic Properties Section 6.3 Native American Consultation Appendix C - NEPA/NHPA Substitution Process
Do any of the consulting parties substantively disagree with the agency's determinations of eligibility or findings of effect? If so; is the process for seeking agreement on those issues disclosed?			To be determined
If a National Historic Landmark (NHL) may be affected by the undertaking, has the agency notified the National Park Service (pursuant to 36 C.F.R. § 800.10(c)) and invited its participation where there may be an adverse effect? Is all relevant correspondence included?	X		Section 6.2.2 Identification of Consulting Parties Appendix C - NEPA/NHPA Substitution Process Correspondence in Administrative Record
Does the document cover sheet or distribution letter clearly indicate that the DEIS/EA also documents the Section 106 process?	X		Draft EIS Cover Abstract
Have historic preservation concerns expressed by members of the public been addressed? If appropriate, have such commenters been invited to be consulting parties in the Section 106 review?	X ongoing		Section 6.1.1.4 Scoping Summary; Section 6.2.2 Identification of Consulting Parties; Section 6.1.3 Draft EIS Comment Period; Section 4.3 Cultural Resources and Historic Properties; Appendix C - NEPA/NHPA Substitution Process
Have the scoping notices and other public meeting notices included information about Section 106?	X ongoing		Section 6.1.1 Scoping Section 6.1.3 Draft EIS Comment Period Appendix B - Scoping Summary

DEVELOPMENT OF ALTERNATIVES OR MEASURES TO AVOID, MINIMIZE, OR MITIGATE ADVERSE EFFECTS	YES	NO	COMMENTS
Is the development and evaluation of alternatives or modifications that could avoid or minimize adverse effects to historic properties documented?	X		Chapter 2 Alternatives; Sections 4.3.3 through 4.3.9; Section 5.2 Resolution of Adverse Cultural Resources Effects
Where appropriate have mitigation measures been proposed?	X		Section 5.2 Resolution of Adverse Cultural Resources Effects
Is the consultation with SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties about avoidance, minimization, or mitigation measures documented? Is all relevant documentation (subject to confidentiality) included in the EA/DEIS or appendices?	X ongoing		Section 5.2 Resolution of Adverse Cultural Resources Effects Appendix C - NEPA/NHPA Substitution Process
STEPS TO CONCLUSION	**YES**	**NO**	**COMMENTS**
Is there a potential for the preferred alternative to adversely affect at least one historic property? If no, Section 106 is complete if no objections are raised by the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, other consulting parties, or the ACHP. Is the final Section 106 finding documented?	X ongoing		Section 2.6 Preferred Alternative Section 4.3.3 Alternative A
If the preferred alternative could adversely affect historic properties, is one of the following strategies for completing the Section 106 process identified? - Execution of a Memorandum of Agreement or a Programmatic Agreement - Incorporation of the binding commitment to mitigation measures in the Record of Decision - Termination, formal ACHP comments pursuant to 36 C.F.R. § 800.7, and response by head of the agency	X		Section 5.2.2 Measures to Avoid, Minimize, or Mitigate Adverse Effects
If incorporating binding commitment to mitigation measures in the ROD, does the ROD include the following: - Commitments clearly identifying who will do what by when - Administrative provisions including: - Process for continued consultation during implementation (for example, regarding design review, data recovery, development of mitigation products) - Deadlines/timelines for implementation - Post-review discoveries - Dispute resolution process - Contingency for changes to the undertaking referencing 36 C.F.R. § 800.8(c)(5)			Record of Decision pending
IMPLEMENTATION	**YES**	**NO**	**COMMENTS**
Is the agency prepared to carry out the commitments made in: - Memorandum of Agreement or a Programmatic Agreement, - Record of Decision, or - Response by head of the agency to formal ACHP comments following termination?			Record of Decision Pending

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

May 13, 2014

«Courtesy Title» «First Name» «Last Name»
«Job Title»
«Company»
«Address 1»
«City», «State» «Postal Code»

Dear «Courtesy Title» «Last Name»:

Since December 2011, VA Black Hills Health Care System (VA BHHCS) has been engaged in discussions with Veterans and other stakeholders regarding proposed changes in the delivery of high-quality health care for Veterans in the VA BHHCS service area. Many changes have been proposed, but no decisions have been made at this time. VA is now preparing an integrated Environmental Impact Statement (EIS) regarding the proposed reconfiguration in accordance with the National Environmental Policy Act (NEPA). The EIS will include a comprehensive analysis of the potential environmental, cultural and historic, and socioeconomic effects of the proposed reconfiguration of health care services. A contract for EIS support will be utilized to prepare the EIS.

The proposed reconfiguration of VA BHHCS, summarized in Attachment 1, involves changes in how health care is delivered in Hot Springs, SD and the surrounding areas as well as shifting resources to service area population centers. VA BHHCS recognizes that such changes may have an impact on the Hot Springs medical center campus, which is a National Historic Landmark (NHL), as well as a future Rapid City, SD location. In May 2012, VA BHHCS initiated consultation under Sections 106 and 110(f) of the National Historic Preservation Act (NHPA) to consider ways of identifying and avoiding, minimizing, or mitigating such impacts.

EIS/NHPA Support Contractor Selection:

VA has contracted with Labat Environmental, Inc. to support the environmental impact analysis process. Labat Environmental is a multi-disciplinary environmental consulting firm and a Service Disabled Veteran Owned Small Business. They have over 30 years of experience in environmental management, consultation, and compliance and have provided expert environmental and historic preservation support services to many Federal agencies, including VA.

EIS Notice of Intent:

The Notice of Intent (NOI) formally initiating the EIS process will soon be published in the Federal Register. Following publishing of the NOI, VA and Labat Environmental will begin the EIS process with public scoping meetings. The meeting schedule will be posted on our website and notices will be provided to the media.

NEPA/NHPA Integration:

In part because the cultural, historic, and natural environmental elements of the Black Hills area are so interrelated, we have chosen to integrate the NHPA Section 106 consultation procedures into the NEPA environmental impact analysis process using an option formally known as substitution. A more common option is to coordinate the NHPA Section 106 compliance separately but in parallel with the broader NEPA process. However, 36 CFR 800.8(c) of the NHPA grants Federal agencies the latitude to use the substitution option in accordance with the provisions in the Section 106 regulations if they choose. This approach is consistent with the March 2013 report, NEPA and NHPA: A Handbook for Integrating NEPA and Section 106, issued by the Advisory Council on Historic Preservation (ACHP) and Council on Environmental Quality (CEQ). Finally, substituting the NEPA process implements the direction found in Presidential Executive Order 13563, Improving Regulation and Regulatory Review, issued in January 2011.

Reengaging consultation:

VA is now reengaging consultation with all appropriate consulting parties (including the ACHP, National Trust for Historic Preservation, National Park Service, State Historic Preservation Office, Native American Tribes, and federal, state and local governmental officials). It is important to engage in consultation early, in conjunction with the start of the EIS, when a wider range of alternatives is open for consideration.

Your organization was identified as a potential consulting party and invited to participate in May 2012. We want to be sure that we have involved all potential consulting parties; please examine the list of the parties (Attachment 2) that we have identified. If you are aware of additional parties that you believe should be invited to consult, we would appreciate knowing of them.

For your information, the proposed improvements to VA BHHCS as well as information specific to the EIS or Section 106 and 110(f) consultation process can be found online at http://www.blackhills.va.gov/VABlackHillsFuture/.

We welcome your participation in our efforts to identify and consult on potential impacts as well as preserve our National Historic Landmark and other potentially affected historic properties as we prepare for the future of Veteran health care. Additional questions may be directed to Luke Epperson, Administrative Officer to the Office of the Director at vablackhillsfuture@va.gov or 605-720-7170.

Sincerely,

Stephen R. DiStasio
Director

Attachments (2)

Attachment 1

The driving factor that led to the proposals is our need to deliver safe, quality health care. We also want to decrease travel times for Veterans and their family members. We know that in the coming years, the Veteran population in our area will continue to decline. The more prepared we are for the future, the better we can assure the quality and safety of Veteran health care.

Below is a summary of the proposed changes:

- **Opening a new Hot Springs Community Based Outpatient Clinic either co-located with the Fall River Hospital, the State Veterans Home or at a free-standing site.** This VA-staffed clinic would provide the same outpatient care Veterans currently receive, but in a modern, more efficient building for providing health care, primary care, mental health, and limited specialty care. We want to continue to provide dialysis and would like to purchase pharmacy, laboratory and x-ray services at the Fall River Hospital.

- **A phased plan would be implemented to close the VA Hot Springs inpatient and nursing home units, operating rooms, and urgent care facilities.** VA would buy the care from providers in Hot Springs and in your local communities. The goal is to make health care, especially specialty care, more accessible, and save Veterans long-distance travel. VA nurses will be helping manage Veterans' care between VA and non-VA providers.

- **Building a new Residential Rehabilitation Treatment Program facility (also known as the Domiciliary) in Rapid City.** This new structure would be designed to meet modern health care standards and help us better accommodate disabled Veterans, more female Veterans, and Veterans with children. Veterans would benefit from increased access to job training and job sites, state-of-the-art home-like facilities, educational opportunities, housing options following treatment, and other community services. This new facility would allow VA to phase out use of the Hot Springs Domiciliary which is out of compliance with the Americans with Disabilities Act (ADA).

- **Services in Rapid City would be enhanced by expanding the VA Community Based Outpatient Clinic.** Expansion in Rapid City would take care of more Veterans and would also provide x-ray, lab, pharmacy and physical therapy services - allowing VA to provide more services where more Veterans live.

- **Enhance services at the Fort Meade VA Medical Center by building new operating rooms and renovating the inpatient medical/surgical/intensive care units.**

Attachment 2

Potential Consulting Parties
(Listed in alphabetical order)

1) Advisory Council for Historic Preservation Representative
2) AFGE Local 1539 President
3) Area Tribal Leadership Representative
4) Black Hills Historic Preservation Trust Representative
5) City of Hot Springs: Mayor, City Council, Chamber of Commerce Representative
6) Department of the Interior: National Park Service
7) Department of Veterans Affairs: Historic Preservation Office—VISN 23 Midwest Health Care Network—Black Hills Health Care System—Black Hills National Cemetery
8) Fall River County, SD Representatives: Historical Society, County Commissioner and School District
9) Hot Springs CLG Historic Preservation Commission Representative
10) Local "Save the VA" Representative
11) National American Indian Veterans, Inc. Representative
12) National Trust for Historic Preservation Representative
13) Preserve South Dakota Representative
14) South Dakota Historical Society Representative
15) South Dakota - Office of the Governor
16) South Dakota State Historic Preservation Office Representative
17) South Dakota State Legislators—District 30
18) State Veterans Service Organization Leadership Representatives: Nebraska, South Dakota, Wyoming
19) U.S. Senators and Representatives from South Dakota, Nebraska and Wyoming
20) Other attendees of May 31, 2012 consultation meeting

MAILING LIST - EIS NOI

Last Name	First Name	Title 1	Title 2	Organization	Address	City	State	Zip
Murphy	Janet	Ms.	Network Director	VA Midwest Health Care Network	2805 Dodd Rd. Suite 250	Eagan	MN	55121
Julius	Steven	Dr.	Chief Medical Officer	VA Midwest Health Care Network	2805 Dodd Rd. Suite 250	Eagan	MN	55121
Yakowicz	Peter	Mr.	Capital Assets Manager	VA Midwest Health Care Network	2805 Dodd Rd. Suite 250	Eagan	MN	55121
Enzi	Michael	Senator	U.S. Senator	State of Wyoming	400 S. Kendrick, Suite 303	Gillette	WY	82716
Barrasso	John	Senator	U.S. Senator	State of Wyoming	PO Box 22202	Casper	WY	82602
Lummis	Cynthia	Representative	U.S. Representative	State of Wyoming	PO Box 44003	Casper	WY	82602
Barttelbort	Larry	Mr.	Director	Wyoming Veterans Commission	5500 Bishop Blvd	Cheyenne	WY	82009
Yeager	Brian	Mr.	State Veterans Service Officer	Powder River Basin - State of WY	551 Running W Drive	Gillette	WY	82718
Johnson	Tim	Senator	U.S. Senator	State of South Dakota	405 E. Omaha St., Suite B	Rapid City	SD	57701
Thune	John	Senator	U.S. Senator	State of South Dakota	1313 W. Main Street	Rapid City	SD	57701
Noem	Kristi	Representative	U.S. Representative	State of South Dakota	343 Quincy Street	Rapid City	SD	57701
Gaspar	LaVonne	Ms.	Interim Superintendent	Michael J. Fitzmaurice Veterans Home	2500 Minnekahta Ave	Hot Springs	SD	57747
Zimmerman	Larry	Secretary	Secretary	South Dakota Department of Veterans Affairs	2525 W Main Street - 303A - Suite #4	Rapid City	SD	57702
Hubbard	Wade	Mr.	Chairman	South Dakota State Veterans Commission	401 N. Grand Avenue	Pierre	SD	57501
McDonald	Rick	Mr.	Commander	South Dakota American Legion	14 1st Ave., SE, PO Box 67	Watertown	SD	57201
Brenden	Denny	Mr.	Adjutant	South Dakota American Legion	14 1st Ave., SE, PO Box 67	Watertown	SD	57201
Parr	Helen	Ms.	Commander	South Dakota DAV	1519 W 51st Street	Sioux Falls	SD	57105
Laughlin	Ken	Mr.	Adjutant	South Dakota DAV	1519 W 51st Street	Sioux Falls	SD	57105
Couch	Darold	Mr.	Commander	South Dakota VFW	3601 S. Minnesota Avenue	Sioux Falls	SD	57105
Barg	Rick	Mr.	Adjutant/Quartermaster	South Dakota VFW	3601 S. Minnesota Avenue	Sioux Falls	SD	57105
Paulsen	Terry	Mr.	Government Relations Director	South Dakota PVA-North Central Chapter	209 N. Garfield	Sioux Falls	SD	57104
Daugaard	Dennis	Governor		State of South Dakota	500 East Capitol Avenue	Pierre	SD	57501
Michels	Matt	Lt. Governor		State of South Dakota	500 East Capitol Avenue	Pierre	SD	57501
Rampelberg	Bruce	Senator	South Dakota Senate	South Dakota District 30	13948 Lariat Road	Rapid City	SD	57702
Russell	Lance	Representative	South Dakota House	South Dakota District 30	1938 Lincoln Avenue	Hot Springs	SD	57747
Verchio	Mike	Representative	South Dakota House	South Dakota District 30	PO Box 205	Hill City	SD	57745
Fischer	Deb	Senator	U.S. Senator	State of Nebraska	1110 Circle Drive, Suite F2	Scottsbluff	NE	69361
Johanns	Mike	Senator	U.S. Senator	State of Nebraska	115 Railway Street, Suite C102	Scottsbluff	NE	69361
Smith	Adrian	Representative	U.S. Representative	State of Nebraska	1811 West Second Street, Ste 105	Grand Island	NE	68803
Vogt	Jay	Mr.	Director	State Historical Society	900 Governors Drive	Pierre	SD	57501
Nelson	Chris	Mr.	West River HPO	State Historic Preservation Office	900 Governors Drive	PIerre	SD	57501
Meeks	Stephanie	Ms.	Chief Exec. Officer	National Trust for Hist. Preservation	2600 Virginia Avenue, Suite 1000	Washington	DC	20037
Buddenborg	Jennifer	Ms.	Field Officer Denver office	National Trust for Hist. Preservation	1420 Ogden St. Suite 203	Denver	CO	80218
Cole	Amy	Ms.	Director Denver office	National Trust for Hist. Preservation	1420 Ogden St. Suite 203	Denver	CO	80218
Tillisch	Skip	Mr.	President	Black Hills Historical Preservation Trust	12066 Deerfield Road	Hill City	SD	57745
				Preserve South Dakota	PO Box 267	Pierre	SD	57501
Archambault II	Dave	Chairman	Chairman	Standing Rock Sioux Tribe	PO Box D	Fort Yates	ND	58538
Hill	Manaja		Tribal Veteran Service Officer	Standing Rock Sioux Tribe	PO Box D	Fort Yates	ND	58538
Win Young	Wast'e		Tribal HPO	Standing Rock Sioux Tribe	PO Box D	Fort Yates	ND	58538
Brewer	Brian	Chairman	President	Oglala Sioux Tribe	PO Box 2070	Pine Ridge	SD	57770
Adams	Alton		Tribal Veteran Service Officer	Oglala Sioux Tribe	PO Box 211	Pine Ridge	SD	57770
Catches Enemy	Mike		Tribal HPO	Oglala Sioux Tribe	PO Box 419	Pine Ridge	SD	57770
Keckler	Kevin	Chairman	Chairman	Cheyenne River Sioux Tribe	PO Box 590	Eagle Butte	SD	57625
Dunsmore	Robert		Tribal Veteran Service Officer	Cheyenne River Sioux Tribe	PO Box 590	Eagle Butte	SD	57625
Vance	Steve		Tribal HPO	Cheyenne River Sioux Tribe	PO Box 590	Eagle Butte	SD	57625
Scott	Cyril	Chairman	Chairman	Rosebud Sioux Tribe	PO Box 430	Rosebud	SD	57570
Morrison	Orlando		Tribal Veteran Service Officer	Rosebud Sioux Tribe	PO Box 720	Rosebud	SD	57570

Arcoren	Kathy		Director	Rosebud Sioux Historical Preservation Office	PO Box 658	Rosebud	SD	57570
Eagle Bear	Russell		Tribal Historic Preservation Officer	Rosebud Sioux Tribe	PO Box 658	Rosebud	SD	57570
Members			City Council	City of Hot Springs	303 N. River St.	Hot Springs	SD	57747
Haden	Scott	Mr.	Exec. Director	HS Chamber of Commerce	P.O. Box 342	Hot Springs	SD	57747
Commissioners			County Commission	Fall River County	906 N. River	Hot Springs	SD	57747
Russell	Patrick	Mr	President	AFGE Local 1539	500 N. 5th St	Hot Springs	SD	57747
Campbell	Amanda	Ms.	Spokesperson/Historic	"Save the VA"	2308 Washington Ave.	Hot Springs	SD	57747
Loundner	Donald	Mr.	National Commander	National American Indian Veterans	35157 Weiss Road	Walker	LA	70785
			Director	Black Hills National Cemetery	20901 Pleasant Valley Drive	Sturgis	SD	57785
Crawford	Brian	Mr.	Chairman	Hot Springs Historic Preservation Comm.	303 N. River St.	Hot Springs	SD	57747
Sanders	Peggy	Mrs.	Member	Fall River County Historical Society	906 N. River	Hot Springs	SD	57747
Sanford	Dena	Ms.	Architectural Historian	National Park Service	301 River Road	Harrison	NE	69346
Davila	Vidal	Mr.	Superintendent	Wind Cave/NPS	26611 U.S. Highway 385	Hot Springs	SD	57747
Durbin	Jeffrey	Mr.	Sec. 106 Compliance Officer	WASO/ NPS	1201 I St. NW 7th floor	Washington	DC	20005
Bruckner	Dave	Mr.	Commander	Nebraska American Legion	PO Box 5205	Lincoln	NE	68505
Salak	David	Mr.	Adjutant	Nebraska American Legion	PO Box 5205	Lincoln	NE	68505
Hagel	Virgil	Mr.	Commander	Nebraska DAV	2533 N 83rd Street	Lincoln	NE	68507
Shuey	Jim	Mr.	Adjutant	Nebraska DAV	2533 N 83rd Street	Lincoln	NE	68507
Schlender	Harold	Mr.	State Commander	Nebraska VFW	PO Box 4552	Lincoln	NE	68504
Hilgert	John	Mr.	Director	Nebraska Department of Veterans Affairs	PO Box 95083	Lincoln	NE	68509
Vazquez	Amanda	Ms.	Government Relations Director	Paralyzed Veterans of America-Great Plains Chapter	7612 Maple Street	Omaha	NE	68134

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

October 9, 2014

«AddressBlock»

RE: Proposed VA Black Hills Health Care System Services Reconfiguration – Section 106 Consultation

«GreetingLine»

The U.S. Department of Veterans Affairs (VA) has proposed to reconfigure the delivery of health care services across the VA Black Hills Health Care System (VA BHHCS) service area. VA is preparing an integrated environmental impact statement (EIS) to evaluate the environmental effects this proposal may have. The EIS will integrate the implementation and review procedures of Section 102 of the *National Environmental Policy Act* (NEPA) with consultation under Section 106 of the *National Historic Preservation Act* (NHPA). The purpose of this letter is to provide an update on the NHPA Section 106 consultation process.

During the EIS scoping period (May 16 to August 16, 2014), comments on a range of issues, including historic resources, were submitted by letter, email, and web-based forms; and in both written and verbal comments at ten public meetings. Attendees at these scoping meetings were invited to submit written requests to the VA to be considered as a consulting party[1] under Section 106 of NHPA. The VA has now developed the following preliminary list of consulting parties with whom consultation on effects to historic properties will be conducted. This list may be modified as consultation proceeds.

Consulting Parties:

- Advisory Council on Historic Preservation
- South Dakota State Historical Society/State Historic Preservation Office
- Wyoming State Historic Preservation Office
- Department of the Interior–National Park Service, Midwest Regional Office
- Fall River County, South Dakota–County Commission
- City of Hot Springs
- National Trust for Historic Preservation
- Save the VA
- Oglala Sioux Tribe
- Northern Arapahoe Tribe
- Kiowa Tribe of Oklahoma

[1] In addition to the state historic preservation officer(s), tribal representatives, local government representatives, additional consulting parties are "Certain individuals and organizations with a demonstrated interest in the undertaking… [who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties" (36 CFR 800.2).

- additional tribal governments (follow-up contacts in progress)

In accordance with 36 CFR 800.2(d), the VA is also seeking and considering the views of the public "in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking." The 90-day public scoping period provided multiple avenues and opportunities for the public to communicate their views and concerns related to historic properties and cultural resources effects, among other issues. The public will be invited to review the status of the proposal alternatives in late 2014, and comment on the analysis of effects to historic resources from the proposed action and alternatives in the published Draft EIS in 2015. The published Final EIS will address comments on the Draft EIS analysis, with the analysis revised as needed, prior to the VA's decision on this proposal. All recipients of this letter have also been added to the mailing list for the integrated NEPA/Section 106 process, and will receive postcard notification of future public meetings and the availability of the Draft EIS, Final EIS, and Record of Decision.

The VA BHHCS website (www.blackhills.va.gov/VABlackHillsFuture/) has and will continue to provide periodic updates and access to documents throughout this integrated NEPA/Section 106 process. A summary and schedule of the milestones for the integrated NEPA/Section 106 process is attached, for your reference.

If you have any questions regarding the list of consulting parties or concerns about the historic properties consultation process, please send an email to vablackhillsfuture@va.gov, or a letter to Staff Assistant to the Director, VA Black Hills Health Care System, 113 Comanche Road, Fort Meade, SD 57741.

Sincerely,

Stephen R. DiStasio
Director

Attachment (1)

«CC»
«CC1»
«CC2»
«CC3»

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

January 15, 2015

VFW
Lester Zimiga, Representative
13111 Wild Turkey Lane
Hot Springs, SD 57747

Dear Mr. Zimiga,

I have received questions about the participation of Veteran Organizations as 'consulting parties' in the integrated National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) process in preparing the Environmental Impact Statement (EIS) for the proposed reconfiguration of health care services in the Black Hills Health Care System service area. hope this letter provides additional clarification about how consulting parties are involved in the process and information about how to request participation.

On October 20, 2014, your office received a letter from VA BHHCS regarding the NHPA Section 106 process that identified the consulting parties who would be invited to actively participate in the Section 106 consultation meetings. The list of consulting parties was based on NHPA regulation 36 CFR 800.2(c) (5) that states consulting parties include "...Certain individuals and organizations with a demonstrated interest in the undertaking... [Who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties." Other stakeholders, including the public at large, are encouraged to participate in the NHPA/NEPA process by providing comments during EIS public involvement opportunities, including scoping and the Draft EIS review and comment period.

The list of consulting parties can be modified as the NHPA consultation process continues if demonstrated interest in effects on historic properties is established by an individual or organization. If you would like your organization to be considered as a consulting party for the remainder of the process, please submit a written request either by email to vablackhillsfuture@va.gov or by regular mail to Staff Assistant to the Director, 113 Comanche Rd., Fort Meade, SD 57741. The request letter should include your organization's interest and connection to VA's decision regarding its historic properties. With this request in hand I can review your status as a consulting party.

At this time, we plan to have further discussions with the consulting parties to continue the consultation process early in 2015. Information regarding dates and times will be forthcoming. Thank you for your continued service to our nation's Veterans.

Sincerely,

Stephen R. DiStasio, FACHE
Director

VA HEALTH CARE | ***Defining* EXCELLENCE *in the 21st Century***

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

January 14, 2015

The American Legion of South Dakota
State Headquarters
PO Box 67
Watertown, SD 57201

Commander Jergens,

Thank you for your December 4, 2014, letter regarding questions about the VA Black Hills Health Care System (VA BHHCS) reconfiguration proposal and the corresponding National Environmental Policy Act (NEPA) process, which VA is integrating with the National Historic Preservation Act (NHPA) process. I forwarded your letter and the attached resolution to the contractor assisting VA with preparing the Environmental Impact Statement (EIS).

On October 20, 2014, your office received a letter from VA BHHCS regarding the NHPA Section 106 process that identified the consulting parties who would be invited to actively participate in the Section 106 consultation meetings. The list of consulting parties was based on NHPA regulation 36 CFR 800.2(c)(5) that states consulting parties include "...Certain individuals and organizations with a demonstrated interest in the undertaking... [who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties." Other stakeholders, including the public at large, are encouraged to participate in the NHPA/NEPA process by providing comments during EIS public involvement opportunities, including scoping and the Draft EIS review and comment period.

The list of consulting parties can be modified as the NHPA consultation process continues if demonstrated interest in effects on historic properties is established by an individual or organization. If you would like the South Dakota American Legion to be considered as a consulting party for the remainder of the process, please submit a written request either by email to vablackhillsfuture@va.gov or by regular mail to Staff Assistant to the Director, 113 Comanche Rd., Fort Meade, SD 57741. The request letter should include the American Legion's interest and connection to VA's decision regarding its historic properties. With this request in hand I can confirm your status as a consulting party.

At this time, we plan to have further discussions with the consulting parties to continue the consultation process early in 2015. Information regarding dates and times will be forthcoming. Thank you for your continued service to our Nation's Veterans.

Sincerely,

Stephen R. DiStasio, FACHE
Director

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

January 15, 2015

Paralyzed Veterans of America
Attn: Michael Olson
209 North Garfield
Sioux Falls, SD 57104

Dear Mr. Olson,

I have received questions about the participation of Veteran Organizations as 'consulting parties' in the integrated National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) process in preparing the Environmental Impact Statement (EIS) for the proposed reconfiguration of health care services in the Black Hills Health Care System service area. hope this letter provides additional clarification about how consulting parties are involved in the process and information about how to request participation.

On October 20, 2014, your office received a letter from VA BHHCS regarding the NHPA Section 106 process that identified the consulting parties who would be invited to actively participate in the Section 106 consultation meetings. The list of consulting parties was based on NHPA regulation 36 CFR 800.2(c) (5) that states consulting parties include "...Certain individuals and organizations with a demonstrated interest in the undertaking... [Who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties." Other stakeholders, including the public at large, are encouraged to participate in the NHPA/NEPA process by providing comments during EIS public involvement opportunities, including scoping and the Draft EIS review and comment period.

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At this time, we plan to have further discussions with the consulting parties to continue the consultation process early in 2015. Information regarding dates and times will be forthcoming. Thank you for your continued service to our nation's Veterans.

Sincerely,

Stephen R. DiStasio, FACHE
Director

VA HEALTH CARE | ***Defining*** **EXCELLENCE** ***in the 21st Century***

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

January 15, 2015

DAV Department of South Dakota
Eric Van Emmerik
1519 W. 51st Street
Sioux Falls, SD 57105

Dear Mr. Emmerik,

I have received questions about the participation of Veteran Organizations as 'consulting parties' in the integrated National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) process in preparing the Environmental Impact Statement (EIS) for the proposed reconfiguration of health care services in the Black Hills Health Care System service area. hope this letter provides additional clarification about how consulting parties are involved in the process and information about how to request participation.

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At this time, we plan to have further discussions with the consulting parties to continue the consultation process early in 2015. Information regarding dates and times will be forthcoming. Thank you for your continued service to our nation's Veterans.

Sincerely,

Stephen R. DiStasio, FACHE
Director

Department of Veterans Affairs
ASSISTANT SECRETARY FOR PUBLIC AND INTERGOVERNMENTAL AFFAIRS
WASHINGTON DC 20420

Dear Tribal Leader:

The Department of Veterans Affairs (VA) is sending this communication to provide information regarding upcoming consultations on the Proposed Reconfiguration of the VA Black Hills Health Care System (BHHCS).

Proposal and Recent Efforts

The proposal would involve reconfiguring existing services and expanding points of access to health care within the VA Black Hills Health Care System (BHHCS) service area to better serve the health care needs and distribution of Veterans in the VA BHHCS service area over the next 20 to 30 years. That area includes portions of South Dakota, Nebraska, and Wyoming. More information is available on the BHHCS website (http://www.blackhills.va.gov/vablackhillsfuture/).

As required by the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) is being prepared to analyze the environmental consequences of the proposal. A series of NEPA public scoping meetings were held throughout the service area in June. The purpose of public scoping is to ensure the EIS evaluates the range of potential issues associated with the proposal. The public scoping period ended August 16.

Evaluating the potential effect(s) or impact(s) of this proposal is a comprehensive effort that involves outreach efforts, consultations, and compliance with several applicable laws and regulations. To assist in understanding these processes, VA would like to take this opportunity to clarify the term "consultation", which appears in several of these laws and regulations. With respect to the proposal to reconfigure the Black Hills Health Care System, there are two distinct, yet interrelated, sets of consultations.

National Historic Preservation Act Consultation

The regulations implementing Section 106 of the National Historic Preservation Act (NHPA) discuss "consultation" as the process "to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties." This consultation process focuses exclusively on effects to historic properties. NHPA recognizes the government-to-government relationship between the Federal government and the tribes.

Since a key component of this BHHCS proposal involves the VA Hot Springs campus, which is designated as a National Historic Landmark, VA is following the "substitution" process described in the handbook issued jointly by the Council on Environmental Quality and the Advisory Council on Historic Preservation for integrating NEPA and NHPA Section 106 (dated March 2013). This substitution does not lessen any of the NHPA requirements, rather, it provides a more integrated and streamlined mechanism to accomplish the same.

Tribal Consultation

Consultation, as prescribed by Executive Order 13175 and by VA Directive 8603, covers a much broader range of potential tribal concerns and/or issues with respect to the proposed Federal action than just historic preservation. These consultation topics and scope extend well beyond the historical aspects of a particular facility or location. Formal tribal consultation in this sense is a documented process in which input is sought from tribal officials on proposed VA actions which may: (1) require tribal and VA senior leadership involvement; (2) involve the potential for widespread, direct and substantial impact upon more than one tribe or on the relationship between VA and tribes; (3) affect tribal resources, rights, or land; (4) entail policy, legislative, or legal actions involving tribes; or (5) change the distribution of authority and responsibilities between VA and Indian tribes.

Participation in the Section 106 Process for Historic Properties

If you indicate an interest in the NHPA Section 106 consultation process, you will be provided additional details about the relevant schedule and milestones in future correspondence. Please recognize the focus of the Section 106 consultations is limited to evaluation of the potential adverse effects to the Hot Springs campus and other historic properties that may be identified. **Please notify the VA of your interest in the Section 106 process by referencing this letter and identifying your selected point of contact for Section 106 coordination, by either an email to vablackhillsfuture@va.gov, or a letter to Staff Assistant to the Director, VA Black Hills Health Care System, 113 Comanche Road, Fort Meade, SD 57741**. We welcome your interest and would appreciate receiving your response within 15 days of your receipt of this letter.

Participation in Tribal Consultation Pursuant to Executive Order 13175

VA is preparing to initiate formal Tribal Consultation this summer as well, possibly as soon as late August or early September. To prepare for these efforts, VA is requesting input from tribes located in South Dakota, North Dakota, Montana, Wyoming, Minnesota, Oklahoma, and Nebraska. The input would be focused on primary topics of concern to the affected tribes and would help craft the agenda, identify venues, and ensure that key VA leadership and personnel attend.

We very much look forward to your input. Based upon the communications to date, VA anticipates Tribal Consultation subjects of interest to include, but not be limited to, the following:

- Tribal government concerns specific to the Hot Springs campus itself;
- Potential for Tribal government interest in the use or actual acquisition of part or all (with some exceptions) of the Hot Springs campus, if the decision to vacate some or all is reached;
- Specific concerns surrounding access, timeliness, and quality of medical care to American Indian Veterans through facilities on or near reservations;
- Other mechanisms for provision of medical care to American Indian Veterans;
- Any effect on other Veterans benefits and services available to American Indian Veterans (for example, through VA's Veterans Benefits Administration or VA's National Cemetery Administration) as a result of the proposal.

In order to properly prepare for the upcoming Tribal Consultation under Executive Order 13175, please provide your comments and requests by September 12, 2014. Comments and requests may be sent electronically to tribalgovernmentconsultation@va.gov, by fax (202) 273-5716 or mail: Department of Veterans Affairs, Office of Tribal Government Relations, 810 Vermont Ave. NW Suite 915e, Washington, DC 20420.

VA recognizes the value of dialogue and importance of communication with American Indian tribes and looks forward to receiving your input. If you have any questions regarding this communication you may contact Peter Vicaire, Office of Tribal Government Relations Specialist, Central Region at (651) 405-5676 or Peter.Vicaire@va.gov.

Sincerely,

Josh Taylor
Acting Assistant Secretary
Office of Public and Intergovernmental Affairs

TRIBAL_NAME	FIRST_NAME	LAST_NAME	TITLE	STREET_ADDRESS	CITY	STATE	ZIP_CODE	WORK_PHONE	FAX_NUMBER	EMAIL
Apache Tribe of Oklahoma	Donnie	Cabaniss Jr.	Chairman	P.O. Box 1330	Anadarko	OK	73005	(405) 247-9493	(405) 247-2686	chairman@apachetribe.com
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	Floyd	Azure	Chairman	P.O. Box 1027	Poplar	MT	59255	(406)-768-2382	(406) 768-3054	cultres@nemontel.net
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	Darrell	"Curly" Youpee	THPO	P.O. Box 1027	Poplar	MT	59255	(406)-768-2382	(406) 768-3054	cultres@nemontel.net
Blackfeet Nation	Willie A.	Sharp	Chairman	850 Government Square	Browining	MT	59417	(406) 338-7521	(406) 338-7530	blkftthpo@aol.com
Blackfeet Nation	John	Murray	THPO	850 Government Square	Browining	MT	59417	(406) 338-7521	(406) 338-7530	blkftthpo@aol.com
Bois Forte Reservation	Kevin	Leecy	Chairman	5344 Lakeshore Dr.	Nett lake	MN	55772	(218)757-3261	(218)-753-4055	kevin.leecy@boisforte-nsn.gov
Cheyenne and Arapaho Tribes, Oklahoma	Eddie	Hamilton	Governor	P.O. Box 38	Concho	OK	73022	(405) 422-7540	(405) 422-8267	
Cheyenne and Arapaho Tribes, Oklahoma	Max	Bear	THPO, Director	P.O. Box 145	Concho	OK	73022	(405) 422-7714	(405) 422-1199	mbear@c-a-tribes.org
Cheyenne River Sioux Tribe of the Cheyenne River Reservation	Kevin	Keckler, Sr.	Tribal Chairman	P.O. Box 590	Eagle Butte	SD	57625	(605) 964-4155	(605) 964-4151	kevin.keckler@yahoo.com
Cheyenne River Sioux Tribe of the Cheyenne River Reservation	Donna Rae	Peterson		P.O. Box 590	Eagle Butte	SD	57625	(605) 964-7554	(605) 964-7552	
Chippewa-Cree Indians of the Rocky Boy's Reservation	Richard	Morsette	Chairman	RR1, P.O. Box 544	Box Elder	MT	59521	(406) 395-4282	(406) 395-5702	
Chippewa-Cree Indians of the Rocky Boy's Reservation	Alvin	Windy Boy	THPO	RR1, P.O. Box 544	Box Elder	MT	59521	(406) 352-8000	(406) 395-4195	awindyboy@cccrpd.com
Comanche Nation	Wallace	Coffey	Chairman	P.O. Box 908	Lawton	OK	73502	(580) 492-4988	(580) 492-3796	
Comanche Nation	Jimmy	Arterberry	THPO	P.O. Box 908	Lawton	OK	73502	(580) 595-9960 ext.9618	(580) 595-9733	jimmya@comanchenation.com
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Ron	Trahan	Chairman	P.O. Box 278	Pablo	MT	59855	(406) 675-2700, ext. 1076	(406) 675-2629	
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Ira	Matt	THPO	P.O. Box 278	Pablo	MT	59855	(406) 675-2700, ext. 1075	(406) 675-2629	preservation@cskt.org
Crow Creek Sioux Tribe of the Crow Creek Reservation	Roxanne	Sazue	Chairwoman	P.O. Box 50	Fort Thompson	SD	57339	(605) 245-2221	(605) 245-2470	
Crow Creek Sioux Tribe of the Crow Creek Reservation	Wanda	Wells	THPO	P.O. Box 50	Fort Thompson	SD	57339	(605) 245-2250	(605) 245-2470	wandawells@midstatesd.net
Crow Tribe of Montana	Darrin	Old Coyote	Chairman	P.O. Box 159	Crow Agency	MT	59022	(406) 638-3708	(406) 638-3773	
Crow Tribe of Montana	Emerson	Bull Chief	THPO	P.O. Box 159	Crow Agency	MT	59022	(406) 638-4238	(406) 638-3169	ebullchief@crownations.net
Eastern Shoshone	Darwin	St. Clair, Jr.	Chairman	P.O. Box 538	Fort Washakie	WY	82514	(307) 332-3532	(307) 332-3055	sbc_receptionist@yahoo.com
Eastern Shoshone	Wilfred	Ferris	THPO	P.O. Box 538	Fort Washakie	WY	82514	(307) 332-2081	(307) 332-3055	wjferrisiii@yahoo.com
Flandreau Santee Sioux Tribe of South Dakota	Anthony	Reider	President	P.O. Box 283	Flandreau	SD	57028	(605) 997-3891	(605) 997-3878	tony.reider@fsst.org
Flandreau Santee Sioux Tribe of South Dakota	James	Weston	THPO	P.O. Box 283	Flandreau	SD	57028	(605) 997-3512	(605) 997-3878	JB.Weston@fsst.org
Fond du Lac Band of Lake Superior Chippewa	Karen	Driver	Chairwoman	1720 Big Lake Rd.	Cloquet	MN	55720	(218) 879-4593		
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Mark L.	Azure	President	656 Agency Main Street	Harlem	MT	59526	(406) 353-8450	(406) 353-4541	
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Morris	Belgard	THPO	656 Agency Main Street	Harlem	MT	59526	(406) 353-8433	(406) 353-2797	mbelgarde@yahoo.com
Grand Portage Reservation	Norman	Deschampe	Chairman	P.O. Box 428	Grand Portage	MN	55605	(218) 475-2277	(218) 475-2284	
Kiowa Indian Tribe of Oklahoma	Amber	Toppah	Chairperson	P.O. Box 369	Carnegie	OK	73015	(405) 654-1729	(508) 654-8714	kbo@kiowatribe.org
Kiowa Indian Tribe of Oklahoma	Amie	Tah-bone	NAGPRA Representative	P.O. Box 369	Carnegie	OK	73015	(405) 654-2300		amie.r.tah-bone-1@ou.edu
Leech Lake Band of Ojibwe	Carri	Jones	Chairwoman	190 Sailstar Dr. NW	Cass Lake	MN	56633	(218) 335-8200	(218) 335-8309	
Lower Brule Sioux Tribe	Michael	Jandreau	Chairman	187 Oyate Circle	Lower Brule	SD	57548	(605) 473-5561	(605) 473-5606	clairsgreen@yahoo.com
Lower Sioux Indian Community in the State of Minnesota	Denny	Prescott	President	P.O. Box 308	Morton	MN	56270	(507) 697-6185	(507) 697-8618	denny.prescott@lowersioux.com
Lower Sioux Indian Community in the State of Minnesota	Grace	Goldtooth-Campos	THPO	P.O. Box 3078	Morton	MN	56270	(507) 697-6321	(507) 637-4380	lowersiouxthpo@gmail.com
Mille Lacs Band of Ojibwe	Melanie	Benjamin	Chairwoman	43408 Oodena Dr.	Onamia	MN	56359	(320) 532-4181	(320) 532-7505	

TRIBAL_NAME	FIRST_NAME	LAST_NAME	TITLE	STREET_ADDRESS	CITY	STATE	ZIP_CODE	WORK_PHONE	FAX_NUMBER	EMAIL
Northern Arapaho Tribe	Darrell	O'Neal, Sr.	Chairman	P.O. Box 396	Fort Washakie	WY	82514	(307) 332-6120	(307) 332-7543	northernarapaho@msn.com
Northern Arapaho Tribe	Corrine	Headly	THPO	P.O. Box 396	Fort Washakie	WY	82514	(307) 856-1628	(307) 856-4611	northernarapahothpo@msn.com
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation	Llevando	Fisher	President	P.O. Box 128	Lame Deer	MT	59043	(406) 477-6284	(406) 477-6210	llevando.fisher@cheyennenation.com
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation	Conrad	Fisher	THPO	P.O. Box 128	Lame Deer	MT	59043	(406) 477-6284 ext. 165	(406) 477-6210	conrad.fisher@cheyennenation.com
Oglala Sioux Tribe of the Pine Ridge Reservation	Bryan	Brewer	President	P.O. Box 2070	Pine Ridge	SD	57770	(605) 867-8420	(605) 867-6076	bb@oglala.org
Oglala Sioux Tribe of the Pine Ridge Reservation	Mike	Catches Enemy	THPO	P.O. Box 419	Pine Ridge	SD	57770	(605) 455-1225		oglalathpo@goldenwest.net
Omaha Tribe of Nebraska	Clifford	Wolfe, Jr.	Chairman	P.O. Box 368	Macy	NE	68039	(402) 837-5391	(402) 837-5308	
Omaha Tribe of Nebraska	Calvin R.	Harlan	THPO	P.O. Box 368	Macy	NE	68039	(402) 837-5391	(402) 837-5308	CJHarlan59@yahoo.com
Ponca Tribe of Indians of Oklahoma	Douglas G.	Rhodd, Sr.	Chairman	20 White Eagle Drive	Ponca City	OK	74601	(580) 762-8104	(580) 762-2743	chairmanrhodd@ponca.com
Ponca Tribe of Nebraska	Rebecca	White	Chairwoman	P.O. Box 288	Niobrara	NE	68760	(402) 857-3391	(402) 857-3736	janc@poncatribe-ne.org
Ponca Tribe of Nebraska	Randy	Teboe	THPO	P.O. Box 288	Niobrara	NE	68760	(402) 857-3519	(402) 857-3652	rteboe@poncatribe-ne.org
Prairie Island Indian Community in the State of Minnesota	Ronald	Johnson	President	5636 Sturgeon Lake Road	Welch	MN	55089	(651) 385-2554	(651) 385-4180	
Red Lake Nation	Seki	Darrell	Chairman	24200 Council St.	Red Lake	MN	56671	(218) 679-3341		
Rosebud Sioux Tribe of the Rosebud Indian Reservation	Cyril	Scott	President	P.O. Box 430	Rosebud	SD	57570	(605) 747-2381	(605) 747-2905	rst_chairman@gwtc.net
Rosebud Sioux Tribe of the Rosebud Indian Reservation	Russell	Eagle Bear	THPO	P.O. Box 809	Rosebud	SD	57570	(605) 747-4255	(605) 441-9884	rstthpo@yahoo.com
Santee Sioux Nation	Roger	Trudell	Chairman	108 Spirit Lake Avenue West	Niobrara	NE	68760	(402) 857-2772	(402) 857-2779	rtrudell@santeedakota.org
Santee Sioux Nation	Richard	Thomas	THPO	108 Spirit Lake Avenue West	Niobrara	NE	68760	(402) 857-3346	(402) 857-2862	rick_thpo02@yahoo.co
Shakopee Mdewakanton Sioux Community	Charlie	Vig	Chairman	2330 Sioux Trail NW	Prior Lake	MN	55372	(952) 496-6109		
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	Robert	Shepherd	Chairman	P.O. Box 509	Agency Village	SD	57262	(605) 698-3911	(605) 698-3708	roberts@swo-nsn.gov
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation	Dianne	Desrosiers	THPO	Old Agency Box 717	Agency Village	SD	57262-0509	(605) 698-3584	(605) 698-4283	DianneD@swo-nsn.gov
Spirit Lake Sioux Tribe	Leander 'Russ"	McDonald	Chairperson	P.O. Box 359	Fort Totten	ND	58335	(701) 766-4221	(701) 766-4126	admin@spiritlakenation.com
Standing Rock Sioux Tribe of North and South Dakota	Dave	Archambault II	Chairman	P.O. Box D	Fort Yates	ND	58538	(701) 854-7201	(701) 854-8595	acordova@standingrock.org
Standing Rock Sioux Tribe of North and South Dakota	Waste'Win	Young	THPO	P.O. Box D	Fort Yates	ND	58538	(701) 854-8645	(701) 854-8595	wyoung@standingrock.org
Three Affiliated Tribes of the Fort Berthold Reservation (Mandan, Hidatsa, Arikara)	Tex	Hall	Chairman	404 Frontage Road	New Town	ND	58763	(701) 862-2474	(701) 862-2490	texhall@mhanation.com
Three Affiliated Tribes of the Fort Berthold Reservation (Mandan, Hidatsa, Arikara)	Elgin	Crows Breast	THPO	404 Frontage Road	New Town	ND	58763	(701) 862-2474	(701) 862-3401	redhawk@mhanation.com
Turtle Mountain Band of Chippewa Indians of North Dakota	Richard	McCloud	Chairman	P.O. Box 900	Belcourt	ND	58316	(701) 477-2600	(701) 477-6836	merle.stclaire@yahoo.com
Turtle Mountain Band of Chippewa Indians of North Dakota	Kade	Ferris	THPO	P.O. Box 900	Belcourt	ND	58316	(701) 477-2604	(701) 477-3593	kade@tribalresources.com
Upper Sioux Community	Kevin	Jensvold	Chairman	P.O. Box 147	Granite Falls	MN	56241-0147	(320) 564-2360	(320) 564-4482	kevinj@uppersiouxcommunity-nsn.gov
Upper Sioux Community	Marlow	LaBatte	THPO	P.O. Box 147	Granite Falls	MN	56241-0147	(320) 564-3853	(320) 564-4482	marlowl@uppersiouxcommunity-nsn.gov
White Earth Nation	Erma	Vizenor	Chairwoman	P.O. Box 418	White Earth	MN	56591	(218) 983-3285		
Winnebago Tribe of Nebraska	John	Blackhawk	Chairman	100 Bluff St. P.O. Box 687	Winnebago	NE	68071	(402) 878-2272	(402) 878-2963	
Yankton Sioux Tribe of South Dakota	Robert	Flying Hawk	Chairman	P.O. Box 1153	Wagner	SD	57380	(605) 384-3641	(605) 384-5687	
Yankton Sioux Tribe of South Dakota	Lyle	Miller	THPO	P.O. Box 1153	Wagner	SD	57380	(605) 384-3641	(605) 384-5687	yst.thpo@gmail.com

Section 106 Consultation for the Integrated National Environmental Policy Act and National Historic Preservation Act Process

Proposed Reconfiguration of the VA Black Hills Health Care System

Summary of Consulting Parties Workshop Hot Springs and Pine Ridge, South Dakota November 18-19, 2014

U.S. Department of Veterans Affairs
VA Black Hills Health Care System

January 20, 2015

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C Consulting Parties Workshop Handout and Displays

LIST OF ACRONYMS

ADA – Americans with Disabilities Act
ABA – Architectural Barriers Act
APE - Area of potential effects
BHHCS - Black Hills Health Care System
CBOC - Community Based Outpatient Clinic
CFR – Code of Federal Regulations
EIS – Environmental Impact Statement
MSOC - Multi Specialty Outpatient Clinic
NEPA - National Environmental Policy Act
NHPA – National Historic Preservation Act
NHL – National Historic Landmark
NPS – National Park Service
NRHP – National Register of Historic Places
RRTP - Residential Rehabilitation Treatment Program
SHPO - State Historic Preservation Office
THPO – Tribal Historic Preservation Office
VA - Veterans Affairs

1.0 INTRODUCTION

The Department of Veterans Affairs (VA) Black Hills Health Care System (VA BHHCS) has proposed to reconfigure health care services within the VA BHHCS service area, which VA has determined to be a federal undertaking under Section 106 of the National Historic Preservation Act (NHPA) and a federal action subject to the National Environmental Policy Act (NEPA). VA has chosen to integrate Section 106 consultation within the overall NEPA framework, following the substitution process of 36 Code of Federal Regulations (CFR) 800.8(c). VA is preparing an environmental impact statement (EIS) that will meet the standards for compliance with Section 106.

Three proposed alternatives for the undertaking include vacating the Hot Springs VA Medical Center campus and three alternatives propose renovations to existing buildings on the campus. The proposed undertaking (federal action) would affect the campus, which is a National Historic Landmark (NHL) and a contributing element to the Hot Springs Historic District as listed on the National Register of Historic Places (NRHP).

1.1 Consulting Parties

Consulting parties for Section 106 of the NHPA fall into five categories per 36 CFR 800.2(c): (1) the state historic preservation officer; (2) Indian tribes; (3) representatives of local governments; (4) applicants for Federal assistance, permits, licenses and other approvals; and (5) additional consulting parties. This last category is defined as "Certain individuals and organizations with a demonstrated interest in the undertaking [who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties."

VA hosted a Section 106 workshop for the consulting parties on November 18 and 19, 2014, at Hot Springs and Pine Ridge, South Dakota. The consulting parties with a demonstrated interest in the undertaking and its effects on historic properties who had been identified by October 20, 2014, and who were invited to participate in the workshop are listed in Table 1. The letter inviting the consulting parties to the workshop is included in Appendix A. Other consulting parties may be added as the Section 106 consultation process continues.

1.2 Purpose of this Summary

The purposes for this summary are to document the discussions and input received during the workshop, and to present the next steps for further consultation.

Table 1. Workshop Invitations and Attendance

Organization*	Attended Workshop
Advisory Council for Historic Preservation	Yes
City of Hot Springs	Yes
Department of the Interior: National Park Service	Yes
Fall River County Commission Office	Yes
Fall River County Historical Society	No
Fort Peck Tribes of Assiniboine and Sioux	No
Hot Springs Certified Local Government–Historic Preservation Commission	Yes
Kiowa Tribe of Oklahoma	No
National Trust for Historic Preservation	Yes
Northern Arapaho Tribe	No
Oglala Sioux Tribe of the Pine Ridge Reservation	Yes
Save the VA	Yes
South Dakota State Historic Preservation Office	Yes
Yankton Sioux Tribe	No
* Includes all consulting parties identified as of October 20, 2014	

2.0 WORKSHOP DISCUSSION

The Section 106 workshop participants included consulting party representatives (see Appendix B), VA staff, and the EIS contractor (Labat Environmental and SWCA Environmental Consultants). The meetings were open to public observation and members of the public attended. The agenda for the workshop is included in Appendix C. Discussion during the workshop focused primarily on seeking input from consulting parties regarding the area of potential effects, identifying historic properties, and identifying potential effects to the historic properties for each of the proposed alternatives for the undertaking.

The following sections summarize the discussion of each agenda topic. Responses and explanations, as appropriate for clarification, are included for some of the questions and issues raised during the discussions.

2.1 Undertaking and Alternatives

A brief summary of the undertaking (and federal action) and proposed alternatives was provided. The summary focused on highlighting the similar components among the alternatives, which include vacating all or some of the buildings on the Hot Springs VA Medical Center campus, renovations to some buildings, and construction of new buildings on the campus or at yet to be identified locations in Hot Springs and Rapid City.

VA outlined the process regarding building/campus reuse options, should an alternative be chosen that results in vacating the Hot Springs campus facility. The Director for the VA Black Hills Health Care System described the reuse study VA is exploring. Although the study is currently in the initial stages of information gathering, VA will engage with other federal agencies to identify if their agencies may have a need for a facility in Hot Springs. VA would then request reuse

interest/proposals from other entities including the city, non-profits, or possibly for-profit organizations that might operate under a lease agreement with VA. A reuse option referred to as the "medical miracle" was submitted to VA as a comment during the EIS scoping process. The consideration of reuse options in the EIS will focus on the analysis of the broader effects of reuse, and not the details of any particular reuse.

2.2 Scoping Comments

Comments received from the consulting parties during the EIS public scoping period were summarized. The consulting parties confirmed their interests in the undertaking and related historic property concerns, including:

- economy, historic district, and community of Hot Springs;
- historic property of the Battle Mountain Sanitarium NHL;
- continued use of the sanitarium buildings, reuse of the buildings that is compatible with the original design, and Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) accessibility options and rehabilitation alternatives; and
- Section 106/NEPA integration (substitution) process and general Section 106 compliance.

2.3 Area of Potential Effects

The initial area of potential effects (APE) identified by VA during the EIS scoping process was the VA property boundary for the Hot Springs VA Medical Center campus, including the National Cemetery. VA consulted the South Dakota State Historic Preservation Office (SHPO) about the APE, and SHPO requested via letter dated November 7, 2014, the APE be expanded to include the Hot Springs Historic District. Other consulting parties made similar requests during the workshop. Because the boundaries of the Historic District are not well defined, the SHPO and Hot Springs Historic Preservation Commission will provide additional information to more accurately determine the boundary.

Consulting parties asked how VA will determine and address the size and scale of the APE for alternatives that would result in new construction in Hot Springs or Rapid City at locations yet to be identified. Alternatives that would require ground disturbance or that could otherwise affect historic properties in as-yet unidentified locations would be assessed in a broader sense for the purposes of the EIS. VA recognizes its NEPA and Section 106 responsibilities in identifying historic properties, and potential effects to them, on any new parcels that might be acquired. VA will adhere to Section 106 and its Cultural Resource Management Procedures during future scoping for acquisition of property for new construction or renovation. VA's cultural resources procedures can be found at (www.va.gov/vapubs/viewPublication.asp?Pub_ID=584&FType2). Section 106 regulation 36 CFR 800.4(b)(2) allows for deferral of identification and evaluation of historic properties, through provisions in the EIS Record of Decision or another agreement document, until specific locations of the selected alternative are refined and through appropriate consultation procedures.

Suggestions were made to include the pumphouse for the VA Hot Springs campus, State Veterans Home and cemetery, Fort Meade Historic District, the Battle Mountain landform, and the town of Hot Springs. The pumphouse location is not included within the NHL or Historic District

boundaries, but it supports the operations of the Hot Springs VA medical center and will be considered for inclusion in the APE. Based on parcel information provided by the City, the State Veterans Home and cemetery are not part of the Hot Springs Historic District; its connection to potential effects of the undertaking on historic properties is being reviewed by VA. The extension of the undertaking and inclusion of Fort Meade Historic District in the APE are also being reviewed by VA. The potential for effects of the undertaking to the Battle Mountain landform and its inclusion in the APE are being considered by VA. Although the town of Hot Springs will be included in the study area for the EIS for all potentially affected resources, it will be considered by VA for inclusion in the APE. These locations (except Fort Meade) are shown on Figure 1.

2.4 Identification of Historic Properties

Identification efforts to date found that the principal historic properties that would be affected by the undertaking are the Battle Mountain Sanitarium NHL, which makes up most of the Hot Springs VA Medical Center campus, and the Hot Springs Historic District. The Battle Mountain Sanitarium has been a contributing resource to the Hot Springs Historic District since the listing in the NRHP in 1974. Additionally the proposed undertaking is in an area (Black Hills region) that is historically and culturally important to Native American tribes.

Consulting parties stated that other historic or prehistoric resources may be present within the property boundaries of the Hot Springs VA Medical Center campus, such as the VA facility's historic-era trash dump, its original pumphouse along the river, and evidence of prehistoric occupancy. No archaeological resources have been identified according to VA and SHPO records. Only Alternative E currently contemplates ground disturbance or possible alteration of management of the medical center campus grounds that could affect unknown archaeological resources. The EIS analysis will consider effects to these types of resources and a phased approach to identification and assessment of effects per 36 CFR 800.

The Battle Mountain landform was suggested as a historic property related to the history of American Indian activity in the area and the importance of the hot springs there. The Battle Mountain landform and associated potential historic property concerns are being reviewed by VA.

Another suggestion was to consider the entire town of Hot Springs as a historic property, not just the Historic District. Although the Hot Springs Historic District encompasses much of the town, including the downtown business district, the VA Medical Center campus and cemetery, and adjacent residential areas, it is unlikely that all buildings and features in this living town are historic.

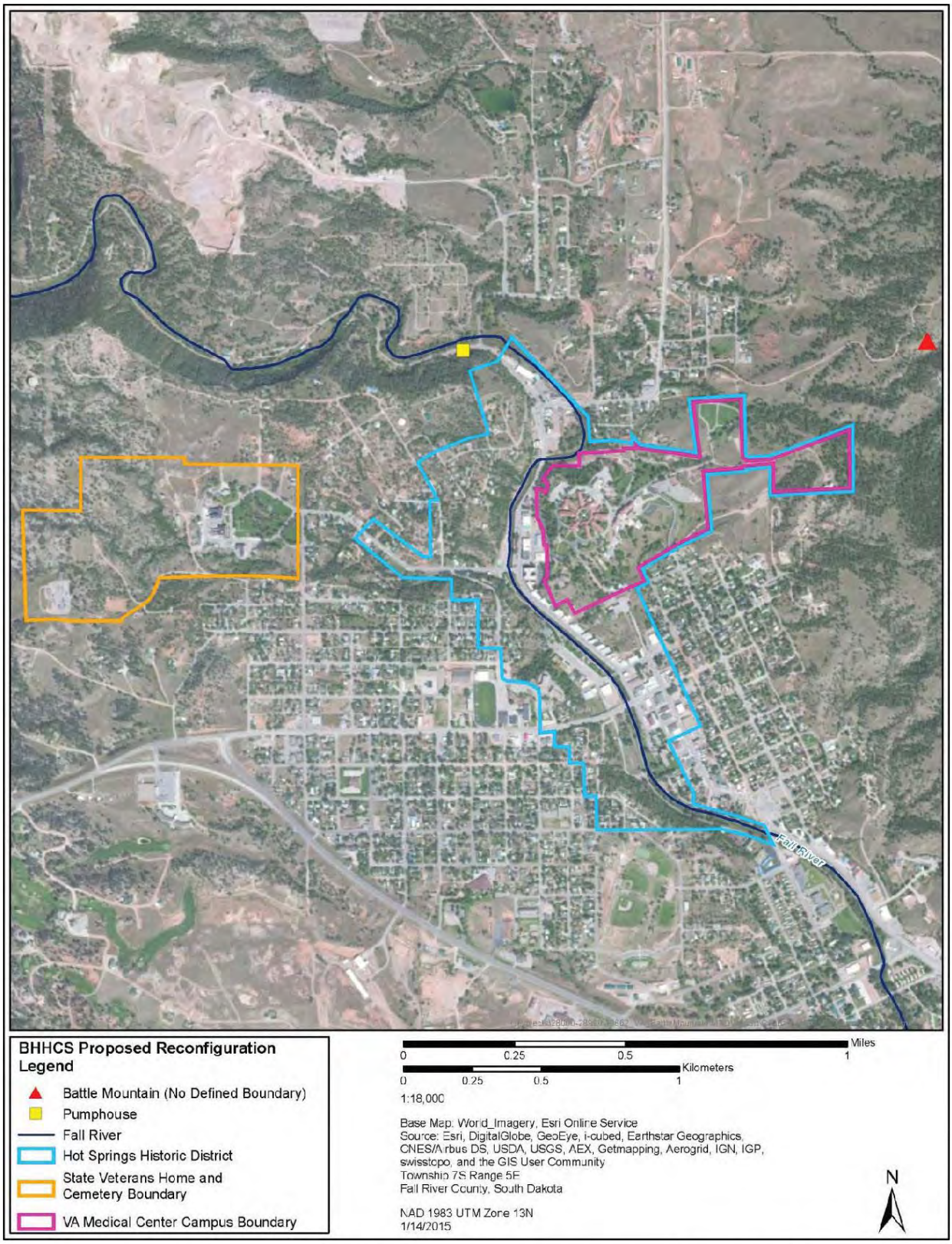


Figure 1. Locations Considered for Inclusion in Area of Potential Effects.

Appendix C: NEPA / NHPA Substitution Process C-27

2.5 Potential Effects

Potential effects of the undertaking on historic properties for each of the proposed alternatives were discussed and are listed in Table 2. Due to the similar components of some of the alternatives, including those considering vacating and/or renovating portions of the Hot Springs Medical Center campus, many of the potential effects would apply to more than one alternative. The potential effects listed in the table have not yet been screened or evaluated to determine if the effects are to historic properties or to other environmental, economic, and social resources, or to both. Input during the workshop included indirect, direct, and cumulative effects. The list of potential effects will be further refined and possibly expanded or reduced during further consultation as the impact analysis proceeds and the Draft EIS is prepared.

Effects that would likely be either beneficial or adverse were identified. VA will apply the criteria for determining adverse effect (36 CFR 800.5) and continue discussions with consulting parties during future consultation.

Table 2. Potential Effects Identified by Alternative

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
A	Build or lease new CBOC Vacate VA Hot Springs campus	Build or lease new MSOC and 100-bed RRTP	➢ The new location may impact the historic district including viewshed, traffic, and other concerns. ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites at new locations. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area. ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history. ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Vacant building; damage during mothballing. ➢ Native American access to the VA sweat lodge facility may be limited. ➢ Water rights retained by the VA. ➢ Local government tax-base impacts. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
B (same potential effects identified as Alternative A)	Build or lease new CBOC and 100-bed RRTP Vacate VA Hot Springs campus	Build or lease new MSOC	➢ The new location may impact the historic district including viewshed, traffic, and other concerns. ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites at new locations. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area. ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history. ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Vacant building; damage during mothballing. ➢ Native American access to the VA sweat lodge facility may be limited. ➢ Water rights retained by the VA. ➢ Local government tax-base impacts. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus.
C	Renovate Building 12 for CBOC Renovate Domiciliary for 100-bed RRTP	Build or lease new MSOC	➢ Building exteriors may be potentially altered for rehabilitation or reuse. ➢ Vacate portions of buildings or entire buildings on the campus. ➢ Change in use of some of the buildings. ➢ Potential for maintenance neglect. ➢ Renovation is a positive effect for continued use of the property. ➢ Continued VA ownership ensures compliance with historic preservation laws.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
D (same potential effects identified as Alternatives A and B)	Build or lease new CBOC and 24-bed RRTP Vacate VA Hot Springs campus	Build or lease new MSOC and 76-bed RRTP	➢ The new location may impact the historic district including viewshed, traffic, and other concerns. ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites at new locations. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area. ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history. ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Vacant building; damage during mothballing. ➢ Native American access to the VA sweat lodge facility may be limited. ➢ Water rights retained by the VA. ➢ Local government tax-base impacts. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
E (Save the VA)	Renovate domiciliary for 200-bed RRTP Renovate Building 12 for inpatient care Other upgrades/ renovations to buildings/new construction New programs and services at Hot Springs campus	No change	➢ Will restore/renew services to the campus (see "Save the VA" White Paper) ensuring continued use of all the historic buildings. ➢ Facility continues to be maintained. ➢ Disabled access alterations on building exteriors including ramps and sidewalk upgrades. ➢ Upgrades and renovations may have a potential effect on the historic property. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus where new construction would occur. ➢ Location of new construction may impact the historic landmark including viewshed, traffic, and other concerns.
F (No Action)	Continue health care services at VA Hot Springs campus	No change	➢ Facility continues to be maintained. ➢ Retains historic use.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
G	Future re-use of all or part of VA Hot Springs campus	No change	➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently displayed and stored at the campus will need to be rehoused if the campus is vacated. ➢ City infrastructure may be impacted due to a change in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites on Battle Mountain Campus, including a historic-era VA dump area. ➢ Battle Mountain and Waters (Fall River, and associated hot springs) as possible historic property concern related to Native American history. ➢ VA would no longer offer a Native American sweat lodge facility at the Battle Mountain Campus location. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services.

CBOC = Community Based Outpatient Clinic
MSOC = Multi Specialty Outpatient Clinic
RRTP = Residential Rehabilitation Treatment Program

3.0 NEXT STEPS

Next steps, of which some overlap, include:

- Finalize APE – The final APE will include the 1974-listed Hot Springs Historic District and the pumphouse. The State Veterans Home and cemetery, the Battle Mountain landform, and Fort Meade Historic District will be considered by VA for addition to the APE. The procedure for addressing effects on future properties hosting new or renovated facilities under the reconfiguration will be described in the EIS. VA will present a final APE to the consulting parties in January 2015.

- Prepare Description of Affected Environment/APE – VA will describe the affected environment for the EIS upon determination of the final APE.

- Apply the Criteria of Adverse Effect – VA will review potential effects discussed with the consulting parties, and any other potential effects identified during VA's consideration of the undertaking's alternatives, and apply the Criteria of Adverse Effect to those potential effects. VA will consider all potential adverse effects in its selection of the preferred alternative, and will develop measures to resolve those effects through avoidance, minimization, or mitigation, in consultation with the consulting parties.

- Identify Preferred Alternative – VA will identify the preferred alternative to the consulting parties to assist with the consultation process, and it will also be identified in the Draft EIS, which is anticipated to be completed by late spring 2015. All alternatives will receive due diligence and analysis through the EIS process.

- Resolution of Adverse Effects – Acknowledging the importance of consulting parties' input on the resolution of adverse effects, VA anticipates that consultation and discussions in early 2015 will focus on resolving any potential adverse effects of VA's preferred alternative. Because of the similar components among the alternatives, identification of measures to avoid, minimize, or mitigate adverse effects will apply to more than one alternative. Input from the consulting parties on resolutions of adverse effects will be incorporated into the cultural resources section of the Draft EIS for review by the consulting parties.

- Future Consultation – Consulting parties will be given as much notice as possible for scheduling purposes and provided a range of dates for future consultation to review and discuss adverse effects and options to resolve any such effects. Several consulting parties stated that in-person meetings were preferred to conference calls; therefore, VA will continue to emphasize future in-person meetings as the schedule allows.

4.0 OTHER COMMENTS

Comments made that did not pertain to the agenda topics under discussion were noted in the "parking lot". These comments were not dismissed, but were considered not pertinent to the

topic of historic properties, and potential effects to them, during the limited workshop schedule. Those comments and responses are as follows:

- Provide information on how and when consulting parties were identified and when Section 106 was initiated for the project. Response: Consulting parties were identified from numerous stakeholders who VA had notified in May 2012 and again in May 2014 of the reconfiguration proposal. Attendees at the public scoping meetings in June 2014 were invited to submit written requests to be considered as a consulting party, and in October 2014, VA notified the stakeholders of the preliminary list of consulting parties. VA held discussions with stakeholders in 2012 regarding potential effects to historic properties and has since re-initiated consultation with the start of the integrated NEPA/NHPA process as noticed in the Federal Register on May 16, 2014.

- Provide examples of successful NEPA/NHPA integration. Response: Examples can be found in the NEPA and NHPA Handbook for Integrating NEPA and Section 106 prepared by the Council on Environmental Quality and Advisory Council on Historic Preservation (www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf).

- How will the Section 106 process be concluded through the EIS and what agreements might be executed to complete the process? Response: The results of the Section 106 consultation process, commitments to resolve any adverse effects, and the commitment to conduct future Section 106 consultation for yet to be identified sites will be documented in the Record of Decision for the EIS.

- An architect with historic preservation experience should be hired to fully evaluate the historic buildings and to assess the costs associated with renovations and ADA compliance upgrades. Response: Information and data from a 2012 historic condition assessment, renovation impact review, and renovation cost estimates prepared by Treanor Architects, a historic architecture company, will be included in the Draft EIS. As appropriate, the Draft EIS will also develop or discuss the need for additional information on this topic in accordance with the requirements of 40 CFR 1502.22 for addressing incomplete or unavailable information in an EIS.

- Can other alternatives be considered at this point in the process? Response: There were no additional alternatives to the proposed reconfiguration identified during the public scoping process. Any alternatives that might be proposed by the public in response to the Draft EIS will be considered.

- Provide more detail on the alternatives to adequately compare and analyze the differences. Response: Detailed descriptions of the alternatives will be provided in the Draft EIS; however, VA will be sharing more detail with the consulting parties to facilitate the consultation process in discussing possible adverse effects and measures to avoid, minimize, or mitigate adverse effects.

- Review the purpose and need statement regarding ADA compliance, and relatedly, review the VA operating costs for the Hot Springs facility. Response: The Draft EIS will fully discuss the purpose and need for the reconfiguration proposal and include estimated costs of all alternatives. The purpose and need statement, as published during the

workshop and open houses, has been updated to identify the need for accessible facilities without using phrasing that would limit the acceptable solutions.

- Does Alternative F—no action—keep services as they are? Response: The No Action Alternative involves no change from current approach to maintenance, renovations, or other management actions for existing facilities. The Council on Environmental Quality's "40 Questions" explains what a no action alternative includes (http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf).
- Provide copies of scoping comments for review in both Hot Springs and Ft. Meade. Response: A scoping report that provides a summary of the comments received will be posted online at www.blackhills.va.gov/vablackhillsfuture.
- When did the "downsizing process" at the Hot Springs campus start? Response: As part of its mission, VA has continually adjusted medical services to meet current and projected medical needs of Veterans and their families, including the nature of the services and the locations where they are provided. The trends that were considered by VA in determining the purpose and need for the proposed reconfiguration will be described in the Draft EIS.

APPENDIX A

Consulting Parties Workshop Invitation Letter

Black Hills Health Care System
Department of Veterans Affairs

FORT MEADE MEDICAL CENTER
113 Comanche Road, Fort Meade, SD 57741-1099

HOT SPRINGS MEDICAL CENTER
500 North 5th Street, Hot Springs, SD 57747-1497

October 20, 2014

RE: Proposed Black Hills Health Care System Reconfiguration
Consulting Party Confirmation and Workshop

Dear Consulting Party:

The Department of Veterans Affairs (VA) Black Hills Health Care System (VA BHHCS) is recognizing your organization as a consulting party to assist VA BHHCS with the National Historic Preservation Act (NHPA) Section 106 process for the proposal to reconfigure the delivery of health care services across the VA BHHCS service area. VA BHHCS is preparing an environmental impact statement (EIS) on this proposal that integrates the implementation and review procedures of the National Environmental Policy Act with consultation under Section 106 of the NHPA. This letter confirms your participation as the consulting party representative for your organization, and announces a workshop for consulting parties in Hot Springs and Pine Ridge, SD.

Historic Properties and Effects

The VA BHHCS' proposed reconfiguration is referred to as the federal "undertaking" for purposes of Sections 106 and 110(f) of the NHPA. Section 106 focuses on the potential effects of an undertaking on historic properties that are listed or eligible for listing in the National Register of Historic Places, whereas Section 110(f) specifically refers to National Historic Landmarks (NHL).

Three of the proposed alternatives for the undertaking (refer to Attachment 1) include vacating the Hot Springs VA medical center campus and three alternatives propose renovations to existing buildings on the campus. Since the Hot Springs campus encompasses the NHL Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers, the proposed undertaking might affect this historic property. The NHL was designated in 2011 and part of the campus also contributes to the 1974 National Register listed Hot Springs Historic District. The Battle Mountain Sanitarium NHL documentation is available at www.blackhills.va.gov/battlemtn.

Role of the Consulting Party

Consultation is defined in the Section 106 regulations as "the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process". Consulting parties can assist in this process by:

- Identifying historic properties;
- Identifying and evaluating potential effects to those historic properties;

- Recommending options to avoid, minimize, or mitigate adverse effects;
- Reviewing information on VA's findings and plans for the undertaking;
- Participating in teleconferences, workshops, and meetings; and
- Assuming a specific role, as appropriate, in any agreements necessary to resolve adverse effects on historic properties.

Section 106 Workshop for Consulting Parties

VA BHHCS, with assistance from our contractor team of Labat Environmental and SWCA Environmental Consultants, will be hosting a Section 106 workshop for consulting parties. The workshop will be held at two different locations with the same material presented at both locations, so you are invited to attend one or both. The workshop schedule is:

Hot Springs	Pine Ridge
Tuesday, November 18, 2014	Wednesday, November 19, 2014
1:00 to 3:00 p.m.	10:00 a.m. to 12:00 p.m. (noon)
Mueller Center	Billy Mills Hall
801 South 6th Street	U.S. Highway 18
Hot Springs, SD 57747	Pine Ridge, SD 57770

The format for the workshop will include presentations by the contractor team, followed by discussions of the topics on the agenda. The tentative agenda includes:

- Presentation of the undertaking and alternatives
- Presentation of scoping comments pertaining to historic properties/Section 106
- Presentation of the Area of Potential Effects
- Discussion and identification of historic properties
- Discussion of potential effects to historic properties
- Discussion of options to avoid, minimize, or mitigate adverse effects
- Next steps

As the consulting party representative, you will be the spokesperson for your organization during the workshop discussions. Therefore, to ensure productive and organized discussions, we anticipate you will have received input from your organization prior to the workshop and will participate and speak on its behalf.

We appreciate your willingness to serve as a consulting party representative and look forward to your participation in the workshop and the Section 106 process. Please direct any questions regarding your role as a consulting party representative or questions on the workshop to vablackhillsfuture@va.gov.

Sincerely,

Stephen R. DiStasio
Director

Attachment

Attachment 1

INFORMATION SHEET

Environmental Impact Statement for VA Black Hills Health Care System Reconfiguration

National Environmental Policy Act (NEPA)

- Federal agency must consider environmental impacts of their proposal in deciding what action to take
- Prepare an Environmental Impact Statement (EIS) to determine if the proposed action or alternatives have potential to significantly impact the natural and human (social, economic) environment
- Identify reasonable measures to avoid or minimize environmental harm

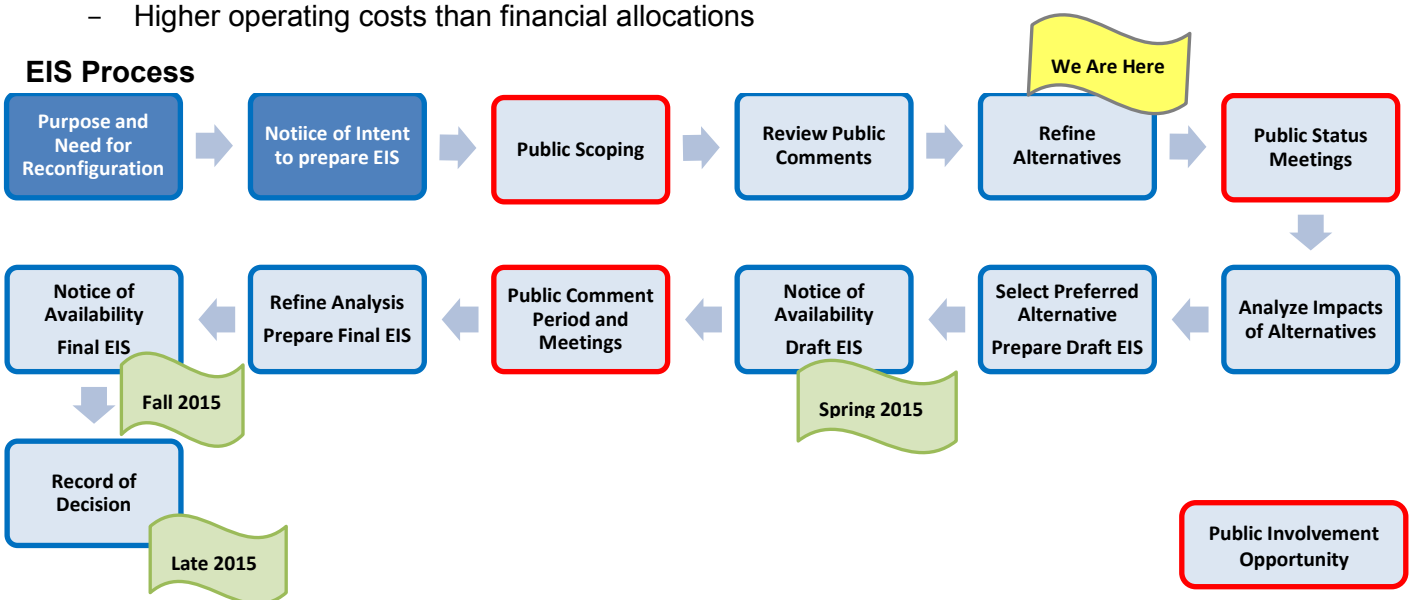
Scoping Process

- Involve public with identifying the issues and resources to evaluate in the EIS
- Receive public and agency input on alternatives, impacts, and mitigation options
- Use comments in preparing EIS

Purpose of and Need for Health Care System Reconfiguration

- ***Purpose***: Provide quality, safe, accessible health care for Veterans well into the 21st century by:
  - Enhancing and maintaining quality and safety of care in the 100,000-square-mile service area
  - Replacing aging and ADA-noncompliant buildings for Veterans in Residential Rehabilitation and Treatment Programs and Community-Based Outpatient Clinics
  - Increasing access to care closer to Veterans' homes
  - Reducing out-of-pocket expenses for Veterans' travel
- ***Need:***
  - Veteran population centers are not in the same location as current VA facilities
  - Difficulty recruiting and retaining qualified staff at Hot Springs facility
  - Difficulty maintaining high-quality, safe, and accessible care
  - Long distances and travel times to receive specialty care
  - Current residential treatment facilities and locations limit care available to single parent Veterans and handicapped Veterans, and limit enhancements of the recovery model of care
  - Higher operating costs than financial allocations

EIS Process



Alternatives

	Hot Springs	Rapid City
A	CBOC – build/lease; vacate VA campus	MSOC, RRTP (100 beds) – build/lease
B	CBOC, RRTP (100 beds) – build/lease; vacate VA campus	MSOC – build/lease
C	CBOC – renovate Bldg 12; RRTP (100 beds) – renovate Domiciliary	MSOC – build/lease
D	CBOC, RRTP (24 beds) – build/lease; vacate VA campus	MSOC, RRTP (76 beds) – build/lease
E*	RRTP (200 beds) – renovate Domiciliary; Bldg 12 (inpatient) – renovate; other upgrades/renovations – new programs & services	no change
F	to be determined	to be determined
G**	future re-use of all or part of VA campus	no change
H	no action – status quo	no action – status quo

* "Save the VA" ** Supplement to Alternatives A–D CBOC – Community Based Outpatient Clinic
MSOC – Multi Specialty Outpatient Clinic RRTP – Residential Rehabilitation Treatment Program

"Save the VA" Alternative

- Renovate existing hospital and domiciliary instead of *construction* or *lease* of a new facility.
- Expand and restore hospital healthcare services at Hot Springs VA for a length of time (recommended 10 years) to get baseline data regarding Veteran need for and access to healthcare, on which to support future alignment plans.
- Engage Compensated Work Therapy (CWT) Veterans and teach historic building preservation standards and methods to support VA maintenance program of the National Historic Landmark and other recognized historic structures in the Black Hills.
- Expand on educational opportunities for Veterans and staff in the catchment area, including the Pine Ridge Indian Reservation.
- Undertake expanded study of effectiveness of PTSD/TBI/ Substance Abuse Treatment in a therapeutic **rural setting**.
- Utilize expanded work-therapy programs, educational opportunities, and physical and mental programs to treat homeless Veterans, and assist unemployed and underemployed Veterans.

Analysis of Environmental Resources

Human Environment	
Aesthetics	Community Services
Cultural Resources	Solid / Hazardous Materials
Noise	Transportation / Parking
Land Use	Utilities
Socioeconomics	Environmental Justice
Physical Environment	
Air Quality	Geology / Soils
Floodplains / Wetlands	Hydrology / Water Quality
Biological Environment	
Wildlife / Habitat	

National Historic Preservation Act (NHPA)

- Requires a federal agency to determine the effects of their action on historic properties
- Regulations permit "substitution" of NEPA review for the Section 106 compliance process
- Identify consulting parties during scoping process
- Identify and evaluate historic properties concurrently with other resources
- Consult with tribal governments
- Assess potential effects to Battle Mountain Sanitarium National Historic Landmark and other cultural resources
- Opportunities for input from consulting parties and public before releasing Draft EIS (see EIS process graph)
- Commit to mitigation strategy in Record of Decision if preferred alternative affects a historic property

Photos: Battle Mountain Sanitarium Building 1 – Rotunda (top); vintage aerial view (bottom)

APPENDIX B

Consulting Parties Workshop Attendee List

Consulting Parties Section 106 Workshop Attendee List		
Organization	**Representative (s)**	**Workshop Attended**
Advisory Council for Historic Preservation	Chris Daniel	Hot Springs, Pine Ridge
City of Hot Springs	Cindy Donnell	Hot Springs, Pine Ridge
	Scott Simianer	Hot Springs, Pine Ridge
Department of the Interior, National Park Service	Dena Sanford	Hot Springs, Pine Ridge
Fall River County Commission Office	Mike Ortner	Hot Springs
Hot Springs Certified Local Government–Historic Preservation Commission	Brian Powers	Hot Springs
	Pat Lyke	Hot Springs, Pine Ridge
National Trust for Historic Preservation	Jenny Buddenborg	Hot Springs, Pine Ridge
	Betsy Merritt	Pine Ridge
Oglala Sioux Tribe of the Pine Ridge Reservations	Regina Brave	Pine Ridge
Save the VA	Bob Nelson	Hot Springs, Pine Ridge
	Amanda Campbell	Hot Springs
South Dakota State Historic Preservation Office	Paige Olson	Hot Springs, Pine Ridge

APPENDIX C

Consulting Parties Workshop Handout and Displays

November 18-19, 2014

RECONFIGURATION OF BLACK HILLS HEALTH CARE SYSTEM

National Historic Preservation Act, Section 106
Consulting Parties Workshop

Agenda:

1. Welcome and introductions
2. Role of Consulting Party
3. Workshop process and ground rules
4. Federal undertaking and alternatives
5. Public scoping comments on historic properties and Section 106
6. Area of Potential Effects
7. Discussion and identification of historic properties
8. Discussion of potential effects to historic properties
9. Discussion of options to avoid, minimize, or mitigate adverse effects
10. Next steps

Role of the Consulting Party:

Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties. Section 106 regulations (36 CFR 800.16) define consultation as:

> *". . . the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process."*

Advisory Council on Historic Preservation's *Citizens Guide to Section 106 Review* further explains consulting party participation and offers tips to make the most of consultation:

> *Consulting party status entitles you to share your views, receive and review pertinent information, offer ideas, and consider possible solutions together with the federal agency and other consulting parties.*
>
> *Consultation does not mandate a specific outcome. Rather, it is the process of seeking, discussing, and considering the views of consulting parties about how project effects on historic properties should be handled.*
>
> *Creative ideas about alternatives – not complaints – are the hallmarks of effective consultation.*

Consulting parties will assist VA in this process by:

- identifying historic properties;
- identifying and evaluating potential effects to those historic properties;
- recommending options to avoid, minimize, or mitigate adverse effects;
- reviewing information on VA's findings and plans for the undertaking;
- participating in teleconferences, workshops, and meetings; and
- assuming a specific role, as appropriate, in any agreements necessary to resolve adverse effects on historic properties.

Making the Most of Consultation:

Often consultation involves participants with a wide variety of concerns and goals. While the focus of some may be historical preservation, the focus of others may be time, cost, and the purpose to be served by the project.

Effective consultation occurs when you:

- keep an open mind;
- state your interests clearly;
- acknowledge that others have legitimate interests, and seek to understand and accommodate them;
- consider a wide range of options;
- identify shared goals and seek options that allow mutual gain; and
- bring forward solutions that meet the agency's needs.

Undertaking (Federal Action): Proposed Reconfiguration of VA Black Hills Health Care System

Alternatives for Proposed Reconfiguration of VA Black Hills Health Care System:

Alternative	Hot Springs	Rapid City
A	Build or lease new CBOC *Vacate VA Battle Mountain campus*	Build or lease new MSOC and 100-bed RRTP
B	Build or lease new CBOC and 100-bed RRTP *Vacate VA Battle Mountain campus*	Build or lease new MSOC
C	*Renovate Building 12* for CBOC *Renovate Domiciliary* for 100-bed RRTP	Build or lease new MSOC
D	Build or lease new CBOC and 24-bed RRTP *Vacate VA Battle Mountain campus*	Build or lease new MSOC and 76-bed RRTP
E **"Save the VA"**	*Renovate Domiciliary* for 200-bed RRTP *Renovate Building 12* for inpatient care *Other upgrades/renovations to buildings* *New programs and services at Battle Mountain*	No change
F **No Action**	Continue inpatient/outpatient services at Battle Mountain	No change
G	*Future re-use of all or part of Battle Mountain campus*, as supplement to Alternatives A–D.	No change
CBOC = Community Based Outpatient Clinic RRTP = Residential Rehabilitation Treatment Program MSOC = Multi Specialty Outpatient Clinic		

References:

A Citizen's Guide to Section 106 Review: www.achp.gov/docs/CitizenGuide.pdf

Useful Resources on the Web: www.achp.gov/106course-resources.html

Section 106 for Users: www.achp.gov/usersguide.html

Section 106 Regulations Summary: www.achp.gov/106summary.html

NEPA/NHPA Handbook for Integrating NEPA and Section 106:
www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

TERMS AND DEFINITIONS

Criteria of adverse effect: An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative (Section 106, 36 CFR 800.5 Assessment of Adverse Effects).

Examples of adverse effects (the "Criteria of Adverse Effect")

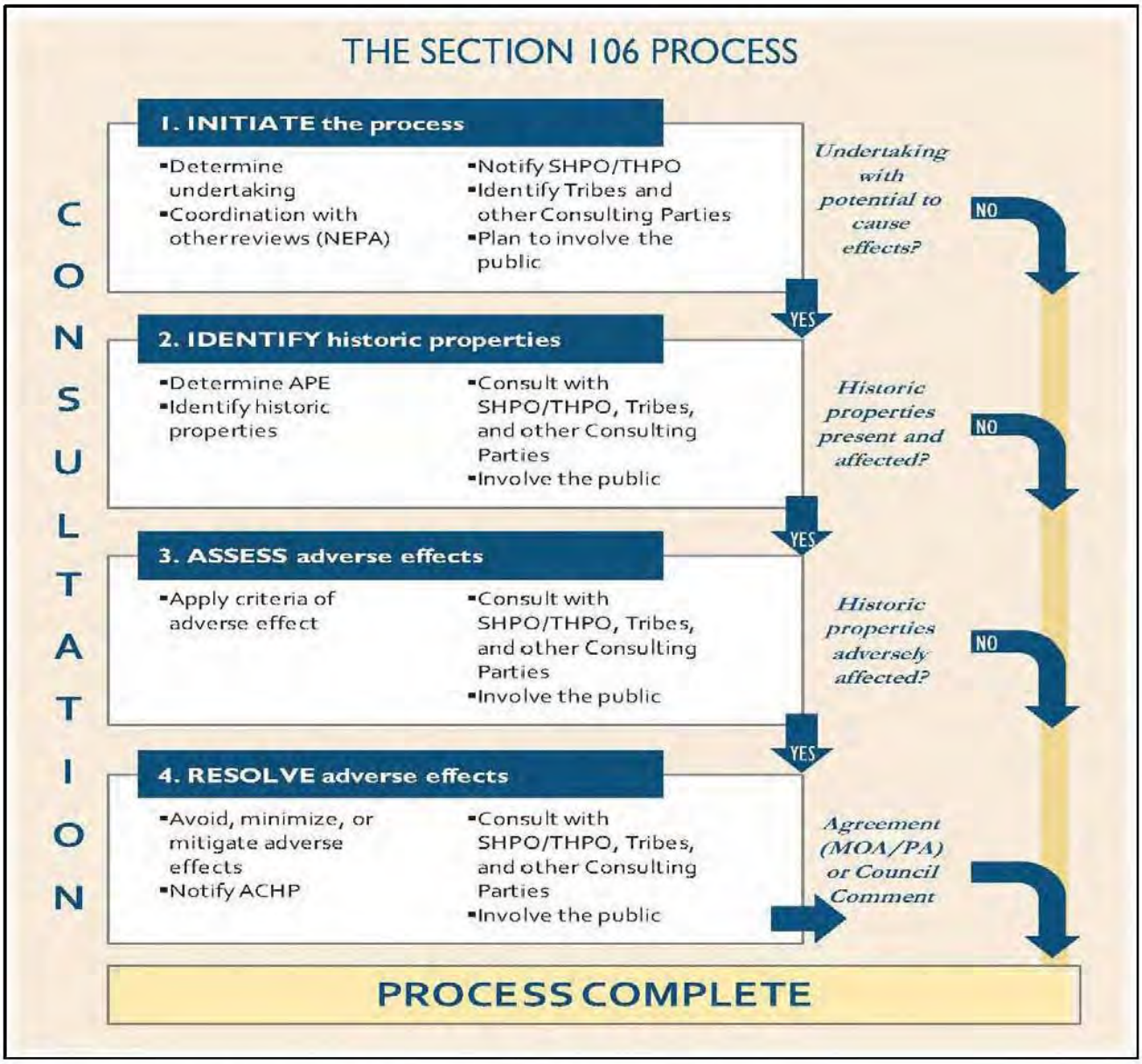
Adverse effects on historic properties include, but are not limited to:

1. physical destruction of or damage to all or part of the property;
2. alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR 68) and applicable guidelines;
3. removal of the property from its historic location;
4. change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
5. introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
6. neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native American tribe; and
7. transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

Area of potential effects (APE): the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Historic property: any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

Undertaking: a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those conducted by or on behalf of a federal agency; those conducted with federal financial assistance; and those requiring a federal permit, license, or approval.



Source: NEPA/NHPA Handbook for Integrating NEPA and Section 106

Appendix C: NEPA / NHPA Substitution Process C-48

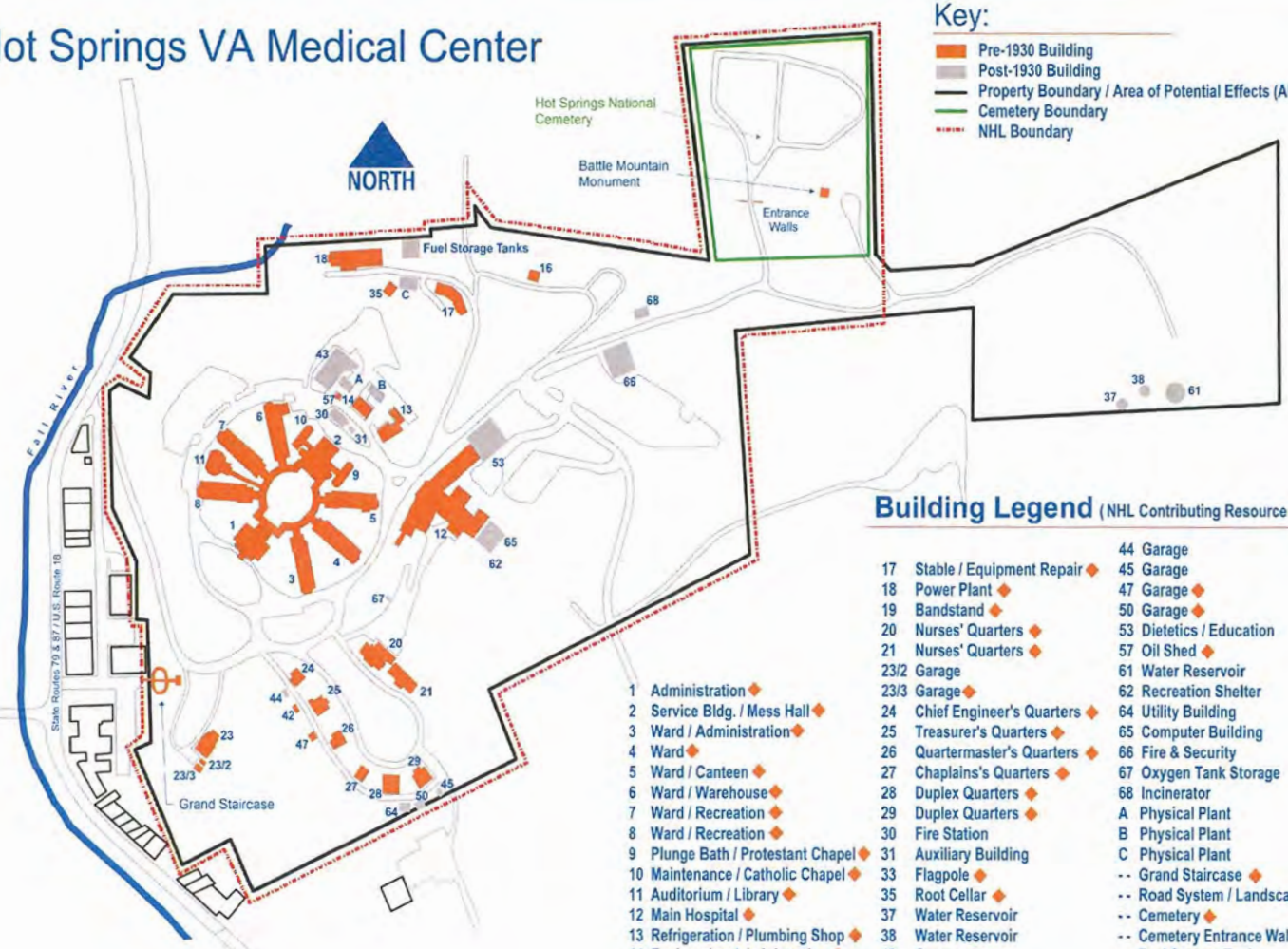
Proposed Area of Potential Effects for VA Black Hills Health Care System Reconfiguration

The Battle Mountain Branch of the National Home for Disabled Volunteer Soldiers was listed as a National Historic Landmark (NHL) in 2011.

Area of potential effects (APE) means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The contributing resources (noted by the ◆ symbol in the Building Legend) of an NHL are buildings, sites, structures, or objects that add to the historical associations, historic architectural qualities, or archaeological values for which a property is nationally significant because they were present during the period of significance, relate to the documented significance of the property, and possess a high degree of historical integrity.

Black Hills Health Care System
Department of Veteran Affairs



Integrating *National Historic Preservation Act* Section 106 Compliance into the NEPA Process

Section 106 of the *National Historic Preservation Act:*

Federal agencies must:

- Identify and assess effects of actions on historic properties
- Avoid, minimize, or mitigate those effects
- Provide the Advisory council on Historic Preservation a reasonable opportunity to comment

Agencies are encouraged to coordinate Section 106 compliance with NEPA.

Federal regulations permit "substitution" of NEPA review for the Section 106 process. Historic properties analysis is integrated into NEPA public involvement, agency coordination, impact analysis, and the agency decision.

Black Hills Health Care System
Department of Veteran Affairs

Notify Consulting Parties and Initiate Consultation

- Secretary of the Interior, State Historic Preservation Officers, Advisory Council on Historic Preservation, Tribal Historic Preservation Officers and other tribal representatives, and other stakeholders.
- Identify/discuss historic preservation issues associated with the Black Hills Health Care System reconfiguration alternatives.

Identify Historic Properties and Traditional Cultural Properties

- Establish areas of potential effect for the EIS alternatives.
- Identify known and potential cultural resources and their status or eligibility for listing on the National Register.
- Document findings as the Affected Environment for cultural resources in the EIS.

Assess Potential Effects

- Evaluate potential impacts to cultural resources using Section 106 criteria.
- With consulting parties, identify measures to avoid, minimize, or mitigate effects on historic properties.
- Document findings in the EIS as part of the Environmental Consequences and Mitigation Measures for cultural resources impacts.

Additional Consultation and Public Involvement

- Provide adequate opportunity for consulting parties' input prior to finalizing the Draft EIS.
- Notify National Park Service of potential effects on the Battle Mountain Sanitarium, a National Historic Landmark.
- Provide ongoing information to the public on the Section 106 process and its integration into the NEPA process.
- Document all Section 106 consultation activities in the EIS and its Administrative Record.

Concluding Section 106 Consultation

- If preferred alternative can potentially affect a historic property, identify mitigation strategy: Memorandum of Agreement, Programmatic Agreement, other binding mitigation commitment made in the VA's Record of Decision.
- Implement the selected alternative and any associated mitigation.

Alternatives for Reconfiguration of VA Black Hills Health Care System

- All reasonable alternatives are evaluated in the EIS (40 CFR 1502.14).
- Reasonable alternatives are technically and economically practicable or feasible, and meet the purpose and need for the proposed action.
- The No Action alternative must be considered, and also provides a baseline for comparing impacts among alternatives.

Location	Alternatives*					
	A	B	C	D	E	F No Action
Hot Springs	CBOC New Location in Hot Springs ~~Existing VA Campus~~	CBOC New Location in Hot Springs RRTP 100 beds New Location in Hot Springs ~~Existing VA Campus~~	CBOC Building 12 Renovation RRTP–100 beds Domiciliary Renovation	CBOC New Location in Hot Springs RRTP 24 beds New Location in Hot Springs ~~Existing VA Campus~~	Continue inpatient services Building 12 Renovation RRTP–200 beds Domiciliary Renovation Other Upgrades / Renovations New programs & services	(No Change) Continue inpatient and outpatient services RRTP 100 beds Upgrades / Renovations Maintenance and clinical standards
Rapid City	MSOC RRTP 100 beds	MSOC	MSOC	MSOC RRTP 76 beds	CBOC (No Change)	CBOC (No Change)

*Scoping did not yield new action alternatives. "No Action," (previously "H") was re-labeled "F", which had been a placeholder.

**Alternative G: future re-use by others of all/part of Hot Springs VA campus; supplement to Alternatives A–D. Would include "Medical Miracle" proposal.

CBOC = Community Based Outpatient Clinic
MSOC = Multi Specialty Outpatient Clinic
RRTP = Residential Rehabilitation Treatment Program

Black Hills Health Care System
Department of Veteran Affairs

Section 106 Consultation for the Integrated National Environmental Policy Act and National Historic Preservation Act Process

Proposed Reconfiguration of VA Black Hills Health Care System

Summary of Consulting Parties Workshop
VA Medical Center, Hot Springs, South Dakota
February 12, 2015

U.S. Department of Veterans Affairs
VA Black Hills Health Care System

April 2, 2015

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LIST OF ACRONYMS

APE: Area of potential effects
BHHCS: Black Hills Health Care System
CBOC: Community Based Outpatient Clinic
CFR: Code of Federal Regulations
EIS: Environmental Impact Statement
MSOC: Multi Specialty Outpatient Clinic
NEPA: National Environmental Policy Act
NHPA: National Historic Preservation Act
NHL: National Historic Landmark
NRHP: National Register of Historic Places
RRTP: Residential Rehabilitation Treatment Program
SCIP: Strategic Capital Investment Plan
SHPO: State Historic Preservation Office
VA: Veterans Affairs
VISN: Veterans Integrated Service Network

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1.0 INTRODUCTION

The Department of Veterans Affairs (VA) Black Hills Health Care System (VA BHHCS) has proposed to reconfigure health care services within the VA BHHCS service area, which VA has determined to be a federal undertaking under Section 106 of the National Historic Preservation Act (NHPA) and a federal action subject to the National Environmental Policy Act (NEPA). VA has chosen to integrate Section 106 consultation within the overall NEPA framework, following the substitution process of 36 Code of Federal Regulations (CFR) 800.8(c). VA is preparing an environmental impact statement (EIS) that will meet the standards for compliance with Section 106.

Three alternatives for the undertaking propose relocating services from the Hot Springs VA Medical Center campus to other Hot Springs and Rapid City locations, and three alternatives propose renovations to existing buildings on the campus instead of relocating services within the area. The proposed undertaking (federal action) would affect the campus, which is a National Historic Landmark (NHL) and a contributing element to the Hot Springs Historic District as listed on the National Register of Historic Places (NRHP).

1.1 Consulting Parties Involvement

Consulting parties, as defined in Section 106 of the NHPA, fall into five categories per 36 CFR 800.2(c): (1) the state historic preservation officer; (2) Indian tribes; (3) representatives of local governments; (4) applicants for federal assistance, permits, licenses and other approvals; and (5) additional consulting parties. This last category is defined as "Certain individuals and organizations with a demonstrated interest in the undertaking [who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties."

On February 12, 2015, VA hosted a second Section 106 workshop for the consulting parties at the VA Medical Center in Hot Springs, South Dakota. The workshop was a follow-on session to the November 2014 workshop. Table 1 lists the identified consulting parties who were invited to participate in the workshop and whether or not they attended. Other consulting parties may still be added as the integrated Section 106 consultation and NEPA EIS process continues.

1.2 Purpose of this Summary

The purposes of this summary are to document the discussions and input received during the February 2015 workshop, and to present the next steps for further consultation. This summary and the summary from the November 2014 workshop are available for review by the public at http://www.blackhills.va.gov/vablackhillsfuture.

Table 1. Workshop Invitations and Attendance

Organization*	Attended Workshop
Advisory Council on Historic Preservation	Yes
AFGE Hot Springs Local	Yes
American Legion	Yes
City of Hot Springs	Yes
Department of the Interior, National Park Service	Yes
Fall River County Commission Office	No
Fall River County Historical Society	Yes
Fort Peck Tribes of Assiniboine and Sioux	No
Hot Springs Certified Local Government–Historic Preservation Commission	Yes
Kiowa Tribe of Oklahoma	No
National Trust for Historic Preservation	Yes
Northern Arapaho Tribe	No
Oglala Sioux Tribe of the Pine Ridge Reservation	No
Save the VA	Yes
South Dakota State Historic Preservation Office	Yes
Yankton Sioux Tribe	No
* Includes all consulting parties identified as of the workshop date of February 12, 2015.	

2.0 WORKSHOP DISCUSSION

The Section 106 workshop participants included consulting party representatives (see Appendix A), VA staff, and the EIS contractor (Labat Environmental and SWCA Environmental Consultants). The workshop was open to public observation and members of the public attended. The handout with the agenda for the workshop is included in Appendix B.

The following sections summarize the discussion of each agenda topic. Responses and explanations, as appropriate for clarification, are included for some of the questions and issues raised during the discussions.

2.1 Omnibus Bill and Status of VA BHHCS Reconfiguration and EIS

The Consolidated and Further Continuing Appropriations Act, 2015, House Resolution 83, Public Law No. 113-235 – referred to as the Omnibus Bill – contained language pertaining to VA medical services and facilities in Veterans Integrated Service Network (VISN) 23. The application of that language to the proposed VA BHHCS reconfiguration and EIS is being reviewed by Veterans Health Administration Central Office. Until further direction is provided, VA BHHCS is proceeding with the EIS process that was initiated during fiscal year 2014.

Consulting parties also noted that line items in the President's budget for fiscal year 2016 and beyond appear to support certain alternatives for the proposed reconfiguration. None of the line items related to the reconfiguration proposal are requested in the fiscal year 2016 budget; instead

they are described in the Strategic Capital Investment Plan (SCIP) as "potential future year projects". They represent place holders to inform planning of potential future appropriations needs. Only one place holder can be realistically applied, not options for all alternatives. That one place holder was based on the originally proposed action for reconfiguration. All alternatives for reconfiguration will be assessed equally in the EIS.

2.2 NEPA/NHPA Substitution Process

Using the NEPA process for NHPA compliance is referred to as "substitution" and is guided by 36 CFR 800.8(c). The subsections of 800.8(c) were reviewed along with what VA has completed and will complete to ensure compliance with Section 106 consultation. Consulting parties were provided a copy of the Checklist for Substitution, which is Attachment C to the Handbook for Integrating NEPA and Section 106. The checklist and the review of 800.8(c) are included in Appendix C to this summary.

Consulting parties expressed concern regarding continued involvement of the public with Section 106. As noted during the review of 800.8(c), the public is involved in accordance with VA's NEPA procedures, which to date has included notices, news releases, 10 public scoping meetings, and an extended public scoping period (90 days) for the public to provide comments on environmental and historic preservation issues. Additional opportunities for public involvement will be during the review period for the Draft EIS and at six public comment meetings to be scheduled during the summer months of 2015. Consulting parties also noted their own constituencies, which encompass members of the public, such as the City of Hot Springs, Fall River County, State of South Dakota, Veterans' organizations, and groups and individuals interested in historic preservation.

Documents pertaining to Section 106 consultation are available for public review at www.blackhills.va.gov/vablackhillsfuture. Consulting parties are welcome to post information pertaining to the Section 106 consultation process on their respective websites as a means to further inform the public.

Consulting parties asked how historic properties, as compared to cultural resources in general, will be addressed in the EIS. The affected environment section (generally Chapter 3) of the EIS will provide the current and background contexts for all cultural resources, including historic properties, and explain what constitutes a significant cultural resource and historic property in relation to the NEPA definition and NRHP eligibility, plus properties of traditional religious or cultural importance to American Indian tribes (per 36 CFR 800). The impact analysis section (generally Chapter 4) of the EIS will describe the basis for an effect on a resource, including historic properties typically subject to effects as defined in Section 106 regulations. Other cultural resources that do not qualify as significant or as historic properties are considered under other appropriate regulations and executive orders.

2.3 Additional Detail on Alternatives

Additional details on the types of facilities and accommodations for a community-based outpatient clinic (CBOC), multi-specialty outpatient clinic (MSOC), and residential rehabilitation treatment program (RRTP) that are being considered under each alternative were provided, including basic space requirements for each building type and renovation requirements for existing buildings to

meet current "recovery model of care" standards. Example photos of similar buildings at other VA locations were shown.

It was emphasized that primary care will continue in Hot Springs under all alternatives. VA requests the consulting parties' assistance in correcting misconceptions to this component of the alternatives in the press, social media, or other sources whenever they occur.

2.4 Area of Potential Effects Revision

VA adjusted the APE after review and consideration of input received from consulting parties during the November 2014 workshop and written letters submitted by consulting parties subsequent to that workshop. The adjusted APE was provided to the State Historic Preservation Officer (SHPO) and copied to all other consulting parties on January 20, 2015. VA's letter with a figure showing the adjusted APE is available at www.blackhills.va.gov/vablackhillsfuture. Consulting parties expressed concern that Fort Meade and the State Veterans Home were not included within the adjusted APE, and again asked how VA would address unknown locations for possible acquisition for construction or renovation within Hot Springs and Rapid City under Alternatives A, B, and D.

As discussed during the November workshop and included in the written summary, VA would initiate the phased process for identification and evaluation of historic properties following 36 CFR 800.4(b)(2), and would determine other APEs should the selected reconfiguration alternative include new construction or renovation at locations that would be identified at a future time. Until then, VA will include the entire municipal boundaries of the cities of Hot Springs and Rapid City in the defined boundary of the APE, as shown on the figures included in Appendix D.

As explained in VA's adjusted APE letter dated January 20, 2015, construction at Fort Meade needed for ongoing operation of the hospital was independent (not connected) of the need for the proposed reconfiguration of health care services. Connected actions are those that could not or would not proceed unless another action proceeds previously or simultaneously (40 CFR 1508.25(a)(1(ii)). VA continues to consider the entire VA BHHCS service area as the EIS study area for cultural resources; however, no connected actions have been identified at other locations within the service area where effects from the proposed reconfiguration (undertaking) would extend, and thus, no expansion is made to the APE beyond the cities of Hot Spring and Rapid City.

2.5 Identification of Historic Properties

The principal historic properties that have been identified that would be affected by the undertaking remain the Battle Mountain Sanitarium NHL and the Hot Springs Historic District. The springhouse located near Fall River and currently used to supply water to the VA Medical Center campus has since been found to be historic and connected directly with the historic use of the Battle Mountain Sanitarium. The Battle Mountain landform has also been identified as a historic property related to the history of American Indian activity in the area and the importance of the hot springs. Unknown locations for potential new or renovated facility development in the cities of Hot Springs or Rapid City could affect other archaeological or above-ground historic properties.

In addition to considering the Battle Mountain landform as a sacred place to tribes, consulting parties also recommended that Battle Mountain Sanitarium be considered a traditional cultural property to Veterans. Traditional cultural properties are defined and considered under National Register Bulletin 38 (Parker and King 1998); VA will use this bulletin for further review of the Sanitarium as such.

2.6 Potential Effects

The approach to identifying potential effects, and then assessing and resolving adverse effects was presented. The approach separates on-campus from off-campus actions and effects. The on-campus actions focus on renovation or relocation, and off-campus actions focus on location of either Hot Springs or Rapid City. The alternatives are assigned by action (renovation or relocation) and location (Hot Springs or Rapid City).

Many of the potential effects are similar across the alternatives due to the similar components of the alternatives. For example, renovation of buildings or facilitation of their reuse would potentially affect the Battle Mountain Sanitarium NHL and historic properties within its views in the Hot Springs Historic District and the Hot Springs/Battle Mountain traditional area. Construction or renovation of other facilities at unknown locations in the Hot Springs or Rapid City areas could potentially affect archaeological sites or historic buildings at these locations or in view of the locations.

The identification of potential effects considered the following issues:

- Potential for archaeological resources discovery.
- Integrity aspects of feeling and association, as intangible historic qualities, may be affected through reuse of properties.
- Risk of building deterioration or removal with changes in use.
- Risk in historic building deterioration/neglect with short-term vacancy should a gap in occupancy occur to the NHL.
- Some areas on campus, specifically the sweat lodge, the east wing addition to Building 12, and the inner circle of the Domiciliary, have been formally blessed by Native American spiritual leaders.

Concerns for resources and effects identified during the November 2014 workshop were reviewed against examples of adverse effects listed in 36 CFR 800.5(a)(2). The list of these concerns by alternative was part of the workshop handout (included in Appendix B) and reorganized by the approach described above for identifying potential effects. The list will be further refined and will be the focus of the next consultation workshop with consulting parties.

Overall, allotted meeting time ran short by the time this agenda topic was reached, which limited productive discussion.

2.7 Avoiding, Minimizing, or Mitigating Adverse Effects

Commitments to historic preservation, conditions of approval, and stipulations and measures for treatment of historic properties would be specified in the Record of Decision for the EIS. The Secretary of the Interior's Standards for the Treatment of Historic Properties will guide the identification of measures to avoid, minimize, or mitigate adverse effects to historic properties. Preservation and rehabilitation are applicable treatments defined under those standards. Preservation seeks to maintain the significant historic aspects of a property, while rehabilitation does the same with allowances for mechanical, access, and life safety alterations or additions to properties; both recommend appropriate reuse of historic properties.

It was noted that NHPA Section 110(f) states a federal agency should minimize harm "to the maximum extent possible" if an undertaking affects a NHL. However, "maximum extent possible" is not defined and VA and National Park Service were asked for examples of what is viewed as a higher standard in terms of considering effects and resolutions. Maintaining historic use and aspects of historic feeling and association were briefly discussed in the context of considerations for resolution (including avoidance) of effects.

Overall, allotted meeting time ran short by the time this agenda topic was reached, which limited productive discussion.

3.0 NEXT STEPS

Next steps, some of which overlap, include:

- Draft EIS Publication and Identification of Preferred Alternative: VA will provide a schedule update when available.

- Identification of Historic Properties: VA will list historic properties in the Draft EIS that are located within the revised/expanded APE. VA will continue to review cultural resource management data from previous projects addressing the Battle Mountain landform, and will consider traditional cultural property status for the Battle Mountain Sanitarium NHL. The results of this review will be considered in the analyses presented in the Draft EIS, and will also be part of continued consultation.

- Resolution of Adverse Effects: VA will continue to develop measures to resolve adverse effects with the consulting parties and through the EIS analysis, including assessment of minimizing harm to the NHL to "the maximum extent possible".

- Future Consultation: The list of potential effects with adverse effects criteria, and potential measures to resolve effects determined to be adverse, will be the focus of further consultation with the consulting parties via teleconference.

4.0 OTHER COMMENTS

Comments made that were not directly related to agenda topics under discussion were deferred to be addressed as time allowed in the agenda or to be addressed through another avenue, such as through assessment in the EIS. These comments were not dismissed, but were considered not pertinent to the topic of historic properties and potential effects to them. Those comments and responses are as follows:

- Record future Section 106 consultation discussions and provide transcripts for review by consulting parties and the public. Response: It is not standard practice for VA to transcribe 106 consultation meetings for the record; however, VA will consider the request.
- Hold a public meeting focusing on the Section 106 process to inform the public and receive further public comments. Response: VA conducted 10 public scoping meetings to explain the integrated NEPA/NHPA process and to receive public comments on the undertaking (federal action), historic properties and preservation, and other related concerns. Consulting parties are welcome to post information pertaining to the Section 106 consultation process on their respective websites as a means to further inform the public.
- Provide more information regarding the clinical standards that are in place that VA follows as part of their mission to provide care to Veterans to better understand Alternative F-No Action. Response: VA's mission to provide health care and the standards by which that care is provided will be described briefly in the Draft EIS to the extent it is related to the purpose of and need for action or to differentiate among the alternatives. VA offers information on health care issues and benefits topics online at http://www.va.gov/health/.

5.0 REFERENCES

Parker, Patricia L., and Thomas F. King
1998 Guidelines for Evaluating and Documenting Traditional Cultural Properties. National Park Bulletin No. 38. Available at: http://www.nps.gov/nr/publications/bulletins/pdfs/nrb38.pdf.

APPENDIX A

Consulting Party Workshop Attendee List

Organization	Representative(s)
Advisory Council on Historic Preservation	Chris Daniel
AFGE Hot Springs Local	Pat Russell
American Legion	Ken Orrock
City of Hot Springs	Cindy Donnell
Department of the Interior, National Park Service	Dena Sanford
Fall River County Historical Society	Peggy Sanders
Hot Springs Certified Local Government–Historic Preservation Commission	Pat Lyke
National Trust for Historic Preservation	Jenny Buddenborg
	Amy Cole
Save the VA	Bob Nelson
	Amanda Campbell
South Dakota State Historic Preservation Office	Paige Olson
	Ted Spencer

APPENDIX B

Consulting Party Workshop Agenda and Handout

February 12, 2015

RECONFIGURATION OF BLACK HILLS HEALTH CARE SYSTEM

National Historic Preservation Act, Section 106
Consulting Parties Workshop

AGENDA

9:00 a.m. – 4:00 p.m.

1. Welcome and introductions
2. Omnibus Bill and status of BHHCS Reconfiguration and EIS
3. Objectives for workshop and brief recap from November workshop
4. NHPA/NEPA substitution process
5. Additional detail on reconfiguration alternatives
6. Area of Potential Effects as revised
7. Discussion of identified historic properties
8. Discussion of preliminary consideration on potential effects on identified historic properties
9. Discussion of preliminary considerations for avoiding, minimizing, or mitigating adverse effects
10. Next steps

Lunch Break 12:00 – 1:00 p.m.

TERMS AND DEFINITIONS

Criteria of adverse effect: An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative (Section 106, 36 CFR § 800.5 Assessment of Adverse Effects).

Examples of adverse effects (the "Criteria of Adverse Effect")

Adverse effects on historic properties include, but are not limited to:

1. physical destruction of or damage to all or part of the property;
2. alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;
3. removal of the property from its historic location;
4. change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

5. introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
6. neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native American tribe or Native Hawaiian organization; and
7. transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

Area of potential effects (APE): the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Historic property: any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.

Undertaking: a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those conducted by or on behalf of a federal agency; those conducted with federal financial assistance; and those requiring a federal permit, license, or approval.

REFERENCES

A Citizen's Guide to Section 106 Review: www.achp.gov/docs/CitizenGuide.pdf

Useful Resources on the Web: www.achp.gov/106course-resources.html

Section 106 for Users: www.achp.gov/usersguide.html

NEPA/NHPA Handbook for Integrating NEPA and Section 106:
www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

Secretary of the Interior's Standards for the Treatment of Historic Properties:
http://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf

National Park Service Preservation Brief No. 31 – Mothballing Historic Buildings
http://www.nps.gov/tps/how-to-preserve/preservedocs/preservation-briefs/31Preserve-Brief-Mothballing.pdf

introduction

Choosing an Appropriate Treatment for the Historic Building

-INTRODUCTION-

Choosing Treatment

Using the Standards + Guidelines

-Historical Overview-

Exterior Materials
Masonry
Wood
Architectural Metals

Exterior Features
Roofs
Windows
Entrances + Porches
Storefronts

Interior Features
Structural System
Spaces/Features/Finishes
Mechanical Systems

Site

Setting

Special Requirements
Energy Efficiency
Accessibility
Health + Safety
New Additions

The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But once a treatment is selected, the Standards provide philosophical consistency to the work.

The four treatment approaches are Preservation, Rehabilitation, Restoration, and Reconstruction, outlined below in hierarchical order and explained:

The first treatment, **Preservation**, places a high premium on the retention of all historic fabric through conservation, maintenance and repair. It reflects a building's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

Rehabilitation, the second treatment, emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. (Both Preservation and Rehabilitation standards focus attention on the preservation of those materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)

Restoration, the third treatment, focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

Reconstruction, the fourth treatment, establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials.

Choosing the most appropriate treatment for a building requires careful decision-making about a building's historical significance, as well taking into account a number of other considerations:

Relative importance in history. Is the building a nationally significant resource--a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their "exceptional significance in American history," or many buildings individually listed in the National Register often warrant Preservation or Restoration. Buildings that contribute to the significance of a historic district but are not individually listed in the National Register more frequently undergo Rehabilitation for a compatible new use.

Physical condition. What is the existing condition–or degree of material integrity–of the building prior to work? Has the original form survived largely intact or has it been altered over time? Are the alterations an important part of the building's history? Preservation may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then Rehabilitation is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties such as grain

silos, forts, ice houses, or windmills may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. But if hastily or poorly designed, a series of code-required actions may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

historical overview - **PRESERVING** - **REHABILITATING** - **RESTORING** - **RECONSTRUCTING** main - credits - email

www.nps.gov/tps/standards/four-treatments/standguide/overview/choose_treat.htm

Some of the web versions of the Preservation Briefs differ somewhat from the printed versions. Many illustrations are new and in color; Captions are simplified and some complex charts are omitted. To order hard copies of the Briefs, see Printed Publications.

PRESERVATION BRIEFS

31
Mothballing Historic Buildings

Sharon C. Park, AIA

Documentation

Stabilization

Mothballing

Mothballing Checklist

Maintenance Chart

Summary and References

Reading List

Download the PDF

Appropriately mothballed historic building. Photo: NPS files.

When all means of finding a productive use for a historic building have been exhausted or when funds are not currently available to put a deteriorating structure into a useable condition, it may be necessary to close up the building temporarily to protect it from the weather as well as to secure it from vandalism. This process, known as mothballing, can be a necessary and effective means of protecting the building while planning the property's future, or raising money for a preservation, rehabilitation or restoration project. If a vacant property has been declared unsafe by building officials, stabilization and mothballing may be the only way to protect it from demolition.

This Preservation Brief focuses on the steps needed to "de-activate" a property for an extended period of time. The project team will usually consist of an architect, historian, preservation specialist, sometimes a structural engineer, and a contractor. Mothballing should not be done without careful planning to ensure that needed physical repairs are made prior to securing the building. The steps discussed in this Brief can protect buildings for periods of up to ten years; long-term success

This building has been successfully mothballed for 10 years because the roof and walls were repaired and structurally stabilized, ventilation louvers added, and the property maintained. Photo: NPS files.

will also depend on continued, although somewhat limited, monitoring and maintenance. For all but the simplest projects, hiring a team of preservation specialists is recommended to assess the specific needs of the structure and to develop an effective mothballing program.

A vacant historic building cannot survive indefinitely in a boarded-up condition, and so even marginal interim uses where there is regular activity and monitoring, such as a caretaker residence or non-flammable storage, are generally preferable to mothballing. In a few limited cases when the vacant building is in good condition and in a location where it can be watched and checked regularly, closing and locking the door, setting heat levels at just above freezing, and securing the windows may provide sufficient protection for a period of a few years.

But if long-term mothballing is the only remaining option, it must be done properly. This will require stabilization of the exterior, properly designed security protection, generally some form of interior ventilation—either through mechanical or natural air exchange systems—and continued maintenance and surveillance monitoring.

Boarding up without adequate ventilation and maintenance has accelerated deterioration of this property. Photo: NPS files.

Comprehensive mothballing programs are generally expensive and may cost 10% or more of a modest rehabilitation budget. However, the money spent on well-planned protective measures will seem small when amortized over the life of the resource. Regardless of the location and condition of the property or the funding available, the following 9 steps are involved in properly mothballing a building:

Documentation

1. Document the architectural and historical significance of the building.
2. Prepare a condition assessment of the building.

Stabilization

3. Structurally stabilize the building, based on a professional condition assessment.
4. Exterminate or control pests, including termites and rodents.
5. Protect the exterior from moisture penetration.

Mothballing

6. Secure the building and its component features to reduce vandalism or break-ins.
7. Provide adequate ventilation to the interior.
8. Secure or modify utilities and mechanical systems.
9. Develop and implement a maintenance and monitoring plan for protection.

These steps will be discussed in sequence below. Documentation and stabilization are critical components of the process and should not be skipped over. Mothballing measures should not result in permanent damage, and so each treatment should be weighed in terms of its reversibility and its overall benefit.

Table 2. Potential Effects Identified by Alternative

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
A	Build or lease new CBOC Vacate VA Hot Springs campus	Build or lease new MSOC and 100-bed RRTP	➢ The new location may impact the historic district including viewshed, traffic, and other concerns. ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites at new locations. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area. ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history. ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Vacant building; damage during mothballing. ➢ Native American access to the VA sweat lodge facility may be limited. ➢ Water rights retained by the VA. ➢ Local government tax-base impacts. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
B (same potential effects identified as Alternative A)	Build or lease new CBOC and 100-bed RRTP Vacate VA Hot Springs campus	Build or lease new MSOC	➢ The new location may impact the historic district including viewshed, traffic, and other concerns. ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites at new locations. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area. ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history. ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Vacant building; damage during mothballing. ➢ Native American access to the VA sweat lodge facility may be limited. ➢ Water rights retained by the VA. ➢ Local government tax-base impacts. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus.
C	Renovate Building 12 for CBOC Renovate Domiciliary for 100-bed RRTP	Build or lease new MSOC	➢ Building exteriors may be potentially altered for rehabilitation or reuse. ➢ Vacate portions of buildings or entire buildings on the campus. ➢ Change in use of some of the buildings. ➢ Potential for maintenance neglect. ➢ Renovation is a positive effect for continued use of the property. ➢ Continued VA ownership ensures compliance with historic preservation laws.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
D (same potential effects identified as Alternatives A and B)	Build or lease new CBOC and 24-bed RRTP Vacate VA Hot Springs campus	Build or lease new MSOC and 76-bed RRTP	➢ The new location may impact the historic district including viewshed, traffic, and other concerns. ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites at new locations. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area. ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history. ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Vacant building; damage during mothballing. ➢ Native American access to the VA sweat lodge facility may be limited. ➢ Water rights retained by the VA. ➢ Local government tax-base impacts. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
E (Save the VA)	Renovate domiciliary for 200-bed RRTP Renovate Building 12 for inpatient care Other upgrades/ renovations to buildings/new construction New programs and services at Hot Springs campus	No change	➢ Will restore/renew services to the campus (see "Save the VA" White Paper) ensuring continued use of all the historic buildings. ➢ Facility continues to be maintained. ➢ Disabled access alterations on building exteriors including ramps and sidewalk upgrades. ➢ Upgrades and renovations may have a potential effect on the historic property. ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus where new construction would occur. ➢ Location of new construction may impact the historic landmark including viewshed, traffic, and other concerns.
F (No Action)	Continue health care services at VA Hot Springs campus	No change	➢ Facility continues to be maintained. ➢ Retains historic use.

Alternative	Proposed Changes in Hot Springs	Proposed Changes in Rapid City	Potential Effects or Historic Property Concerns
G	Future re-use of all or part of VA Hot Springs campus	No change	➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus]. ➢ Change of use if the campus is no longer used as a medical facility. ➢ Removing VA from the property and the impacts to Hot Springs as the "Veterans Town." ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District. ➢ Museum collections and records currently displayed and stored at the campus will need to be rehoused if the campus is vacated. ➢ City infrastructure may be impacted due to a change in rate of use and customer base. Possibility exists that the infrastructure is also historic. ➢ Potential for archaeological sites on Battle Mountain Campus, including a historic-era VA dump area. ➢ Battle Mountain and Waters (Fall River, and associated hot springs) as possible historic property concern related to Native American history. ➢ VA would no longer offer a Native American sweat lodge facility at the Battle Mountain Campus location. ➢ Consideration of cumulative effects per Section 106. ➢ Potential effect to the State Veterans Home due to changes in VA services in the area. ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services.

CBOC = Community Based Outpatient Clinic
MSOC = Multi Specialty Outpatient Clinic
RRTP = Residential Rehabilitation Treatment Program

APPENDIX C

NEPA/NHPA Substitution Process

NEPA / NHPA Substitution

36 CFR 800.8(c) *Use of the NEPA Process for Section 106 Purposes* Refer to the Checklist for Substitution (Attachment C to NEPA and NHPA *Handbook for Integrating NEPA and Section 106*) for process.	
800.8(c): Agency may use NEPA process and documentation to comply with Section 106 if SHPO and ACHP have been notified in advance.	• VA notified SHPO and ACHP by letter dated May 13, 2014, of intent to integrate Section 106 into the NEPA process following "substitution".
800.8(c)(1) *Standards for developing environmental documents to comply with Section 106*	
(i): Identify consulting parties through NEPA scoping process with results consistent with 800.3(f).	• Consulting parties include SHPO, Indian tribes, and representatives of local government. • Identified, invited, and accepted requests from others to be consulting parties. • Informed interested parties during scoping meetings to submit written requests to be considered a consulting party. • Continue to consider requests for consulting party status as 106 process moves forward.

working draft do not cite

NEPA / NHPA Substitution

800.8(c)(1) ***Standards for developing environmental documents to comply with Section 106***	
(ii): Identify historic properties and assess effects of the undertaking consistent with 800.4 and 800.5	• **Determined area of potential effects with consulting parties.** • **Sought information about historic properties from public and consulting parties (including Native American tribes) during scoping; continue to seek information from consulting parties.** • **Identifying historic properties with consulting parties.** • **Identifying effects with consulting parties.** • **Applying criteria of adverse effect.**
(iii): Consult with consulting parties regarding the effects of the undertaking during scoping, environmental analysis, and preparation of EIS.	• **Presenting preliminary assessment of adverse effects to consulting parties.** • **Full analysis will be documented in Draft EIS.**

working draft do not cite

NEPA / NHPA Substitution

800.8(c)(1) ***Standards for developing environmental documents to comply with Section 106***	
(iv): Involve the public in accordance with agency's published NEPA procedures.	• **Notice of Intent to prepare an EIS integrated with Section 106 was published in Federal Register on May 16, 2014.** • **News releases and public notices announced the public scoping period.** • **90-day public scoping comment period.** • **10 public scoping meetings throughout BHHCS service area.**
(v): In consultation with consulting parties, develop alternatives and proposed measures that might avoid, minimize, or mitigate adverse effects and describe them in the Draft EIS.	• **Identifying and discussing with consulting parties possible resolutions to avoid, minimize, or mitigate adverse effects.** • **Full consideration, descriptions, analysis, and resolutions will be documented in Draft EIS.**

working draft do not cite

NEPA / NHPA Substitution

800.8(c)(2) *Review of environmental documents*	
(i): Submit Draft EIS to consulting parties when making the document available for public comment.	• **Notice of Availability, news releases, and public notices will announce the availability of the Draft EIS.** • **Consulting parties will be notified by email.** • **Minimum 45-day public comment period.**
(ii): Prior to or within Draft EIS public comment period, consulting parties may object to agency official that preparation of the Draft EIS has not met standards of (c)(1), or substantive resolution of effects proposed in Draft EIS is inadequate.	• **Follow Checklist for Substitution (Attachment C to NEPA and NHPA *Handbook for Integrating NEPA and Section 106*).** • **Comments on impact analysis and resolutions of adverse effects presented in Draft EIS will be discussed and consulted on with consulting parties.** • **Consideration of comments and additional analysis, as appropriate, will be presented in the Final EIS.**
800.8(c)(4) *Approval of the undertaking*	
(i): Binding commitment in EIS Record of Decision to proposed measures to resolve adverse effects.	• **Record of Decision will document measures to avoid, minimize, or mitigate adverse effects.**

working draft do not cite

ATTACHMENT C
CHECKLIST FOR SUBSTITUTION

This checklist was developed by the Advisory Council on Historic Preservation (ACHP) as a guide for those preparing or reviewing a NEPA document – Environmental Impact Statement (EIS) or Environmental Assessment (EA) – used for Section 106 purposes in accordance with Section 800.8(c) of the Section 106 implementing regulations, "Protection of Historic Properties" (36 C.F.R. Part 800). The checklist is based on the standards for developing environmental documents to comply with Section 106 at 36 C.F.R. § 800.8(c)(1). Ideally, the preparer or reviewer will be able to answer "yes" to all items.

NOTIFICATION	YES	NO	COMMENTS
Did the agency notify *in advance* the SHPO/THPO and the ACHP of its intent to use the NEPA process for Section 106 purposes?			
Is the notification correspondence included in the EA/DEIS or appendices?			
IDENTIFICATION OF CONSULTING PARTIES	**YES**	**NO**	**COMMENTS**
Is the effort to identify consulting parties described in the EA/DEIS?			
Is a list of the consulting parties provided in the EA/DEIS?			
Are all consulting parties included? (Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties)			
Has the agency reviewed and responded to all requests to be consulting parties? Has the agency documented the exchange in its administrative record?			
IDENTIFICATION OF HISTORIC PROPERTIES	**YES**	**NO**	**COMMENTS**
Is the effort to identify historic properties of all types (buildings, structures, objects, districts, and sites) described, including the Area of Potential Effects and the methodology for investigation? If no, has the agency disclosed its intent to phase the identification and assessments?			
Is the effort to identify historic properties commensurate with the assessment of other environmental factors?			
Are determinations of eligibility for the National Register of Historic Places (NRHP) clearly stated?			
Can a layman understand the characteristics of each historic property and why it is significant (eligible for the NRHP) and retains integrity?			

ASSESSMENT OF EFFECTS	YES	NO	COMMENTS
Has one of the following Section 106 effect findings for the undertaking been clearly stated? ▸ No historic properties affected ▸ No historic properties adversely affected ▸ Historic properties adversely affected			
If adverse effects may result, is the application of the criteria of adverse effect described?			
Was all of the above information presented during scoping meetings and/or other public and stakeholder outreach?			
CONSULTATION AND PUBLIC INVOLVEMENT	**YES**	**NO**	**COMMENTS**
Is the SHPO/THPO concurrence with eligibility determinations documented? Is the documentation included in the document and appendices?			
Is the SHPO/THPO concurrence with the Section 106 effect finding documented? Is the correspondence included?			
Has an adequate opportunity for consulting with the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties been provided prior to the release of the DEIS/EA? Is all relevant documentation (subject to confidentiality) included?			
Do any of the consulting parties substantively disagree with the agency's determinations of eligibility or findings of effect? If so; is the process for seeking agreement on those issues disclosed?			
If a National Historic Landmark (NHL) may be affected by the undertaking, has the agency notified the National Park Service (pursuant to 36 C.F.R. § 800.10(c)) and invited its participation where there may be an adverse effect? Is all relevant correspondence included?			
Does the document cover sheet or distribution letter clearly indicate that the DEIS/EA also documents the Section 106 process?			
Have historic preservation concerns expressed by members of the public been addressed? If appropriate, have such commenters been invited to be consulting parties in the Section 106 review?			
Have the scoping notices and other public meeting notices included information about Section 106?			

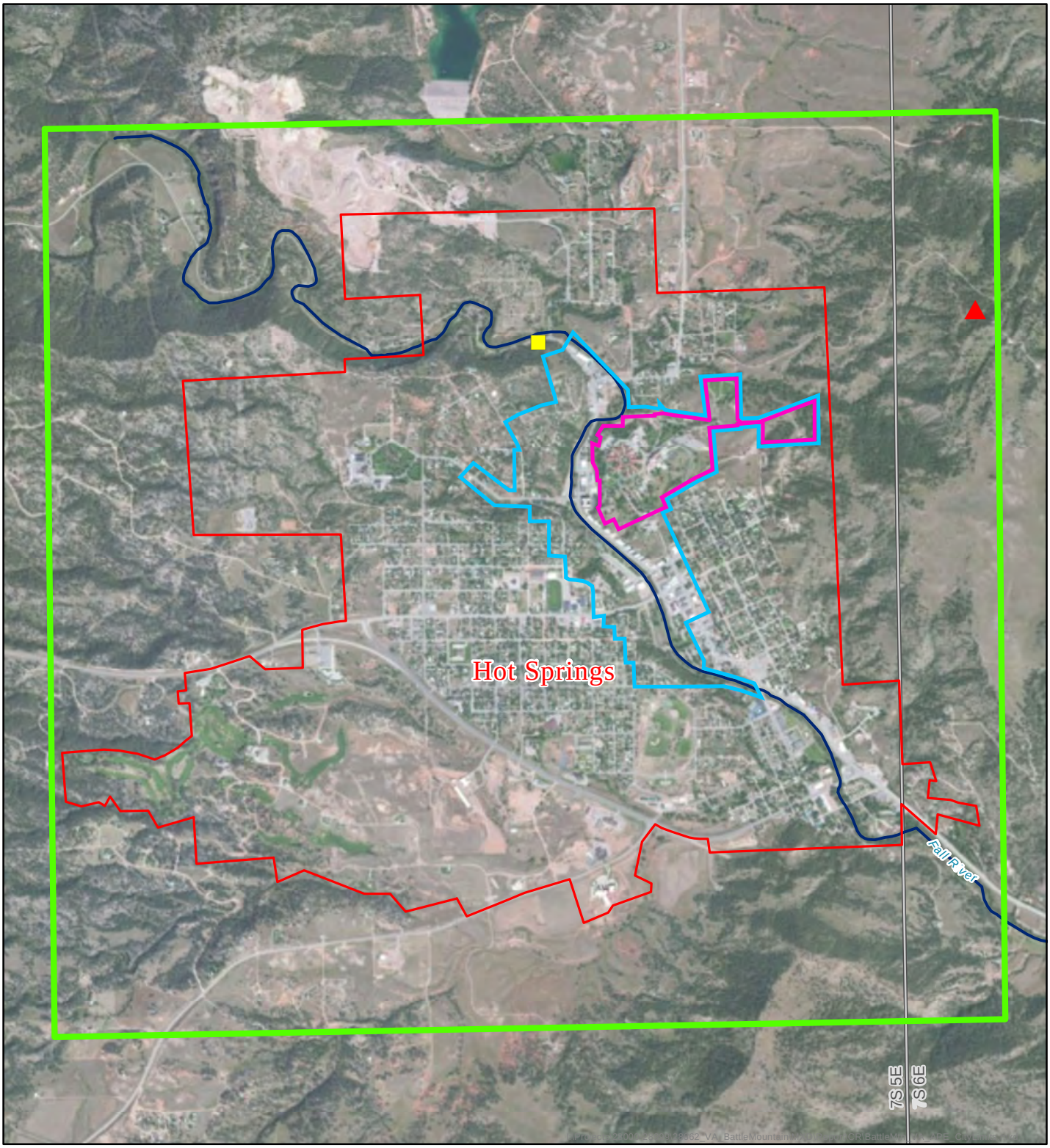
DEVELOPMENT OF ALTERNATIVES OR MEASURES TO AVOID, MINIMIZE, OR MITIGATE ADVERSE EFFECTS	YES	NO	COMMENTS
Is the development and evaluation of alternatives or modifications that could avoid or minimize adverse effects to historic properties documented?			
Where appropriate have mitigation measures been proposed?			
Is the consultation with SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties about avoidance, minimization, or mitigation measures documented? Is all relevant documentation (subject to confidentiality) included in the EA/DEIS or appendices?			
STEPS TO CONCLUSION	**YES**	**NO**	**COMMENTS**
Is there a potential for the preferred alternative to adversely affect at least one historic property? If no, Section 106 is complete if no objections are raised by the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, other consulting parties, or the ACHP. Is the final Section 106 finding documented?			
If the preferred alternative could adversely affect historic properties, is one of the following strategies for completing the Section 106 process identified? ▸ Execution of a Memorandum of Agreement or a Programmatic Agreement ▸ Incorporation of the binding commitment to mitigation measures in the Record of Decision ▸ Termination, formal ACHP comments pursuant to 36 C.F.R. § 800.7, and response by head of the agency			

If incorporating binding commitment to mitigation measures in the ROD, does the ROD include the following:
▸ Commitments clearly identifying who will do what by when
▸ Administrative provisions including:
  ▸ Process for continued consultation during implementation (for example, regarding design review, data recovery, development of mitigation products)
  ▸ Deadlines/timelines for implementation
  ▸ Post-review discoveries
  ▸ Dispute resolution process
  ▸ Contingency for changes to the undertaking referencing 36 C.F.R. § 800.8(c)(5)			

IMPLEMENTATION	**YES**	**NO**	**COMMENTS**
Is the agency prepared to carry out the commitments made in: ▸ Memorandum of Agreement or a Programmatic Agreement, ▸ Record of Decision, or ▸ Response by head of the agency to formal ACHP comments following termination?			

APPENDIX D

Revised Areas of Potential Effects



BHHCS Proposed Reconfiguration
Legend

- Area of Potential Effects (APE)
- Battle Mountain (No Defined Boundary)
- Spring House
- Fall River
- Hot Springs City Limits
- Hot Springs Historic District
- VA Medical Center Campus Boundary
- Township/Range Boundary

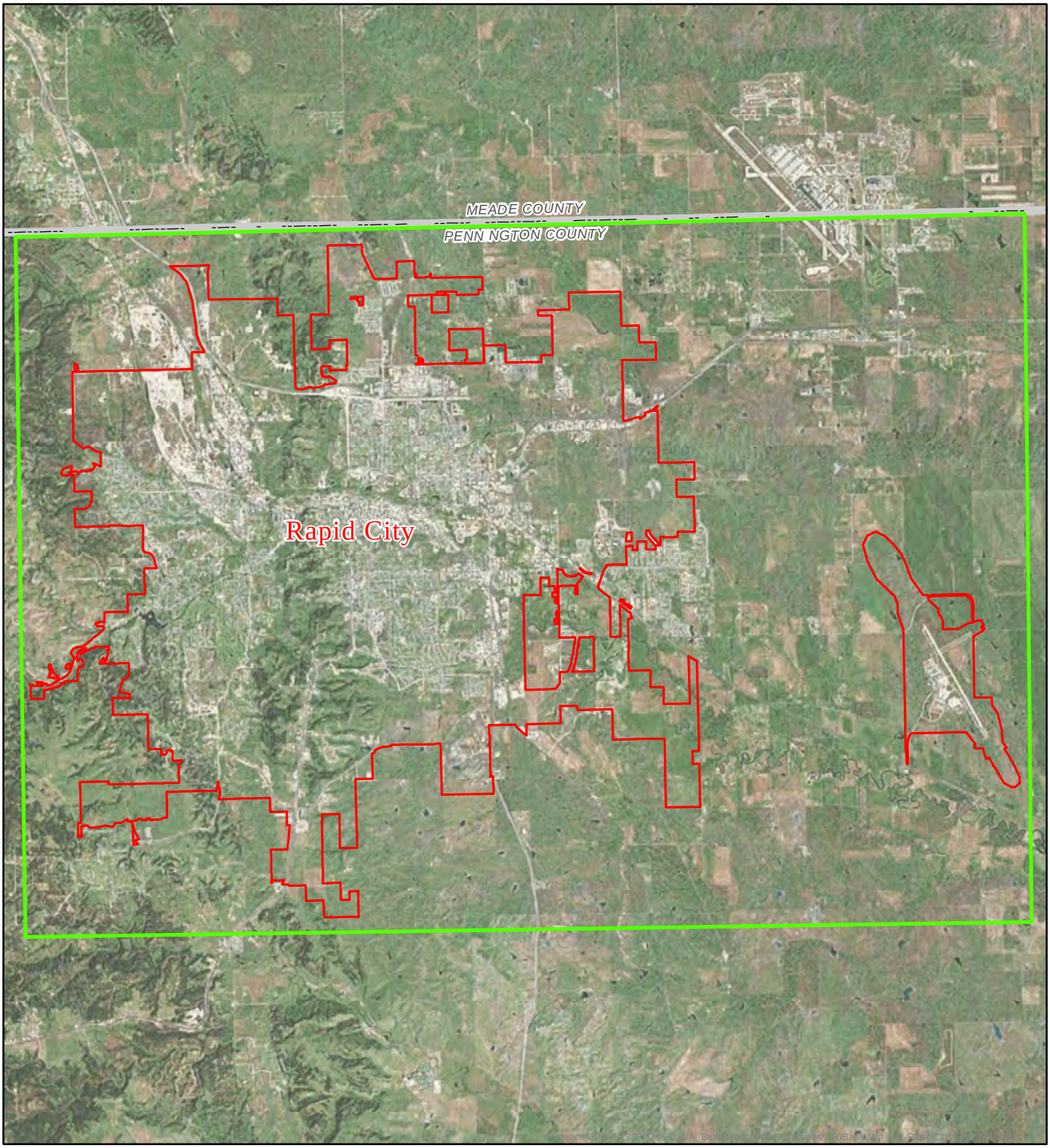
Miles: 0 0.25 0.5 1
Kilometers: 0 0.25 0.5 1

1:28,000

Base Map: World_Imagery, Esri Online Service
Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Township 7S Range 5E, T7S R6E
Fall River County, South Dakota

NAD 1983 UTM Zone 13N
3/3/2015

N



BHHCS Proposed Reconfiguration
Legend

- Area of Potential Effects (APE)
- County Boundary
- Rapid City Limits

Miles
0 2 4 8
Kilometers
0 2 4 8

1:130,000

Base Map: World_Imagery, Esri Online Service
Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Meade County and Pennington County, South Dakota

NAD 1983 UTM Zone 13N
3/3/2015

N

MEETING / TELECONFERENCE NOTES

Subject: Proposed Reconfiguration of the Black Hills Health Care System; Section 106 Consultation
Date: April 27, 2015
Time: 9:00 a.m. – 1:00 p.m. MDT
Participants: VA BHHCS, Labat Environmental, SWCA Consultants, Consulting Parties (see list)
Attachments: Teleconference Agenda, Potential Effects Tables
Recorded by: Zonna Barnes, SWCA

The agenda for the teleconference focused on seeking input from consulting parties on the review of potential effects to the historic properties under the criteria of adverse effects, and a discussion of preliminary considerations for avoiding, minimizing, and mitigating adverse effects for each of the proposed alternatives.

Due to similar components of the alternatives, many of the potential effects are similar across the alternatives. Therefore, the intent of the teleconference was to continue the framework of previous consultation by focusing on effects and resolutions as relating to off-campus and on-campus actions. Overall, concerns for resources and effects identified during the previous Section 106 workshops (November 2014 and February 2015) were reviewed in relation to the examples of adverse effects listed in the Section 106 regulations. Analysis of effects is on-going and will be finalized during the EIS preparation.

All alternatives considered would affect cultural resources and historic properties. Adverse effects would be avoided, minimized, and mitigated by VA following existing federal regulations, directives, policies, standards, or guidelines. Planning for and commitment to implementation of specific practices would be addressed in the Record of Decision (ROD) for any alternative selected. Proposed resolutions for addressing the potential adverse effects were presented in a broad framework tied to the criteria of adverse effects for consulting party review and comment.

Consulting party input resulted in the following additions to the treatment/resolution approach presented:

- Complete ethnographic research.
- Implement a monitoring and reporting system to ensure all measures outlined in the treatment approach are completed.
- Develope a Historic Property Preservation Plan that outlines the proper preservation protocol for the facility.
- Ensure that properly trained/qualified historic preservation staff is assigned to oversee the facility and ensure the standards and measures outlined in the treatment approach are followed.
- Outline the third-party disposal process for the facility.
- Outline the process for transferring the property including request for proposals.

All input from consulting party attendees will be considered during analysis and preparation of the Draft EIS. Additional consultation meetings are planned after the Draft EIS is released for review and comment.

Consulting Party	Participated in Teleconference
Advisory Council for Historic Preservation	Yes
AFGE Hot Springs Local	Yes
American Legion	Yes
City of Hot Springs	Yes
Department of the Interior: National Park Service	Yes
Fall River County Commission Office	No
Fall River County Historical Society	No
Fort Peck Tribes of Assiniboine and Sioux	No
Hot Springs Certified Local Government – Historic Preservation Commission	Yes
Individual Veteran	Yes
Kiowa Tribe of Oklahoma	No
National Trust for Historic Preservation	Yes
Northern Arapaho Tribe	No
Oglala Sioux Tribe of the Pine Ridge Reservation	No
Save the VA	Yes
South Dakota State Historic Preservation Office	Yes
Yankton Sioux Tribe	No

April 27, 2015

RECONFIGURATION OF BLACK HILLS HEALTH CARE SYSTEM

National Historic Preservation Act, Section 106
Consulting Parties Workshop

Agenda:

9:00am– 1:00pm

1. Welcome and introductions
2. Instructions for participating via teleconference
3. Approach for identifying effects and resolutions
4. Review of effects and adverse effects criteria
5. Review guidance/policy for resolving adverse effects
6. Discussion of potential resolutions

ON CAMPUS ACTIONS / EFFECTS				
RENOVATION: Alternatives C, E, G (continued VA occupancy or reuse by others) **VA RELOCATION: Alternatives A, B, D (available for reuse by others)**				
Potential Actions That May Cause Effects	**Potential Effects**	**Direct (Physical)**	**Indirect (Setting)**	**Examples of Adverse Effects**
Consideration of cumulative effects per Section 106.	Cumulative effects	X	X	1 through 7
Building exteriors may be potentially altered for rehabilitation or reuse.	Alteration of historic property	X	X	1, 2, 4, 5
Upgrades and renovations may occur.				
Renovations to continue use of the property.				
[Renovation-specific] Restore/renew health care and other services to the campus ("Save the VA" Alternative) ensuring continued use of all the historic buildings.				
Alterations to building exteriors and interiors for disabled access, including ramps and sidewalk upgrades.				
Possible archaeological sites on Hot Springs campus where new construction could occur.	Ground disturbance from construction	X		1
[Reuse-specific] Change of use if the campus is no longer used as a medical facility.	Change in use and potential alteration of historic property	X	X	1, 2, 4
Change in use of some of the buildings.				
Location of new construction on the Hot Springs campus may impact the National Historic Landmark, including viewshed, traffic, and other concerns.	Alteration of setting of historic property		X	4, 5
Vacate parts of buildings or entire buildings on the campus.	Change in use and potential deterioration of the historic property	X	X	4, 6, 7

WORKING DRAFT – DO NOT CITE 1

ON CAMPUS ACTIONS / EFFECTS				
RENOVATION: Alternatives C, E, G (continued VA occupancy or reuse by others) **VA RELOCATION: Alternatives A, B, D (available for reuse by others)**				
Potential Actions That May Cause Effects	**Potential Effects**	**Direct (Physical)**	**Indirect (Setting)**	**Examples of Adverse Effects**
[Reuse-specific] Re-Use Options. Future management of the property—VA's Property Disposition Process [to be initiated if an alternative is selected that relocates services and vacates the Hot Springs campus].	Deterioration or potential alteration of historic property or change in historic use	X	X	4, 6, 7
Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history.	Alteration of setting or use of historic properties		X	5
Changes to the State Veterans Home due to changes in VA services in the area.				
Potential degradation of the National Historic Landmark and the Hot Springs Historic District.	Deterioration or alteration of historic property	X	X	2, 6
Buildings continue to be maintained while occupied by VA.	Potential for alteration of historic property	X	X	2
Continued VA ownership and use maintains compliance with historic preservation laws.	Potential for alteration of historic property	X	X	2
Museum collections and records currently stored at the campus would need to be relocated if the campus is vacated.	Not historic properties, but important to VA's heritage			N/A
Water rights retained by the VA	Change in use and potential alteration of historic property	X		4

WORKING DRAFT – DO NOT CITE 2

ON CAMPUS ACTIONS / EFFECTS				
RENOVATION: Alternatives C, E, G (continued VA occupancy or reuse by others) **VA RELOCATION: Alternatives A, B, D (available for reuse by others)**				
Potential Actions That May Cause Effects	**Potential Effects**	**Direct (Physical)**	**Indirect (Setting)**	**Examples of Adverse Effects**
Removing VA from the property and the impacts to Hot Springs as the "Veterans Town."	Alteration of setting or use of historic properties		X	4
Changes to National Cemetery Administration management, which is currently co-located with VA health services at the Hot Springs campus.	Alteration of setting or use of historic properties	X	X	4
Potential degradation of the National Historic Landmark and the Hot Springs Historic District.	Deterioration or alteration of historic property	X	X	4, 6, 7
Potential for maintenance neglect.				
Vacant buildings; damage during mothballing.				
City infrastructure (if determined historic) may be impacted due to a decline in rate of use and customer base.				
*Any alterations to the NHL that do not comply with the Secretary of the Interior's Standards (Secretary's Standards) for the Treatment of Historic Properties.	Alteration of historic property	X		2
*Alterations of historic window and door openings.	Alteration of historic property	X		1, 2, 4
*Potential for unmarked burials at new construction areas on campus. (Anywhere archaeological sites are a concern, as in the Black Hills, burial discovery while less frequent is of great concern when it arises.)	Ground disturbance from construction and effect to setting and feeling	X		1

WORKING DRAFT – DO NOT CITE 3

ON CAMPUS ACTIONS / EFFECTS				
RENOVATION: Alternatives C, E, G (continued VA occupancy or reuse by others) **VA RELOCATION: Alternatives A, B, D (available for reuse by others)**				
Potential Actions That May Cause Effects	**Potential Effects**	**Direct (Physical)**	**Indirect (Setting)**	**Examples of Adverse Effects**
*Any archaeological or burial site could also be a site of Native American traditional concern. These could be found to be a feature or component of sacred site use in the Black Hills, such as the Hot Springs traditional use area.	Ground disturbance from construction	X		1, 2
*Painting natural stone or brick exteriors at the NHL. While renovation may cause structural alterations to NHL buildings, painting of natural exteriors may have a greater affect to appearance and setting, including the surrounding Historic District which also has native sandstone, than some ground level modifications such as ADA access ramps.	Alteration of historic property	X		2, 4, 5

*SWCA addition

OFF CAMPUS ACTIONS / EFFECTS				
HOT SPRINGS: Alternatives A, B, D (new construction off campus) **RAPID CITY: Alternatives A, B, C, D (new construction off campus)**				
Potential Actions That May Cause Effects	**Effect**	**Direct (Physical)**	**Indirect (Setting)**	**Criteria of Adverse Effect**
Consideration of cumulative effects per Section 106.	Cumulative effects	X	X	1 through 7
Change in local government tax-base. [to be determined from socioeconomic analysis]	Cumulative effect		X	2, 4, 5
Native American access to the sweat lodge on the VA campus may be limited.	Alteration of setting or use	X		Under other authorities
Potential for archaeological sites at new locations.	Ground disturbance from construction	X		1
The new location may impact the Hot Springs Historic District, including viewshed, traffic, and other concerns.	Alteration of setting of historic property		X	4, 5
Potential effects (setting) to the State Veterans Home due to changes in VA services (new development) in the area.	Cumulative effect of altering the setting of the historic property	X	X	4, 5, 6
Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history.	Alteration of setting or use of historic properties		X	5
*Potential for unmarked burials at new construction site. Burials on non-federal land, if VA leases rather than purchases a new development site. Burials on non-federal or tribally held lands are not afforded protection under NAGPRA; however, the State of South Dakota burial protection law and Section 106 would still federally apply.	Ground disturbance from construction	X		1

WORKING DRAFT – DO NOT CITE 5

Examples of Adverse Effects

1. Physical destruction of or damage to all or part of the property;
2. Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR 68) and applicable guidelines;
3. Removal of the property from its historic location;
4. Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
5. Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
6. Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native American tribe; and
7. Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

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